



The COVID-19 Infodemic in Malaysia

Scale, scope and policy responses

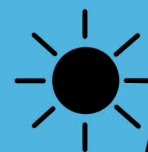
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Cold weather and snow CAN kill the coronavirus.

The coronavirus CAN be transmitted through mosquito bites.

Carriers are effective in killing coronavirus



The corona CANNOT be in areas with



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Executive Summary

This paper seeks to determine the scale, trends and themes of COVID-19 false information in the Malaysian context, and to critically appraise the efforts taken by the Malaysian government in addressing COVID-19 false information so far. This paper concludes that, on balance, the efforts taken thus far ought to be given credit for, but could be improved on further. The following are the key findings:

1. If the amount of COVID-19-related fact-checks on [Sebenarnya.my](#) can be taken as a rough proxy for the volume of false information on the novel coronavirus in the Malaysian context, it had peaked in March before declining over the period the samples were drawn. Based on the coding exercise of the false claims of fact-checks published on [Sebenarnya.my](#): (1) the most popular medium where false information had circulated are WhatsApp and Facebook; (2) the most common medium of these false information were in text-form; (3) the most popular type of claim had referred to some sort of authority action and community spread; (4) the most common apparent motivation was either to troll, provoke or due to genuine belief; and (5) the most common type of authority impersonated is the government.
2. The legislations that the government is currently relying on to prosecute creators of false information, such as the Communications and Multimedia Act 1998 and the Penal Code are inadequate to address the amorphous problem with false information. Aside from the legitimate concerns with relying on vague worded, broadly applicable legislations such as these, they also do not communicate to the public the specific kinds of false information that are unacceptable to be shared. This reduces their normative value in educating the public to regulate behaviour. Instead, a legislation that is specific in its objective, clear in its applicability, and proportionate in its sentencing must be introduced. Most importantly, it must be acknowledged that this legislation will not be the silver bullet in the fight against false information, but rather a complementary tool to address disinformation and malinformation.
3. In its communication strategy to publish authoritative, if not official information, the government has perused close to all channels of communication including traditional and social media. Improvement, however, could be made in the content of these official communications to include inoculation strategies against the general types of false information being seen and to empower the public with handy tips on how to fact-check information themselves. While not a foolproof strategy, this must be done to build society's resilience towards false information.
4. While fact-checking platforms such as [Sebenarnya.my](#) and the recently established Quick Response Team are crucial towards addressing false information, due to their proximity to the authorities, their perceived trustworthiness could be affected should trust in government falls. To that end, more needs to be done to nurture the fact-checking ecosystem and existing non-governmental fact-checkers.

1. Introduction and objective

Owing to the novelty of COVID-19, much uncertainty had surrounded it when it was first discovered in December 2019. In the months since, more light has been shed on the novel coronavirus, yet the timespan in between was marked with fear and uncertainty, lending itself to a surge in false information. This had included false claims pertaining to the source of COVID-19, how it is transmitted from one person to another, how to treat the novel coronavirus, conspiracy theories about its origins and the vaccines in development, the actions being taken by authorities, among many, many others.

This, unfortunately, is not without consequences.

False information during a pandemic can lead to excessive panic among the population, resulting in hoarding of essential goods such as face masks and sanitisers at the expense of vulnerable groups. Further, false claims pertaining to policies introduced by the government could cause confusion as to the appropriate means to conduct oneself during the pandemic, potentially complicating compliance and affecting compliance rates. Meanwhile, a misled population can also demand governments to adopt disproportionate and misguided policy options neither based on science nor empirical evidence, and reject vaccines based on what is preached by modern day charlatans.

This situation had led the World Health Organization (WHO) to declare an “[infodemic](#)”, which is defined as “*an overabundance of information – some accurate and some not – that makes it hard for people to find trustworthy sources and reliable guidance when they need it*”. Similar to the COVID-19 pandemic itself, no country has been spared from the infodemic.

Highlighting the extent of the infodemic worldwide is how the International Fact-Checking Network (IFCN) led [CoronaVirusFacts/DatosCoronaVirus Alliance Database](#), which includes fact-checkers in more than 70 countries working in at least 40 languages, has fact-checked more than 7,000 pieces of information.

In Malaysia, fact-checking efforts are led by [Sebenarnya.my](#), which operates a one-stop portal containing debunks, clarifications and warnings. Established in

March 2017 under the purview of the Malaysian Communications and Multimedia Commission (MCMC), Sebenarnya.my's "[CORONAVIRUS \(COVID-19\)](#)" tab on its website contains more than 350 fact-checks of COVID-19-related false information between from January to 15 June 2020, hinting towards the extent of the problem in Malaysia.

Considering experts have been warning how the pandemic would not be a short-lived affair and would lead to new normals, an understanding of the infodemic in Malaysia is a worthwhile exercise. To that end, this paper will present and discuss the overarching issues related to the COVID-19 infodemic; the scale, trends and themes of COVID-19 false information in the Malaysian context; the current efforts undertaken by the Malaysian government to address false information; before concluding with policy recommendations.

1.1. Objective

With the public's alertness and response to the pandemic seemingly lulled since the onset of the Recovery Movement Control Order (RMCO), the daily number of COVID-19 positive cases seem to be, once again, increasing. But despite the daily fluctuation in case numbers, this highlights how COVID-19 will more likely than not be a protracted affair, until and unless a vaccine is discovered and widely administered. In moving forward with this new normal, and to prepare for what the future might bring, we must begin by taking stock of how the infodemic is today. It is only with this understanding that policies for the future can be formulated, drafted and implemented.

By presenting the scale, trends and themes of COVID-19-related false information in Malaysia, it is hoped that this paper would pave the way for a more systematic understanding of the COVID-19 infodemic (and other studies of the information environment) in the country. For policymakers, we hope that the gap analysis and policy recommendation sections of this paper would help inform policymaking moving forward. Relatedly, we also hope that this paper will demonstrate how policymaking to regulate false information can be compatible with more progressive readings of free speech rights. More generally, we hope that by highlighting the types of false information seen so far would allow readers to be able to spot it better moving forward.

2. Scope and methodology

Before we can analyse the effectiveness of current strategies against the COVID-19 infodemic and put forth any policy option for consideration, we firstly had to understand the scale of the COVID-19 infodemic in Malaysia. The challenge in this is obvious, in that no one possesses an overview of the entire information environment due to the inherent nature of social media platforms and user-generated content and encrypted communication applications, among others.

Therefore, absent from any other feasible means—especially when factoring time and resource considerations—the sampling of false information seen in the fact-checks on [Sebenarnya.my](#) serves as an indicator of the wider infodemic plaguing the information environment.

To that end, Harris Zainul had conducted a systematic content analysis of all the COVID-19-related fact-checks listed on [Sebenarnya.my](#)'s "[CORONAVIRUS \(COVID-19\)](#)" tab on its website. These COVID-19-related fact-checks were drawn for the period of January to 15 June 2020, coinciding with Malaysia's first reported COVID-19 positive case on 25 January, the subsequent implementation of the Movement Control Order (MCO) and its various subsequent iterations, and other policy pronouncements by the government since.

Harris had analysed the content and coded each individual COVID-19-related fact-check for: (1) the outcome of the fact-check; (2) the view count of the fact-check; (3) the medium in which the false claim had been spread on based on the appended screenshot; (4) the format of how the false claim had appeared in the appended screenshot; (5) the types of false claims made; (6) the apparent motivation behind the creation of the false claim; and (7) whether an element of imposter content was present in the false claim.

This paper presents and analyses the findings of this exercise, before undertaking a critical assessment of the current responses to the COVID-19 infodemic. This is meant to highlight the gaps in existing legislations and current policies. Pursuant to that, this paper presents policy options to address the infodemic in a more comprehensive manner.

To be noted is how Malaysian officials continue to refer to false information as “fake news” (or its translation in Malay, *berita palsu*). However, due to the politically-charged nature and vagueness of the term, we adopt the term “false information” instead. If and where relevant, this paper retains the “fake news” term especially when directly quoting a source, and also adopts the terms “misinformation”, defined as the unintentional creation of false information; and “disinformation”, defined as the intentional creation of false information.

2.1. Limitations of the database

The methodology for building the database using *Sebenarnya.my*’s COVID-19-related fact-checks draws loose inspiration from the work of Brennen, Simon, Howard, and Nielsen on the [“Types, Sources, and Claims of COVID-19 Misinformation”](#).

To be noted is how our database only samples fact-checks found on *Sebenarnya.my*, and consequently any limitations present in *Sebenarnya.my*’s collection of fact-checks and efforts to fact-check and debunk would also be reflected in our database. This includes, but is not limited to, (1) selection bias through the prioritisation of certain types of false claims to fact-check, especially when factoring interest, time and resources considerations; (2) challenges inherently posed in identifying false information being circulated in closed groups, such as on Facebook, WhatsApp and Telegram; and (3) reporting bias, in that perhaps some types of false claims would more likely be reported by people.

As *Sebenarnya.my* solely relies on official verification and/or refutation made by the respective government ministries and/or agencies for its fact-checks, false information falling outside the jurisdiction and/or subject matter expertise of these bodies would have been left unaddressed, and consequently, also absent in our database. *Sebenarnya.my* had also informed us that all government ministries and agencies are engaged as and when required.

Besides that, it is admitted that the coding exercise for certain variables, such as the types of false claims made and the apparent motivation of the creator, are inherently subjective in nature. In completing the exercise, Harris had in good faith made all due care to ensure objectivity. Towards validating the reliability of his coding for the subjective categories of “types of false claims made” and “apparent motivation”, we had engaged Ryan Chua,¹ a researcher at ISIS Malaysia who was not involved in this project’s research and the writing of this paper. We had provided him with the database coding sheet and instructed him to code 15%, or 53 fact-checks, selected at random from the database. When it came to coding “types of false claims”, Ryan had coded it similarly to Harris 70.4% (38/54) of the time, and for “apparent motivation”, he had coded it similarly to Harris 96.3% (52/54) of the time.

Owing to how not all COVID-19 fact-checks on *Sebenarnya.my* contained an appended screenshot of the false information, it was not always possible to satisfactorily code certain variables. Considering these limitations, it must be emphasised that we do not claim that our database is a representative sample of

¹ Ryan Chua Wei Quan had left ISIS Malaysia on 30 June 2020 to pursue his Master’s degree in Public Policy at the National University of Singapore.

COVID-19-related false information in Malaysia. Rather, the database and analyses contained in this paper ought to be read as a means to understand, in general, the types of false information that is in circulation and any themes and trends that can be teased out of the database.

Lastly, due to inherent manpower, time and resource considerations, we have taken at face value the outcomes of the fact-checks. We did not seek to validate for ourselves *Sebenarnya.my*'s assessment of the truthfulness of any given claim. This, admittedly, could potentially be problematic but it was beyond the remit of this paper to fact-check the fact-checkers.

Subscribing to principles of open data and transparency, we will be sharing the database for scrutiny and for the public to contribute in adding samples. For those who are interested in viewing the full dataset on Google Sheets (downloadable as Excel), or to contribute to the project, please contact the authors, Harris Zainul at harris@isis.org.my and Farlina Said at farlina@isis.org.my.

3. Issues related to the information environment

It needs to be impressed that the spread of false information and problems associated with it are neither novel nor unique to COVID-19's infodemic. In fact, this has been a long-standing issue — exacerbated by the advent of modern social media platforms — that has democratised content creation, publication and dissemination. To a lesser extent, the same could be said about the ubiquitous adoption of messaging applications, which has essentially eliminated the cost of sending messages to one another. This means that the distribution channels of information, both factual and false — which were once limited by either physical or financial considerations — are now only limited by bandwidth.

On one end of the spectrum, the democratisation of content creation, publication and dissemination had broken down traditional barriers to information in the pre-Internet world. In the context of COVID-19, this means that the government and public health authorities are able to communicate policies and updates instantaneously and are able to interact and respond to the public through social media platforms. Generally speaking, the government ministries and agencies often peruse a combination of Facebook, Twitter and Telegram to disseminate official information.

On the other end of the spectrum, this democratisation of information, where anyone with access to the Internet can become a creator and publisher of information, has unfortunately not come in parallel to an increase in quality of information. The democratic design means that ordinary user-generated posts appear in a similar fashion as those published by authoritative experts.

In other words, false information, whether in the form of innocent misinformation or intentional disinformation, coexists with truthful posts without visual distinction. This visual equal-footing has inadvertently given rise to the perception that both pieces of information are of similar quality. Making matters worse for the information environment is that some of the false claims are made out to be as if they are coming from the authorities, lending it a veneer of legitimacy and credibility.

***The saying that information is now at one's fingertips
has never been truer than before, but how can we be sure of its
veracity?***

Adding to this is the absence of editorial oversight on social media platforms, which had traditionally ensured the quality of information prior to publication. This frictionless nature of social media platforms allows user-generated content to be published without moderation and fact-checking — preconditions that are associated with more formal publications.

To be sure, the spread of false information alongside pandemics and virus outbreaks are also nothing new. But as [Renee Diresta](#), technical research manager at Stanford Internet Observatory has observed, the surge of false information following the COVID-19 outbreak can be differentiated from the Ebola and Zika outbreaks in the past with the latter two being relatively confined geographically. This contrasted with COVID-19, which at the time of writing affects more than 200 countries, making it the first truly global pandemic in the age of social media. This means that false information created in one country experiencing COVID-19 could very well spread globally online.

For example, the false claim pertaining to the use of military helicopters to spray disinfectants to combat COVID-19 has been seen in [Colombia to Egypt, Kuwait, India, Pakistan, Indonesia, Belgium, Switzerland, Spain, Italy, the Netherlands, Sri Lanka, the Philippines](#) and also [Malaysia](#).

Worryingly is that despite a coalition of social media and technology giants — including Facebook, Google, LinkedIn, Microsoft, Reddit, Twitter and YouTube — pledging to combat “[fraud and misinformation about the virus](#)”, these efforts to remove false information would, by nature, only be after the content has been published. This means that users could have already been exposed to false information.

Combining this with the infodemic's sheer volume suggests that even if the false information were to be taken down or fact-checked, users who have already repeatedly been exposed to the false information could continue believing in it due to the illusory truth effect. The illusory truth effect occurs when repeating a statement increases the belief that it is true even when the statement is actually false.

This situation, whereby technology has and is continuing to advance at a faster rate than government policies and legislations as well as societal norms has left society exposed. For example, the deluge of user-generated content and shortened attention spans have exposed societies' ability, or lack thereof, to determine the veracity of the information they are consuming. Underpinning the spiral is the political relationship of trust, which could determine the efficacy of institutions and fact-checking ecosystems.

To be sure, leaving health-related content, such as those on COVID-19 unregulated is untenable. This is because the marketplace of ideas—where good ones are presumed to trump the bad—fails when the spread of false information exploits evolutionary biases in human cognition. These are the very same cognitive biases that explain why humans are more engaged with information on potential threats, as compared to other kinds of information, as it offers an advantage in keeping humans from danger — and consequently ensuring survival.

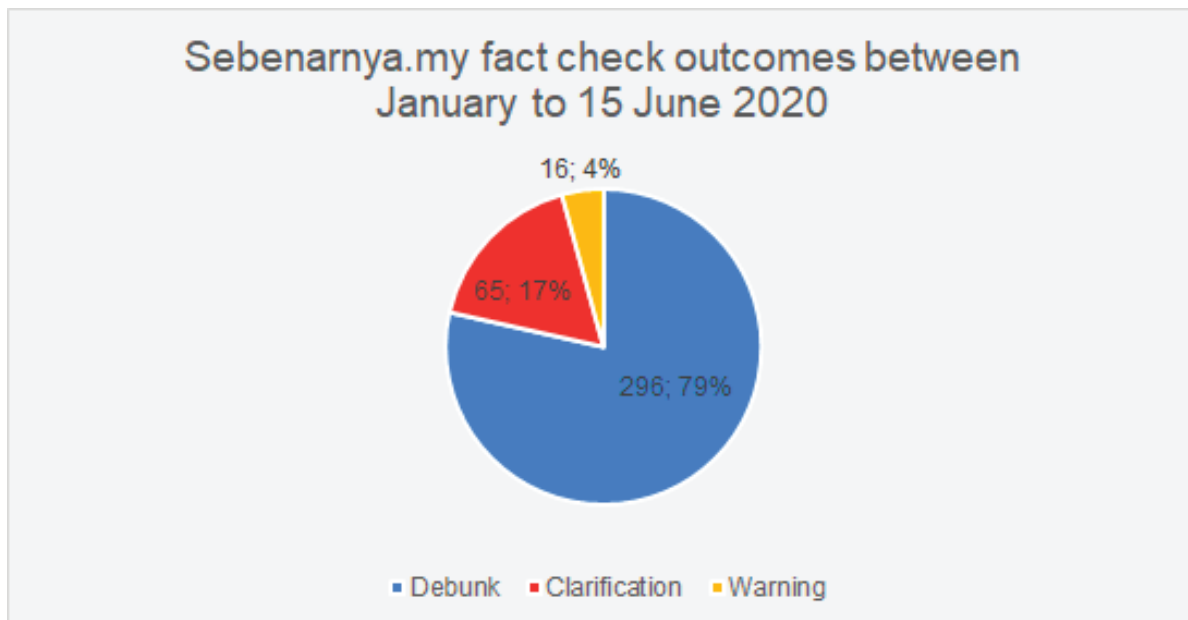
For example, considering how widespread COVID-19 is, it would be natural for those who are concerned to seek the means to protect themselves, and/or remedies for the virus. As search results could be tainted by the infodemic, users could be exposed to false information potentially leading to a false sense of security and, in some cases, even [death](#).

The Malaysian government's fact-checking ecosystem leaned heavily on [Sebenarnya.my](#), with respective government ministries and agencies playing active roles in detecting and monitoring the spread of viral false information. [Sebenarnya.my](#) works as a channel funnelling tip-offs from the public and respective agencies and played the role of a collaborator with government agencies in this space. This makes [Sebenarnya.my](#) a useful platform to address issues regarding government, authority action or information on government agencies.

However, as [Sebenarnya.my](#)'s jurisdiction and focus is limited to Malaysia — with a great emphasis on government agencies — claims that require verification from abroad would not be addressed. Thus, the role of [Sebenarnya.my](#) in a fact-checking ecosystem is as a verifier and amplifier of information, though [Sebenarnya.my](#) can be limited by scope and tips reported.

4. Scale of COVID-19 false information in Malaysia

From January to 15 June 2020, the period where the samples of COVID-19-related fact-checks were taken, there were a total of 377 entries under [Sebenarnya.my's "CORONAVIRUS \(COVID-19\)"](#) tab on its website. These 377 entries are respectively labelled as: (1) debunks that are labelled with “palsu”; (2) clarifications that are labelled as “penjelasan”, with most of the claims labelled as such containing some element of truth; and (3) warnings that are labelled as “waspada”, which primarily serve as a public service announcement with no corresponding specific false claim evidenced.

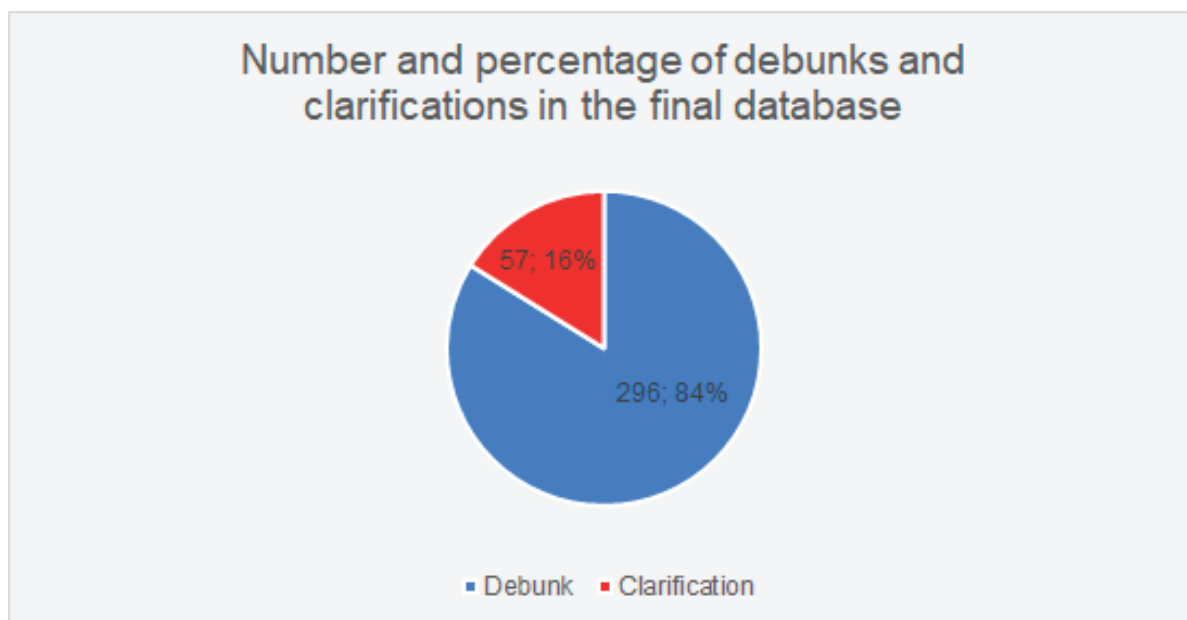


Source: Harris Zainul; data based on the authors' own calculation of fact-checks on [Sebenarnya.my](#) and coding exercise.

Due to this, we only focus on fact-checks with the outcome labelled “debunk” and “clarification”. Entries labelled as “warnings” are excluded from the database and any subsequent analysis in this paper. A further eight clarifications have also been excluded due to the nature of their content that does not refer to any specific false claim.

4.1. Fact-check outcomes

Our database of Sebenarnya.my fact-checks has 353 samples, of which there are 296 debunks and 57 clarifications. It is clear that debunks make the bulk of fact-checks on COVID-19 between January to 15 June 2020 on Sebenarnya.my.



Source: Harris Zainul; data based on Harris' calculation of fact-checks on Sebenarnya.my and coding exercise.

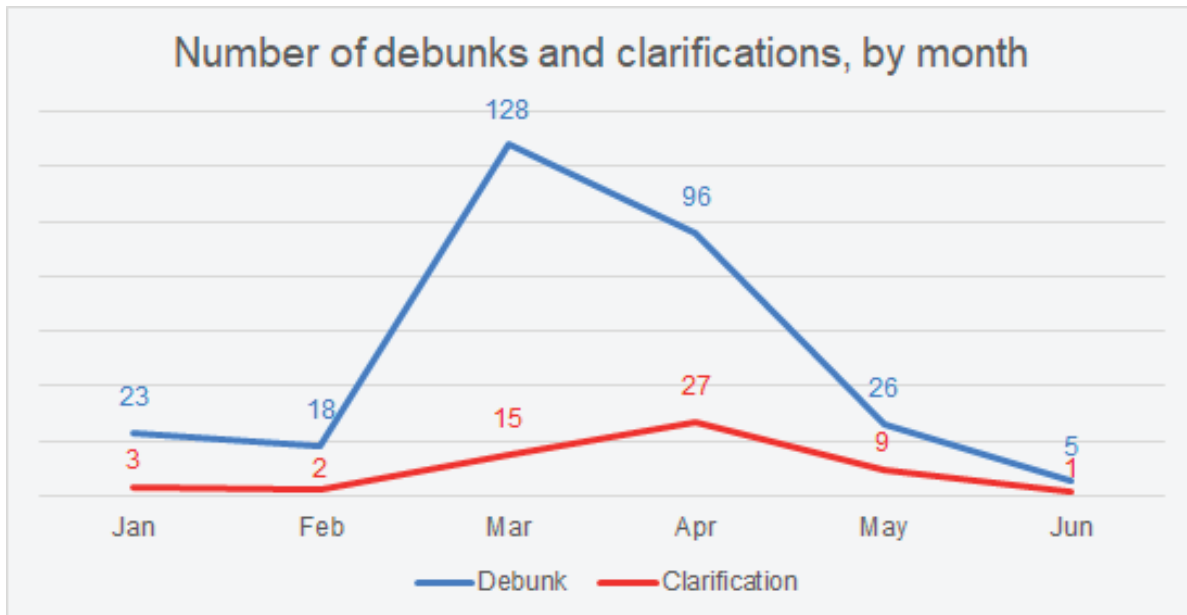
4.2. View count

The view count of Sebenarnya.my's fact-checks serve to suggest their reach. However, it must be noted how the view count listed in our database would show an increase since the samples were coded, and how Sebenarnya.my's fact-checks could have been disseminated through other mediums outside of their website. This means that the fact-checks' actual reach ought to be higher than what is listed.

Having said that, the total view count of the 353 fact-checks in our database is 932,416, with the average view count being 2,641 views. Meanwhile when considering the range, the fact-check with the highest view count is just shy of 40,000 and the lowest being 136.

4.3. Number of debunks and clarifications by month

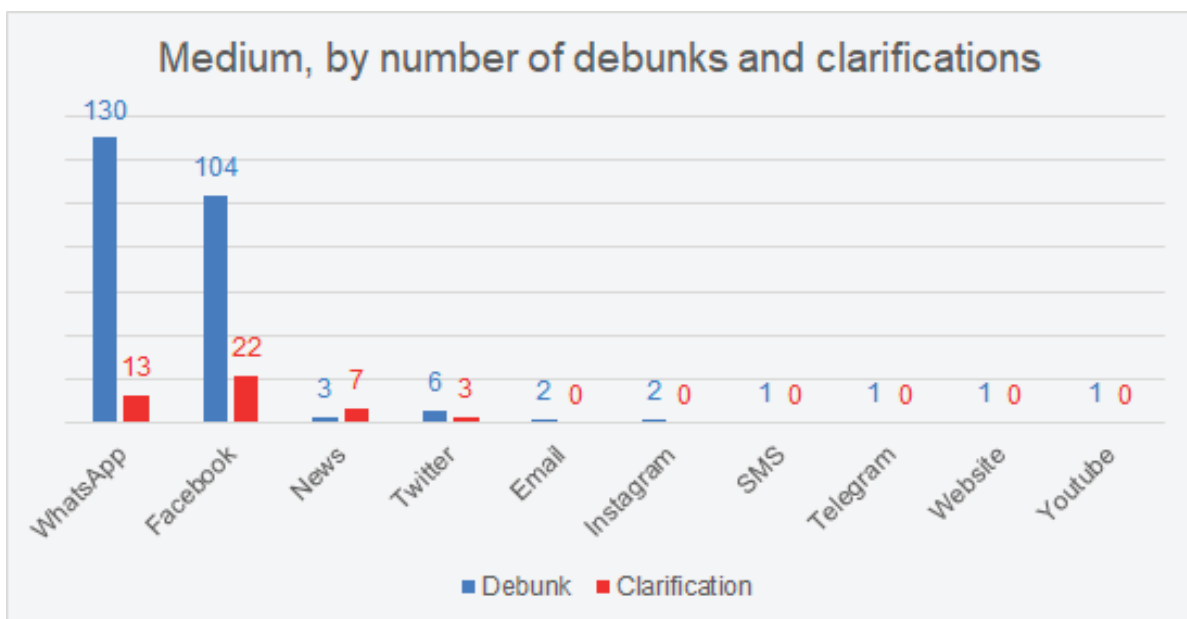
Hinting at the scale of the COVID-19 infodemic is how the number of fact-checks had spiked in March 2020 before decreasing in April and May. To be noted is how our samples for June 2020 were only as of the 15th and, therefore, would be lesser compared to the previous full months that the samples were taken. That said, it would most likely still be the case that the downwards trend continues into the remainder of June 2020.



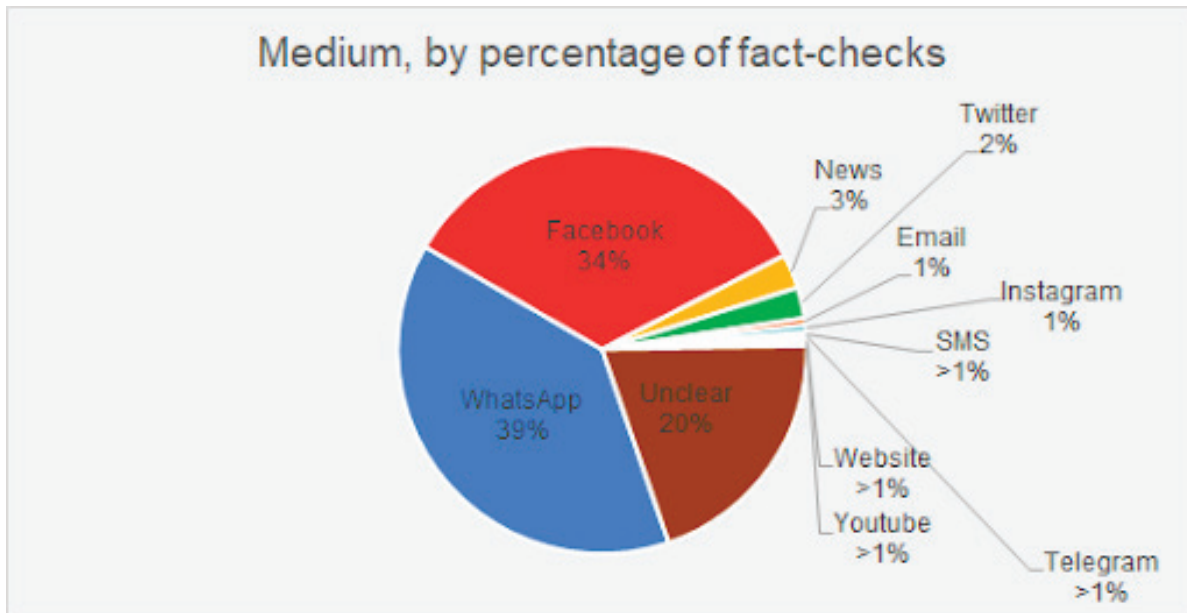
Source: Harris Zainul; data based on Harris' calculation of fact-checks on *Sebenarnya.my* and coding exercise.

4.4. Medium where the false claim circulated

Based on our database, the medium most popular for false information is WhatsApp (143 entries; 130 debunks and 13 clarifications), followed by Facebook (126 entries; 104 debunks and 22 clarifications), News (10 entries; 3 debunks and 7 clarifications), Twitter (9 entries; 6 debunks and 3 clarifications), Email and Instagram (2 entries each; 2 debunks and 0 clarifications each), and SMS, Telegram, Website and YouTube (1 entry; 1 debunk and 0 clarification each).



Source: Harris Zainul; data based on Harris' calculation of fact-checks on *Sebenarnya.my* and coding exercise.



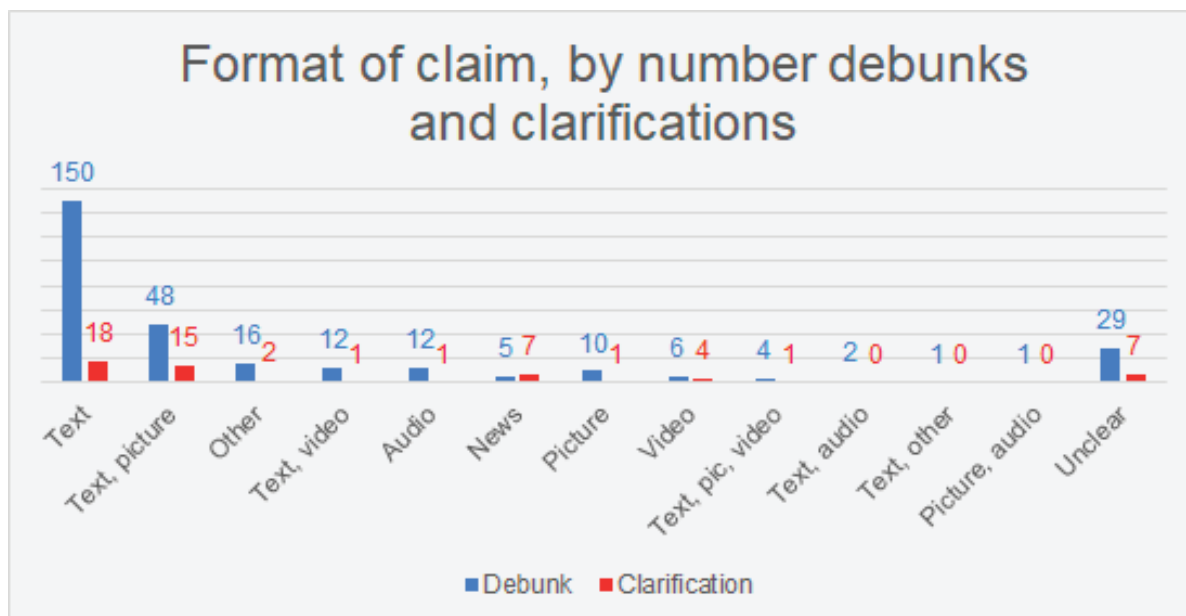
Source: Harris Zainul; data based on Harris' calculation of fact-checks on Sebenarnya.my and coding exercise.

To be noted is how some of the fact-checks had included a screenshot of the false information in more than one medium. In these instances, all evidenced mediums were counted for that one sample. This leaves the medium dataset with a total of 369. Also to be made clear is how the false claim could very well have spread across different mediums, therefore our data is merely indicative of the medium where the false claim was seen, reported and evidenced by Sebenarnya.my.

4.5. Format of the false claim

Regarding the format of how the false claim had appeared in the appended screenshot in the fact-check on Sebenarnya.my, the predominant format is in text form; followed by text that includes a picture; text that includes a video; audio only; news, referring to the false claim being presented in a news-like format; pictures only; videos only; texts together with a picture and video; text and audio; text and other; and picture and audio. One example of this would be a false claim with a misattributed photo of [large crowds at Terminal Bersepadu Selatan \(TBS\)](#) in March.

Those coded as unclear refers to a situation where the fact-check on Sebenarnya.my did not include a screenshot of the false claim rendering identification impossible.



Source: Harris Zainul; data based on Harris' calculation of fact-checks on *Sebenarnya.my* and coding exercise.

To be noted is how when a false claim is presented in a multi-medium form — for example, when false claim in text format is presented together with a picture and/or video and/or audio — it could make the false claim more credible as people are more inclined to trust visuals and/or audio.

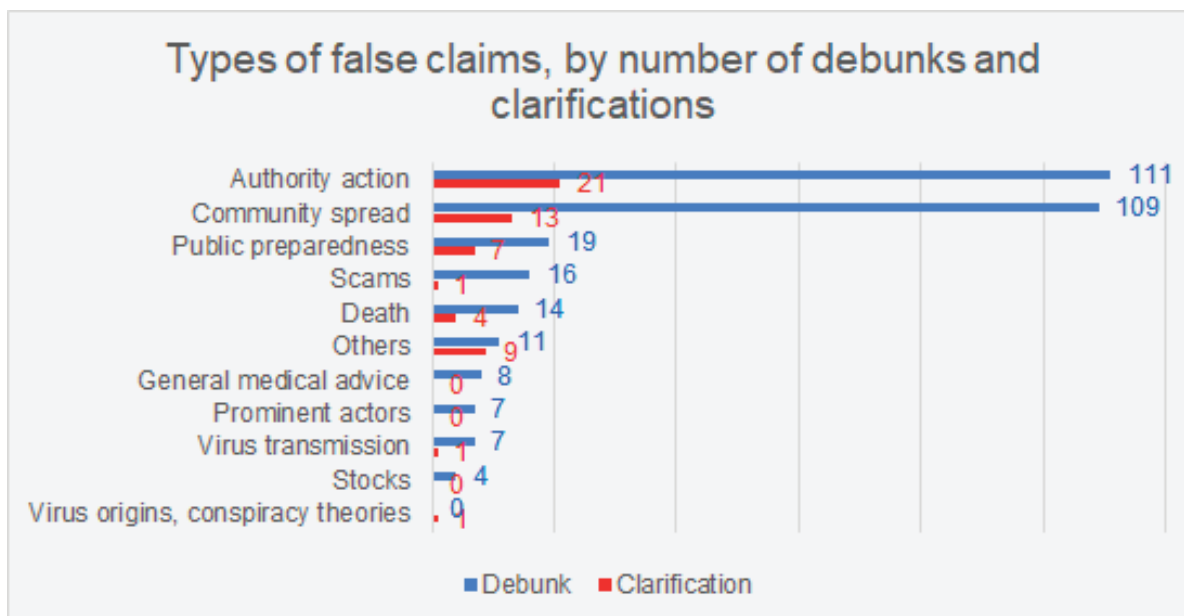
4.6. Types of false claims

Towards systematically coding the types of false claims seen in the database, we adapted the typology used by Brennan et al before settling on the final eleven types.

Types of false claims made	What the claim relates to
General medical advice	Health remedies, diagnostics, effects of COVID-19, etc
Virus transmission	How COVID-19 is transmitted, how to stop virus transmission, including cleaning, certain types of lights, protective gear, etc
Vaccine development and availability	Vaccine development and availability
Virus origins and/or conspiracy theories	Where COVID-19 originated from, conspiracy theories related to COVID-19, etc
Community spread	How COVID-19 is spreading in the country, the presence of COVID-19 positive cases, etc
Authority action and/or policy	How the authorities are adopting or implementing a policy, etc <i>*The term authorities here is broadly defined and includes the federal and state governments, government agencies, the armed forces, etc</i>
Public preparedness	About people hoarding, non-compliance with social distancing and other policies, etc
Prominent actors	Famous people, etc
Stocks	How stocks of essential goods are running low, etc
Death	Claims that a death has occurred due to COVID-19, etc
Scams	Scams, etc
Others	Claims that do not fall into the other ten categories

Source: Harris Zainul; typology adapted from the work of Brennen, Simon, Howard, and Nielsen on the [“Types, Sources, and Claims of COVID-19 Misinformation”](#)

As some of the samples had made more than one type of false claim, these samples were accounted for in each respective category of type of false claim. This means that our dataset for types of false claims is 363. Notably, there were no fact-checked claims coded for “vaccine development and availability”.



Source: Harris Zainul; data based on Harris' calculation of fact-checks on *Sebenarnya.my* and coding exercise.

It is clear that in the period we derived the samples from, the most prominent types of false claims made pertained to “authority action” and “community spread”. These two categories make up 70% (254) of the total 363 false claims seen in the types of false claims dataset.

Examples of false claims coded as “authority action” include a claim alleging that [Terengganu's Chief of Police had issued a warning that an Enhanced Movement Control Order \(EMCO\) will be implemented in the Dungun district](#), and that [cancer treatment in public hospitals is being delayed to closures and/or make room for COVID-19 patients](#).

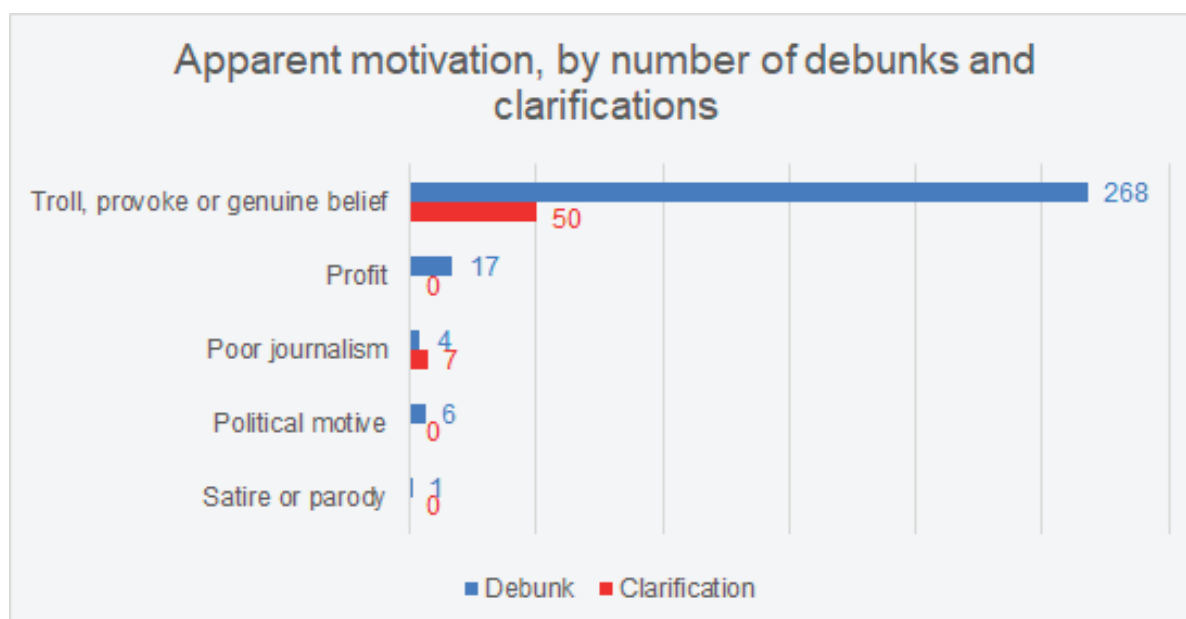
Meanwhile, false claims coded as “community spread” refer to instances where an incorrect claim was made that there had been a COVID-19 positive case in a certain area, such as the [bank](#), [supermarket](#) and a [shopping mall](#), among others.

There were five false claims involving “prominent actors”, with the first relating to the then [Minister of Health, Dr Dzulkifly Ahmad encouraging China nationals to holiday in Malaysia as long as they wore a facemask](#); allegations that [Sabahan Ministers were under quarantine due to COVID-19](#); a misattributed photo from 2018 showing [politicians neither wearing face masks nor practising social distancing](#); an edited poster of how [Tan Sri Muhyiddin Yassin is a “short term Prime Minister”](#); and lastly, the [Prime Minister giving a speech on 8 June 2020](#), one day before the end of the Conditional Movement Control Order (CMCO).

Standing out in this dataset is how there were very little false claims on COVID-19's “origins and/or conspiracy theories”. In fact, the dataset only included one clarification on a claim that [COVID-19, under the microscope, looks like a creature](#).

4.7. Apparent motivation

Despite its attendant subjectivity, we had sought to infer the apparent motivation behind the creation of the false information. This was done through a content analysis of the false claim in question which were then coded into five different categories.



Source: Harris Zainul; data based on Harris' calculation of fact-checks on *Sebenarnya.my* and coding exercise.

It is clear from our dataset that the clear majority (91%) of apparent motivation was to “troll or provoke with no discernible political motive — or an expression of legitimate belief”. Notably, how this category of apparent motivation merges two opposing ends of the spectrum of intentions highlights the complexity in inferring good or malicious intent based solely on content. Also highlighted through this exercise is how the process in determining whether a false claim is a misinformation or disinformation is harder than it seems — with implications on any potential legislation to regulate disinformation.

Besides that, standing out is also how there are 17 samples with the apparent motivation coded as “profit”. These largely revolved around donation drives, or websites that were set-up for users to fill their personal information ostensibly for this to be misused later on.

For example, there is a debunk of a [scam claiming to be from the Department of Islamic Development Malaysia \(JAKIM\) where people can fill a Google Form with their personal details to apply for assistance](#). Interestingly, this scam is relatively sophisticated with the scammer assuring that personal data will be kept private and the link to the Google Form was customised using a URL-shortening service.

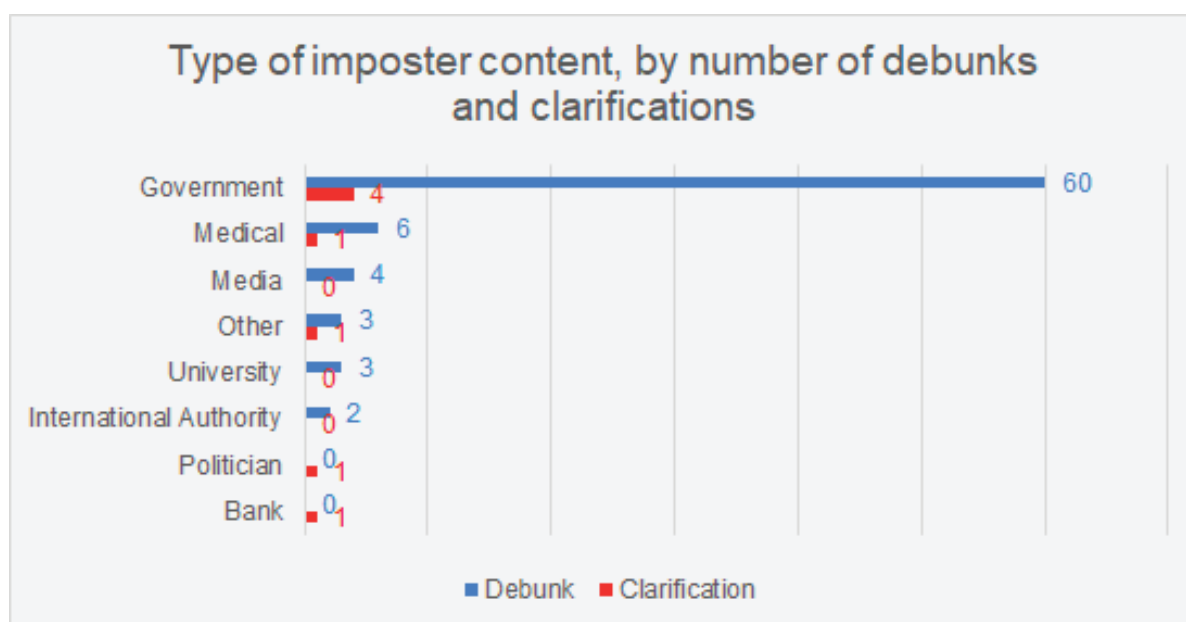
Meanwhile, the four debunks and seven clarifications coded for “poor journalism” generally relate to misreporting on authority actions, such as [an entire township having to be tested for COVID-19](#); public preparedness, such as [businesses being conducted during the MCO](#); stocks of goods, [in this case rice](#); and [a death attributed to COVID-19](#).

4.8. Imposter content

In an attempt to identify whether the false claims were made out to be as if they had originated from some kind of authority — ostensibly to add a veneer of legitimacy to the false claim — we had coded the 353 samples in the database for elements of imposter content.

Notably, 246 samples in our database did not contain any element of imposter content, while we could not satisfactorily determine whether there was any element of imposter content in 21 samples due to the lack of information. The remaining 86, which had an element of imposter content, were then coded into eight different categories.

To be noted is how some of the false claims had involved elements where it was claimed that the information was from insider sources, or that the claimant was privy to some form of insider knowledge. In these circumstances, unless the false claim had included a direct quote attributed to a specific figure, we had erred on the side of conservatively coding it as not applicable.



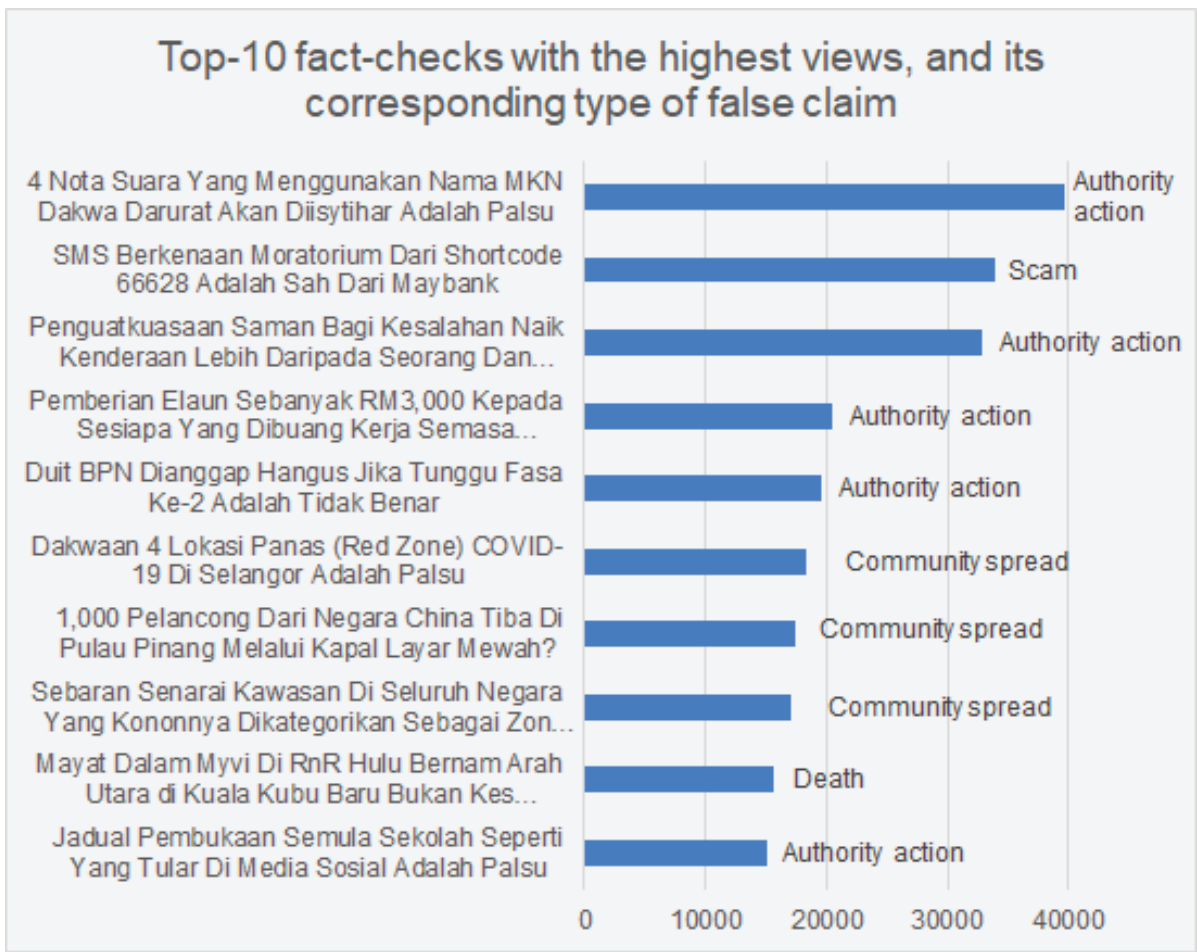
Source: Harris Zainul; data based on Harris' calculation of fact-checks on *Sebenarnya.my* and coding exercise.

It is clear that false claims claiming to be from the government make up the largest proportion of false claims with imposter content in our database (74%; 64 of the 86). Among others, these claims had made it seem like the information was coming from the [National Security Council \(NSC\)](#), the [Director-General of Health Malaysia](#), and a [press conference by the Prime Minister of Malaysia](#). Meanwhile, content claiming to be from an international authority were said to be from [Public Health England](#) and the [United Nations Children's Fund \(UNICEF\)](#).

5. Analysis of the trends and themes of COVID-19 false information in Malaysia

5.1. Types of false claims by view count

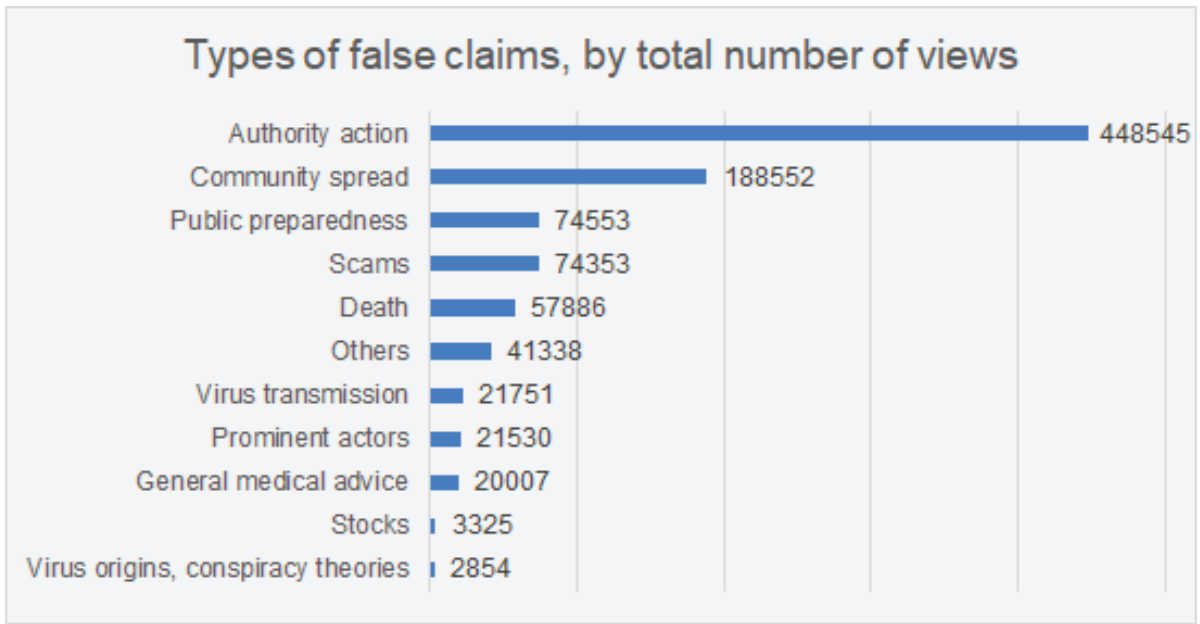
Comparing the type of false claim in the sample and its respective view count can serve to suggest the levels of public interest in the types of false information. Zooming in, the top 10 fact-checks collectively contributed 229,984 views, which make up 25% of the total view count of all fact-checks in our dataset.



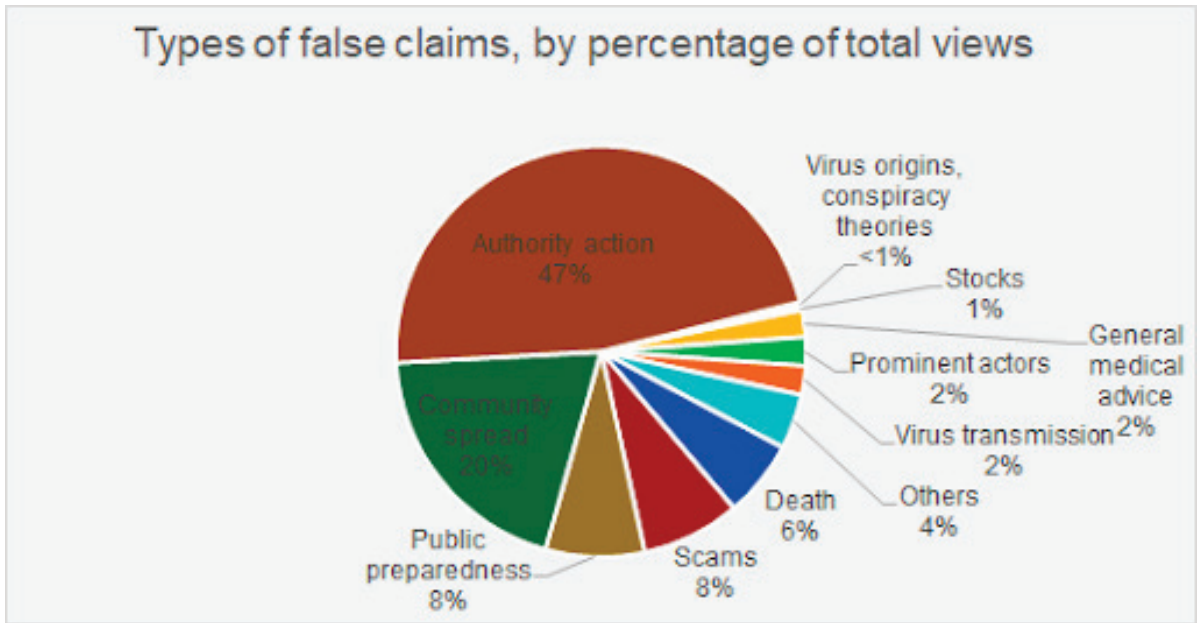
Source: Harris Zainul; data based on the fact-checks' view count listed on *Sebenarnya.my* and Harris' coding exercise.

Of the top 10 fact-checks with the highest view count, five were coded as having an “authority action” type of false claim, three were coded as having a “community spread” type of false claim, while one each were coded “scam” and “death”.

Before looking at the bigger picture, it must be reiterated that some of the samples in our database had made more than one type of false claim, and these samples were accounted for in each respective type of false claim. This means that our dataset for types of false claims is 363. The charts below show the types of false claims by view count.

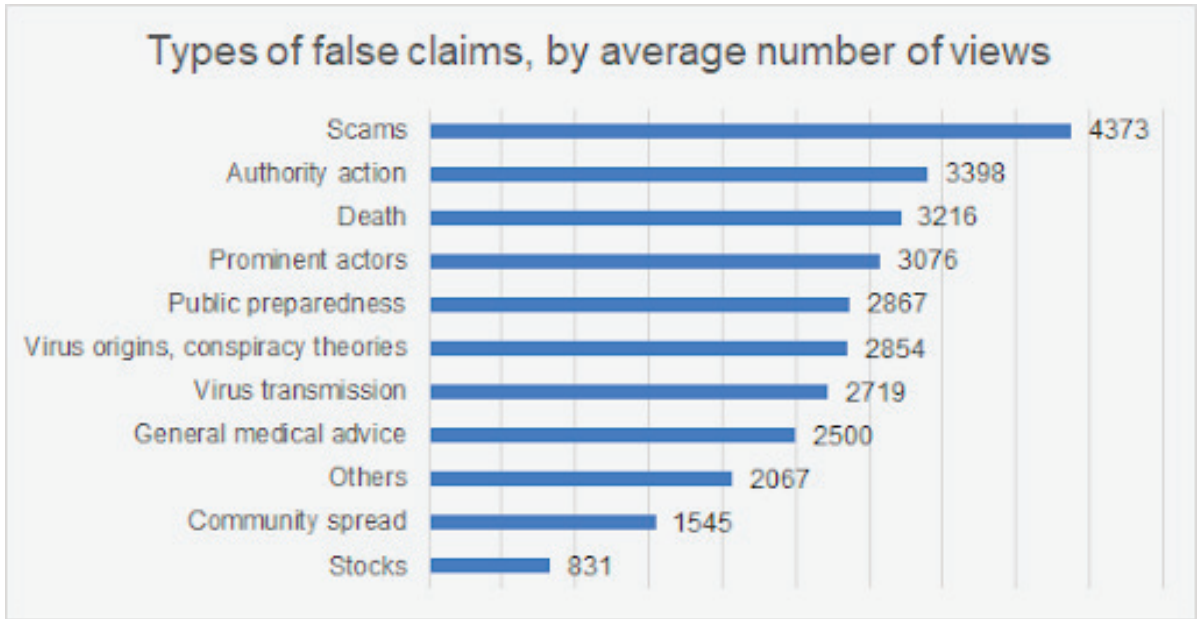


Source: Harris Zainul; data based on the fact-checks’ view count listed on *Sebenarnya.my* and Harris’ coding exercise.



Source: Harris Zainul; data based on the fact-checks’ view count listed on *Sebenarnya.my* and Harris’ coding exercise.

It is clear that fact-checks with the type of false claim coded “authority action” attracts the most view count. In absolute numbers, the view count of fact-checks on [Sebenarnya.my](#) with false claims coded “authority action” make up 47% of the total view count of the samples in our database. That said, it must be emphasised that fact-checks that were coded as having an “authority action” type of false claim make up 72% (261) of the total 363 entries in the types of false claims dataset. That aside, a conjecture would be that this category of false claim attracts more views as people are inclined to know the truth about the government’s actions and/or policies of the day.

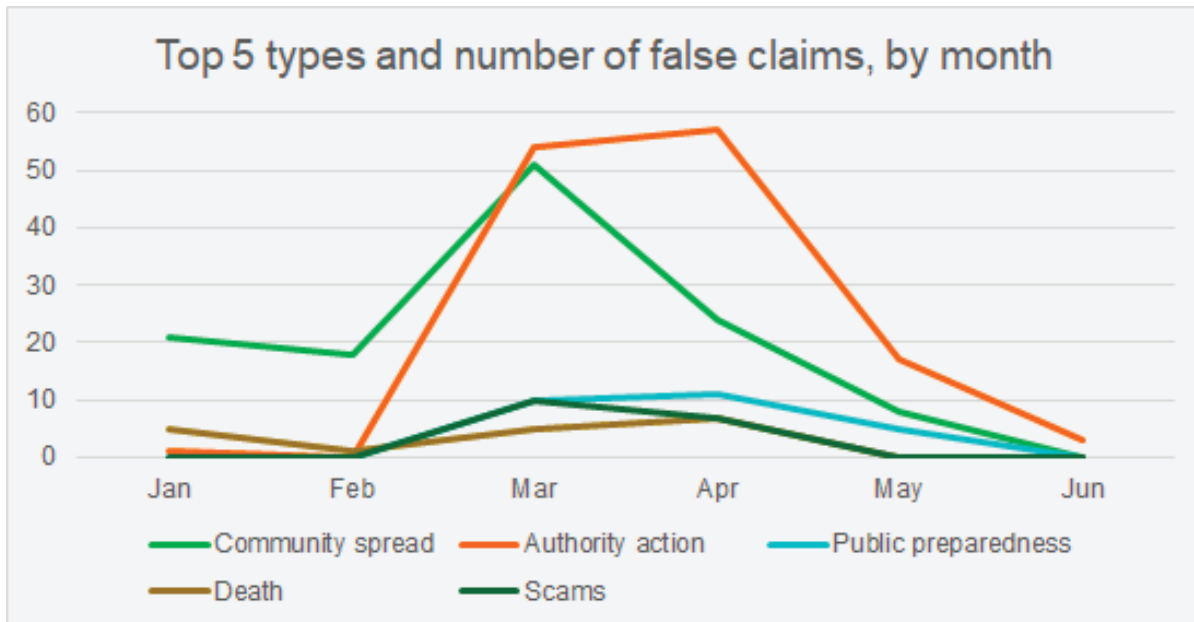


Source: Harris Zainul; data based on the fact-checks’ view count listed on [Sebenarnya.my](#) and Harris’ coding exercise

That said, when the view count is averaged for the number of claims made (total 363), fact-checks with the type of false claim coded “scams” attain the highest view count with 4,373 views on average. This suggests that, on average, there is more public interest in debunks related to scams. Besides that, the average view count data also shows that despite the relatively low number of fact-checks, there are decent views for fact-checks involving types of false claims, such as “virus origins and conspiracy theories”, “virus transmission” and “general medical advice”.

5.2. Types of false claims by month

Breaking down the types and number of fact-checked claims by month, we know that from January through March — the earlier days of the COVID-19 outbreak in Malaysia — one of the most prominent types of false claims that was fact-checked involved “community spread”. For example, in January, there were already “community spread” type of false claims involving COVID-19 positive cases in [Ipoh](#), [Seremban](#), [Sungai Petani](#), [Likas](#), [Penang](#), [Kuala Terengganu](#), [Alor Setar](#), [Seberang Jaya](#), [Kuantan](#), [Perlis](#), [Ampang](#) and [Melaka](#). This had tapered off slightly in the subsequent months in the period when our samples were collected. This suggests that perhaps the spread of COVID-19 in our community was a more prominent issue in the beginning of the pandemic in Malaysia.



Source: Harris Zainul; data based on Harris' calculation of fact-checks on [Sebenarnya.my](https://sebenarnya.my) and coding exercise.

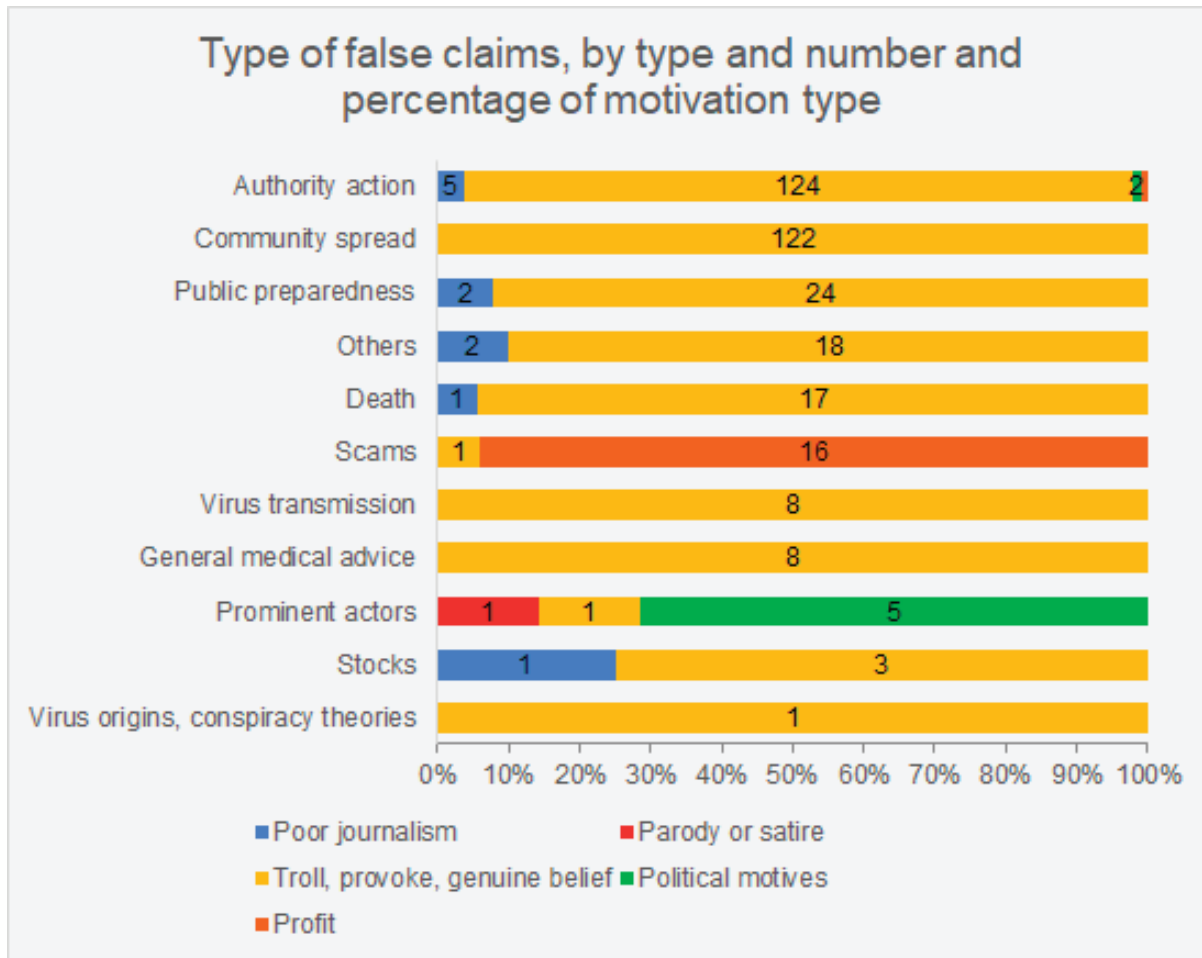
January and February had also seen at least 11 false claims relating to China and Chinese tourists and COVID-19, but these were noticeably absent in the following months. This could perhaps be attributed to how Malaysia's international borders were closed following the implementation of the MCO in March.

Following the implementation of the first phase of the MCO in March, fact-checks of false claims relating to authority action had begun to appear on [Sebenarnya.my](https://sebenarnya.my). Following its spike in March and peak in April, it had declined in May and the first half of June 2020. From March through May, these were mainly related to the standard operating procedures (SOPs) during the MCO's various iterations.

In the same vein, following the government's policy announcements on alleviating financial hardships brought by the MCO, false claims coded as "scam" in type had appeared on the "CORONAVIRUS (COVID-19)" tab on [Sebenarnya.my](https://sebenarnya.my)'s website. This indicates that scammers are adapting their tactics to take advantage of the government's policies of the day.

All other categories of fact-checked claims also generally mirror this trend of declining in volume as it approaches June. Relevantly, it was announced on 11 June that [the Royal Malaysia Police \(PDRM\) and MCMC had not opened any new investigation papers related to COVID-19 fake news for the past two weeks](#) (28 May-11 June). This could suggest that perhaps the public has gained sufficient understanding and appreciation of the importance of not sharing unverified information, and/or due to the large number of investigation papers opened (and its potential deterrent effect).

5.3. Types of false claims by motivation



Source: Harris Zainul; data based on Harris' calculation of fact-checks on *Sebenarnya.my* and coding exercise.

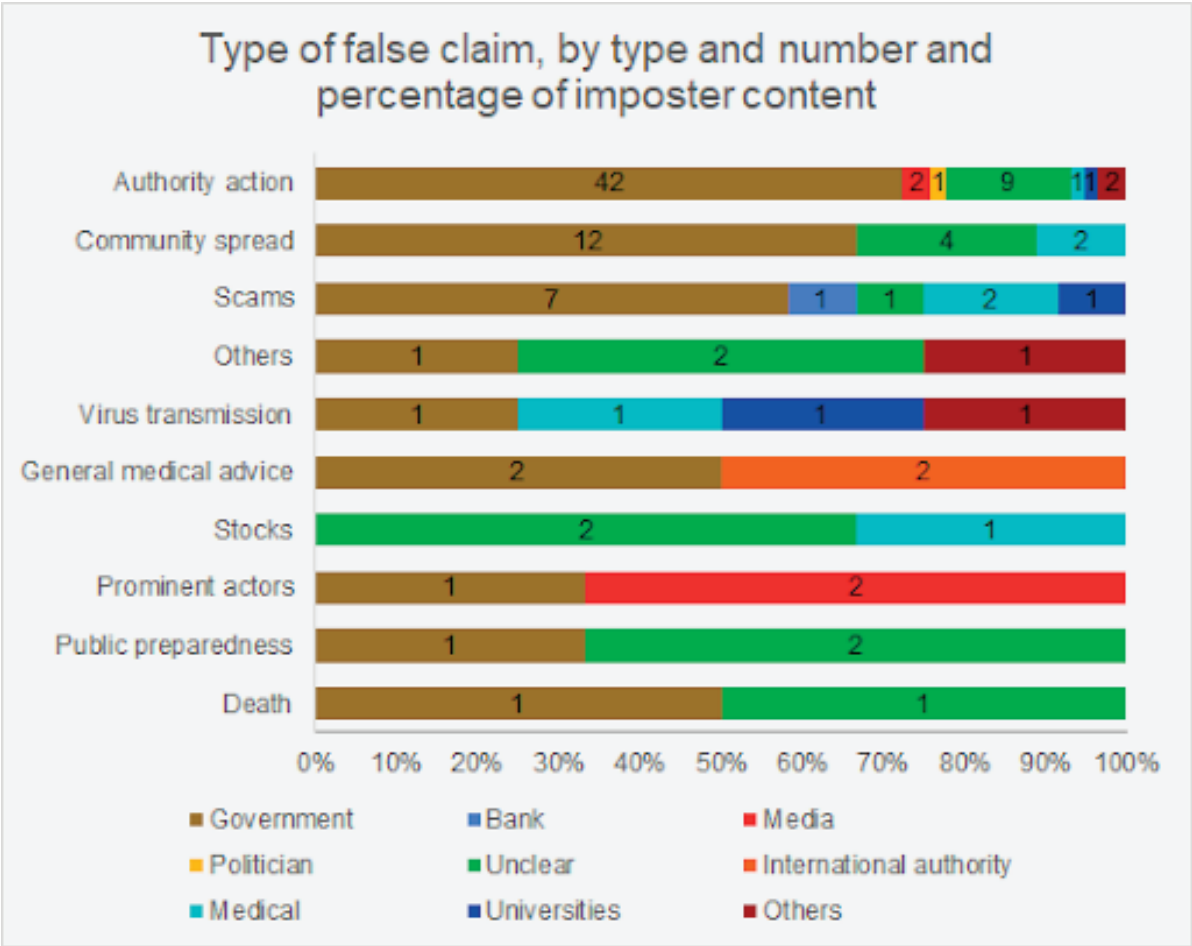
To be noted is that while presuming the apparent motivation helps to understand the infodemic better, the net effect of rumours spreading could potentially be the same. For instance, regardless of whether it was due to intentional trolling — to provoke, or because of genuine belief — false information could still mislead those who consumed it. As an example, even if the false claim made on authority action and/or community spread was unintentional, the risk of it raising levels of panic within society would remain the same. The same could be said about false general medical advice — its misleading effects remain the same.

Nevertheless, the likelihood of rumours and/or false information circulating due to genuine belief ought not to be discounted. For example, it is conceivable that a bystander witnessing [a team of healthcare professionals, decked in full personal protective equipment \(PPE\) gear](#) could have mistaken it for a COVID-19 positive patient being in that area. Similarly, bystanders witnessing [police lines and police and checkpoints](#) being rolled out could have mistaken these as a preparatory step towards a full EMCO being implemented in that locality soon.

Having said that, it is remiss that “sloppy reporting” was deemed to be the apparent motivation for five of the samples coded. As to their types of false claims made, this would be two for “public preparedness”, and one each for “authority action”, “death” and “stocks” (of goods).

5.4. Types of false claims by imposter content

This section looks at which type of false claim sees the most amount of imposter content. This analysis is important as malice could potentially be easier to infer due to the element of fabrication present in imposter content. From the 353 fact-checks in our dataset, 246 false claims did not contain any element of imposter content, while we could not satisfactorily determine whether there was any element of imposter content in 21 entries due to the lack of information. This means that our dataset of false claims containing imposter content is 111.

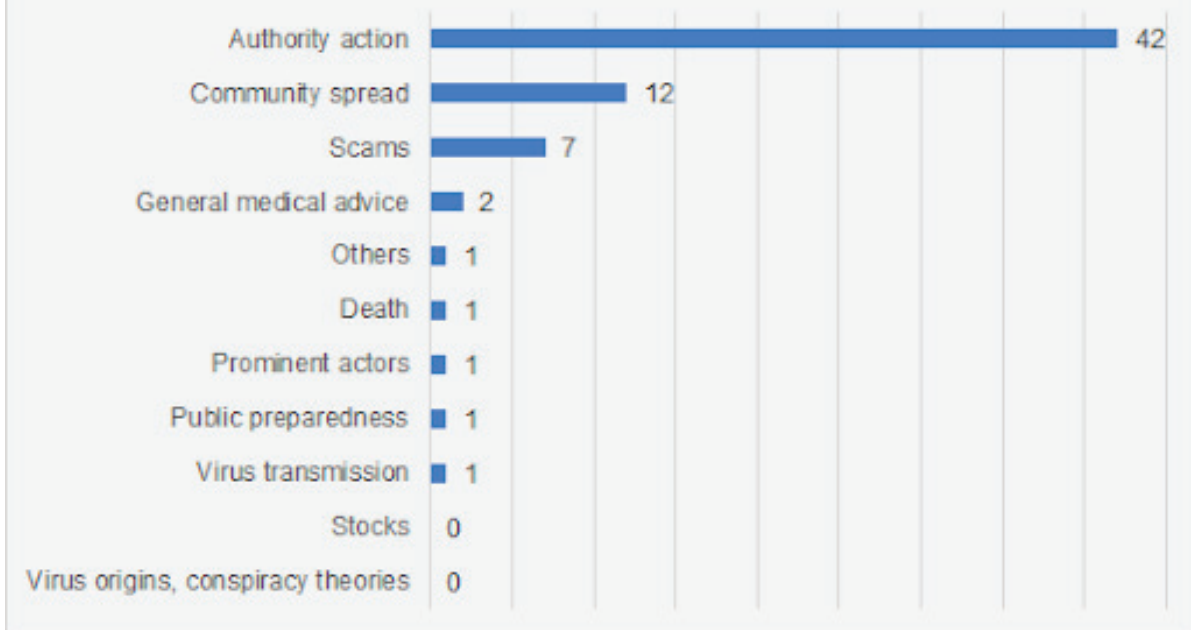


Source: Harris Zainul; data based on Harris’ calculation of fact-checks on *Sebenarnya.my* and coding exercise.

The largest type of false claim that contains an element of imposter content is those coded “authority action”, which make up 52.2% of the dataset of all false claims containing an element of imposter content. This is followed by false claims of “community spread”(16.2%) and “scams” (10.8%) as the second and third highest type of false claim containing an element of imposter content. Unsurprisingly, “government” is the largest type of imposter for the “authority action”, “community spread” and “scam” types of false claims.

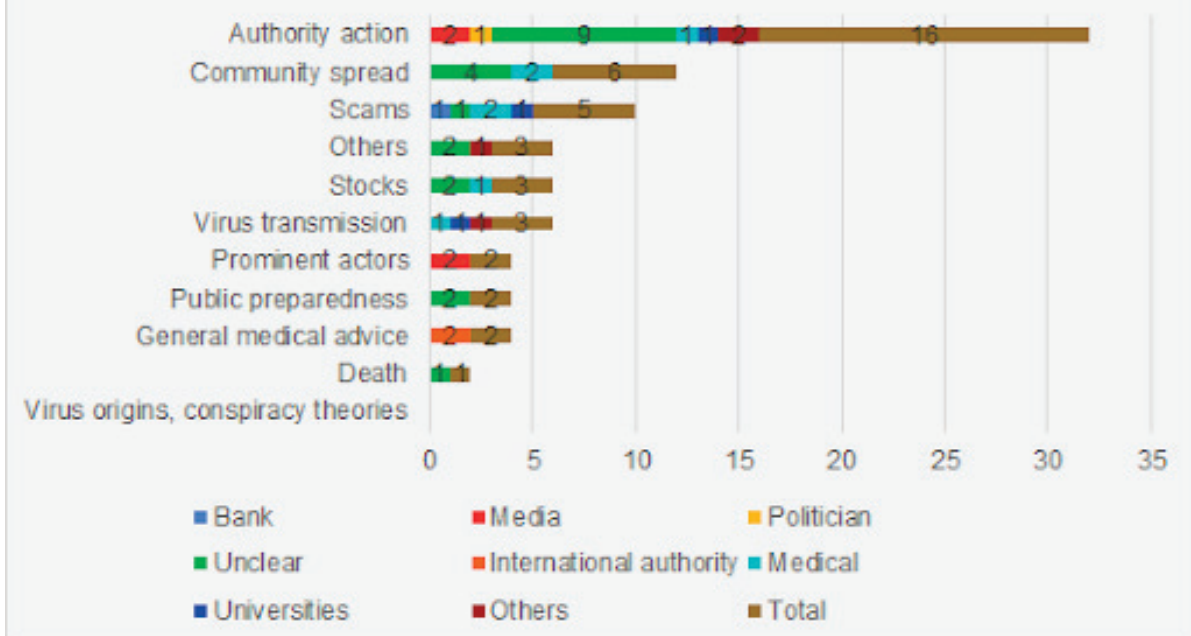
For easier viewing, below are two bar charts, the first showing the types of false claims made by type and number of imposter content that was coded “government”; and the second showing the types of false claims made by type and number of imposter content except those that were coded “government”.

Type of false claim, by number of imposter content coded "government"



Source: Harris Zainul; data based on Harris' calculation of fact-checks on *Sebenarnya.my* and coding exercise.

Type of false claim, by type and number of imposter content (except those coded "government")



Source: Harris Zainul; data based on Harris' calculation of fact-checks on *Sebenarnya.my* and coding exercise.

6. Gap analysis of current strategies

In this section of the paper, we undertake a critical assessment of current responses to the COVID-19 infodemic to highlight gaps in the existing legislation and current policies, and potential ones in the future if the status quo is maintained moving forward. Status quo here refers to Malaysia's existing threefold strategy to counter false information. The first is to establish clear channels of communication; the second is to address false claims; and the third is to take action against those who spread "fake news". The gap analysis below assesses these three approaches, while highlighting a few others that have been absent from the current strategy.

6.1. Communications

In terms of communication, Datuk Dr Noor Hisham Abdullah, Director-General of Health, Ministry of Health (MOH), and Datuk Seri Ismail Sabri Yaakob, Minister of Defence, had held daily press conferences at regimented times, with the frequency of these press conferences reduced as the country's R0 number dropped in mid-June 2020. As these press conferences allow for questions from members of the media, the latter are afforded an opportunity to seek clarification or more specific information during the press conference. These press conferences are telecasted by most, if not all, mainstream media either in full or in a snippet highlighting relevant information.

The MCMC and MOH had formed a National Crisis Preparedness and Response Centre (CPRC) to address "fake news". The CPRC is anchored by [Sebenarnya.my](https://sebenarnya.my), which has various channels for users to report or verify false information via its website, Telegram, telephone calls, short message service (SMS) or email. Additionally, the government has utilised social media platforms, such as Facebook and Twitter, to distribute information. This means that the official information ecosystem would have covered traditional media outlets, social media, SMS notifications and dedicated websites to clarify on Malaysia's COVID-19 status, economic assistance as well as MCO guidelines, among others. The adoption of channels such as social networking sites minimises a power gap for clarification that would have been unavailable were it not for the adoption of such channels.

Gaps

While credit must be given for the communication strategy thus far, it is unfortunate that rumours had still proliferated. Perhaps rather than reducing that this is due to no-gooders who intend to troll or provoke, it would be more worthwhile to consider how it might be a symptom of a lack of quality information on the COVID-19 pandemic, and the consequent anxieties and concerns shared by the public.

For example, due to how swift action was needed to address a rising R0 number in the earlier days of the pandemic, the government had introduced the MCO with a mere two-day notice. This had caught industries and the people off guard, leaving them little time to prepare. As the first-phase of the MCO (and subsequent phases) had shifting requirements, practice guidelines and SOPs, this could have led to grey areas needing clarification. Taking this together with how breaching the MCO guidelines would have led to some sort of punitive action being taken, it is no surprise that rumours had proliferated in an environment where information was lacking (there were 54 false claims coded “authority action in March 2020, the first month the MCO was in effect”).

The fact that 122 and 132 fact-checks in the *Sebenarnya.my* dataset were coded “community spread” and “authority action” respectively can be indicative of information needed by society.

Further, with the death toll of COVID-19 in Malaysia and globally occupying the mindshare of the people, it would come as no surprise that a “better safe than sorry” mentality had taken hold. This could explain the types of false claims coded “general medical advice”, which had prescribed apparent best practices to prevent COVID-19 that had gained, on average, 2,500 views per-fact check.

Besides that, it must also be emphasised that the role of the media during a pandemic is absolutely crucial in providing authoritative, objective and credible information in a timely manner. Having said that, it is deeply remiss that during this pandemic, there have been instances where members of the media were called in by the police for questioning for merely doing their work. Admittedly free speech is not absolute, but pursuing legal action against members of the media is unsettling as it could lead to self-censorship in newsrooms, affecting the media’s capability to act as a watchdog for public interest.

This is especially important today where the government has been afforded a larger role to combat the COVID-19 pandemic, and policy implementations are being done in a hastened timeline. In the bigger picture, as the media is often the rights bearer and bellwether for free speech, any restrictions on media freedom often, worryingly, precede the erosion of other fundamental rights. In the same vein, the government’s treatment of the media—for better or worse—tends to portray its actual understanding and appreciation of wider free speech rights.

6.2. Addressing false claims

Also included in the government’s communication strategy to tackle COVID-19-related false information is to address factually incorrect statements. This has been done primarily through *Sebenarnya.my* and the Communications and

Multimedia Ministry's Quick Response Team (QRT) that was established on 16 March 2020. [According to Datuk Suriani Ahmad](#), Secretary-General of the Communications and Multimedia Ministry, the QRT takes anywhere from 30 minutes to three hours to verify any viral news and simultaneously prevent fake news from spreading. This efficiency is said to be a result of close cooperation between the QRT team and other government agencies. Notably, the QRT also monitors the sharing of viral news among social media users in order to speedily verify the authenticity of the news which has gone viral.

More recently, the Minister of Communications and Multimedia, Dato' Saifuddin Abdullah had [launched *Saluran Berita RTM*](#), a television channel under state-owned broadcaster Radio Television Malaysia (RTM). According to reports, its main purpose is "first and foremost to provide factual and verified news" and is "hoped that the channel will eventually help the public to determine what is true and what is false". This is through the channel broadcasting information on a round-the-clock basis in Malay, English, Mandarin and Tamil, with a dedicated segment called *Pastikan Sahih*, which airs at 6:30PM on weekdays, aimed at any instances of false news spreading among the public.

Gaps

While the television channel would help by creating another medium of communication for the government, especially for those who do not get news from social media and/or other digital and/or online sources, concerns could be raised about the objectivity of the new channel. This is considering how the channel will be operated by state-owned RTM. Here, a distinction must be drawn between a state-owned broadcaster, whose interest lies in the state, and a public service broadcaster, whose primary interest is the public's.

It needs to be emphasised that the objective of the media ought to be upholding the truth, however inconvenient that may be. While it is too early to pass judgement on the effectiveness of the *Saluran Berita RTM* channel, it would be deeply remiss if the channel fails to meet its objective due to perceptions of untrustworthiness.

Besides that, standing out is how the two primary means of fact-checking false claims in Malaysia are government-driven. Admittedly, there have been other fact-checkers such as those from the media, for example, [Free Malaysia Today](#) (FMT), [AFP Fact Check Malaysia](#) and Malaysiakini (among others), and fact-checking organisations, such as [Medical Mythbusters](#), [Outbreak.my](#) and [ThisInFact](#) (among others) — these non-government fact-checking initiatives are uncoordinated relative to what is seen in other countries. Additionally, these fact-checkers manage their own method of fact-checking with different standards to address false information. Increasing the number of players in a fact-checking environment can complement government efforts to address misinformation and disinformation, particularly in areas that would require expertise such as medicine.

While [Sebenarnya.my](#) worked around the clock to address false claims, the model is incomplete without a robust fact-checking environment. [Sebenarnya.my](#) works with a network of government agencies, where potentially false information seeking verification would be channelled towards the respective government agencies. Firstly, [Sebenarnya.my](#)'s model is dependent on a binary approach to truth where official

statements would be used to debunk or clarify false information. This means that complicated information forming the claims could not be addressed adequately, particularly if the truth-value is not binary. Secondly, as the statements are from official sources, the statements could conjure a conflict of interest. Journalistic standards would be needed to complement efforts by *Sebenarnya.my*, particularly to address complicated false information semantics. Thirdly, government-led fact-checking initiatives could suffer in its trustworthiness if trust in the government falls. This means that the critical need for fact-checking could be adversely affected by the ebbs and flows of government trustworthiness.

6.3. Action against those who spread “fake news”

In terms of legal action being taken against those who spread “fake news”, warnings that such action would be taken were issued since at least January 2020, with the earliest publicised investigation beginning in the same month. As of 12 July, PDRM working together with MCMC has opened 266 investigation papers relating to COVID-19 false information, of which 17 individuals have been found guilty, 12 have been issued warning notices, 13 are still undergoing the trial process, while the remaining 172 are still under investigation.

Ostensibly, these investigation papers and subsequent actions were undertaken for either “improper use of network facilities” under Section 233 of the Communications and Multimedia Act (CMA) 1998, or “statements conducive to public mischief” under Section 505(b) of the Penal Code. These warnings and prosecutions serve a twofold purpose: (1) to create awareness of how creating and perhaps sharing false information is a prosecutable offence; and (2) to create a deterrent for would-be creators of false information, reminding them that their actions are not without consequences.

Concerning action taken against those who create and/or spread “fake news”, playing out front and centre is the apparent contradictory struggle between content regulation and the freedom of speech. According to free speech supporters, it is a basic human right, and excesses in speech (sometimes including misinformation), being just another type of speech, is just the “price to pay” for the greater good. Proponents of free speech also put forward that countering false information ought to be done through the marketplace of ideas, where good ideas would trump the bad. At the other end of the spectrum, there are those who are calling for limitations to free speech to be imposed via regulations in appropriate areas.

That said, it must be admitted that free speech is not absolute. The Federal Constitution of Malaysia reflects this reality, with Article 10(2)(a) outlining six areas where free speech rights can be derogated from: (1) interest of the security of the Federation or any part thereof; (2) friendly relations with other countries; (3) public order or morality and restrictions designed to protect the privileges of Parliament or of any Legislative Assembly; (4) to provide against contempt of court; (5) defamation; and (6) or incitement to any offence.

To leave false information to the marketplace of ideas is also increasingly untenable. This is because it fails to account how health-related false information, such as those seen related to COVID-19, exploits evolutionary biases in human cognition. These are the very same cognitive biases that explain why humans are more engaged with

information on potential threats — compared to other kinds of information — as it offers an advantage in keeping humans from danger, and consequently ensuring survival.

For example, considering how widespread COVID-19 is, it would be natural for those who are concerned to seek means to protect themselves, and/or remedies for the virus. As search results would be tainted by the infodemic, users could be exposed to false information potentially leading to a false sense of security and, in some cases, even [death](#).

During these pandemic times, it could be argued that further intrusion of civil liberties, especially free speech, could be justified. This is because certain types of false information could potentially cause real harm. For example, false claims that there is community spread of COVID-19 could result in a panicked population, or false claims that hospitals are forced to close due to overwhelming numbers of COVID-19 positive patients could deter people from going to the hospital as and when necessary.

Gaps

Owing to the difficulty (but not impossibility) of specifying all types of false information that crosses the proverbial red line, it must be admitted that there is a “convenience” of having broadly applicable laws, such as Section 233 of the CMA 1998 and Section 505(b) of the Penal Code, in dealing with creators of false information. That said, it is worth remembering that temporary usefulness is neither an adequate nor sufficient justification for the retention of such vaguely worded, broadly applicable legislation that could potentially be abused by the powers that be.

As evidenced in our analysis of the *Sebenarnya.my* apparent motivation dataset, this is especially concerning as the clear majority (91%) of apparent motivation was to “troll or provoke with no discernible political motive — or an expression of legitimate belief”. As this category of apparent motivation merges two opposing ends of the spectrum of intentions (innocent and malicious), it highlights the difficulties in determining whether people are actually creating false information to troll and/or provoke, or due to genuine belief in it.

This concern becomes problematic when considering how, for example, Section 233 of the CMA 1998 places the bar so low for content to be prosecutable — meaning that even those who had genuinely believed in the truthfulness of the information could be investigated, if not prosecuted, for an honest mistake. While proving criminal intent (*mens rea*) will be required for a successful prosecution, it must be emphasised that being under, or even the risk of being under, investigation could already inadvertently lead to a chilling effect on free speech.

In this light, the ostensible purpose of creating deterrence through warnings of prosecution runs into problems. As Section 233 of the CMA 1998 and Section 505(b) of the Penal Code only make reference to vague and broad concepts like “affecting public tranquility” and intended to “annoy”, they fail to clearly communicate the kinds of content that are unacceptable. This leaves the public unable to regulate their conduct accordingly.

Moving forward, there also needs to be an avoidance of simplistic thinking in diagnosing the problem. One example of such thinking is that the infodemic is caused

by the lack of stringent regulations. Proponents of this line of thought argue that stringent regulations are required to deter people from creating and sharing false content. While appealing to common sense, Nagin suggests that “certainty of apprehension, not the severity of the ensuing legal consequence, is the more effective deterrent”. This makes an important point to appreciate, that heavier punishments are not the be-all and end-all of addressing the infodemic.

6.4. Social media

Notably, in the [Sebenarnya.my](#) fact-check dataset, WhatsApp and Facebook make up the two most popular mediums (73%) where false information was noticed and subsequently reported for fact-checking. One explanation of this high proportion is that WhatsApp and Facebook are the leading platforms used in Malaysia. According to a poll done by [YouGov](#) in April 2019, WhatsApp is the most used platform in Malaysia, with almost nine in ten (88%) using the messaging application at least once a week. This is followed by Facebook (81%), YouTube (74%), Instagram (64%) and Facebook Messenger (40%).

The same poll also discovered that the main motivation for 72% of Malaysians for going on social media is to stay up to date with news and current events, followed by keeping in touch with friends (69%), to share photos, videos or content (51%), to find funny or engaging content (48%), and to research/find new products to buy (45%). During the pandemic, conditions of the MCO, the search for information and seeking [community comfort](#) could drive individuals to social media.

Meanwhile, a [survey conducted by Vase.ai](#) comparing Malaysians’ main media news sources in the pre-MCO period and post-third phase of the MCO period showed that 83% of respondents used Facebook as their main news source during the pre-MCO period, which dropped to 70% in the post-third phase MCO period. A similar trend was noticed in the poll with WhatsApp (from 63% to 33%), Instagram (from 32% to 18%), Twitter (from 26% to 16%), online forums (from 11% to 4%), blogs (from 11% to 4%) and LinkedIn (from 4% to 3%), all seeing reductions from being the main source of media consumption post-third phase MCO period when compared to the pre-MCO period.

Conversely, more Malaysians were referring to the MOH for information by the third phase of the MCO (from 54% to 60%). Official online local news sites also saw an increase in it being the main news source for Malaysians during the same period (from 35% to 38%). Meanwhile, official online international news sites saw a reduction from 54% to 20%. This could perhaps be explained by how more Malaysians were seeking domestic-specific news during the COVID-19 period, due to how the transmission of the novel coronavirus is unique to each country.

Gaps

Despite more Malaysians seemingly shifting towards higher quality sources of information by the post-third phase of the MCO, it ought not to discount the role of social media in disseminating both true and false information. As it stands, there are no specific legal provisions applicable to social media companies that obligate them to take down false content.

On one hand, the current situation, whereby the MCMC, by virtue of being the content regulator in Malaysia submits take-down notices to social media companies—who are not under any obligation to remove the flagged content—will always only be reactionary in nature, an unending game of false information whack-a-mole. On the other hand, the social media companies' efforts to remove problematic content on their platforms, while laudable, raises the question pertaining to their deficit in democratic legitimacy to determine where the red lines are drawn for free speech.

Meanwhile, even conversations about regulating messaging applications have been largely absent in Malaysia which leaves applications such as WhatsApp wholly unregulated.

6.5. Resilience strategies

Current strategies to build resilience towards false information among Malaysians remain in the inchoate stage. These largely revolve around various public service announcements by the government warning of the need to beware of believing and spreading unverified information. Besides that, there have been instances where the government has issued a list containing types of “fake news” that has been seen and fact-checked, presumably to educate the public and make them more aware when receiving information.

A resilience strategy during a pandemic would have to address false information at the peak of crisis and even during its recovery period.

Gaps

In the case of COVID-19, the issuing of lists containing the types of false information is not a regimented standard operating procedure, which could affect society's capability to spot new types of false information and subsequently build resilience towards the infodemic. Additionally, the false information related to the investigation papers were never disclosed, thus affecting the ability of the general population to cite and govern against false information. This could undermine the government's wider strategy to address false information.

Further, there has been little to no effort towards inoculating the public towards potential types of false information, such as those related to COVID-19 vaccines, which could prove costly in the future. The MOH National Institutes of Health (NIH) had conducted a survey on the reception of Malaysians towards COVID-19 vaccines, indicating an acknowledgment of concern for the vaccines' distribution. The International Fact-Checking Network's (IFCN) [fact-checking collaborative project](#) in 30 countries found that misinformation regarding vaccines is among the trends of false information during the COVID-19 pandemic (notably, [Sebenarnya.my](#) had not fact-checked any false claim related to “vaccine development” in our dataset).

Disconcerting is that once the broader trend in the anti-vaccination lobby in Malaysia is taken into account, the efficacy of the government in comprehensively treating COVID-19 through a nationwide vaccination programme could be jeopardised. Relatedly, [the Health Ministry revealed](#) a steady increase in the cases of parents who refuse vaccinations between 2014 and 2016 where figures rose from 918 to 1,603 parents in 2016. The vaccine hesitancy was attributed to misinformation and resulted in Malaysia's first case of polio in 27 years in 2019.

7. Policy recommendations

When it concerns policymaking and legislating, the current predicaments are clear. First, governments regulating speech, even false ones, run the risk of creating an Orwellian state-sanctioned version of the truth. Second, social media companies lack the accountability and legitimacy to be the guardians of free speech. This raises a deceptively simple question: As the space for public discourse increasingly moves away from the commons like town squares, parks and coffee shops into the privately-owned, online social media, how should governments respond?

Further to this is the consideration of how any attempt to regulate false information and/or problematic content will inevitably raise questions of censorship and potential infringements on the fundamental freedom of speech. Notably, no freedom is limitless, but determining the redline for free speech could quickly backslide to indirect censorship and run the risk of casting a chilling effect on wider free speech rights.

Taking into consideration the above, below are a few policy options to consider.

7.1. Legislation

As scientists warn that the COVID-19 pandemic would be a protracted affair leading to new normals, the introduction of a new punitive legislation to regulate COVID-19 false information is needed. Here, the proposed legislation to regulate false content related to COVID-19 benefits greatly from how information on the novel coronavirus can be determined objectively through science. To that end, in ensuring that free speech rights are curtailed only to the extent absolutely necessary: (1) the proposed legislation needs to be specific in its objective; (2) the proposed legislation needs to be clear in its applicability, towards assuaging concerns of censorship; and (3) the sentencing must be proportionate to the crime committed to prevent unjust repercussions.

i. Specific objective

Policymakers need to introduce a punitive legislation — applicable to all mediums, including social media and communication applications — that specifies the types of false information that are unacceptable during the COVID-19 pandemic. This will have the simultaneous effects of educating the public who will then be better able to regulate themselves, sending a coercive signal to deter would-be offenders, and reducing the risk of abuse by the powers that be.

ii. Clear applicability

The proposed legislation should also only apply to COVID-19-related disinformation (the intentional creation and/or spread of false information) that causes actual harm (malinformation). What this means for the proposed legislation is that it should be insufficient for guilt to be established based solely on content being false in nature, but it must also be intentional, and be proven to have, or is reasonably likely to cause, some type of pre-identified harm. With that, only those who are intentionally creating and sharing false information to cause harm will be prosecuted, while the honestly mistaken will not.

To that end, the proposed legislation should apply to:

- Disinformation on the spread of COVID-19 that incites panic;
- Disinformation meant to influence people into acting against recommended practices set out by health authorities;
- Disinformation on non-scientificallly proven remedies for COVID-19; and
- Disinformation on any non-scientific claims recommending against vaccination; and

iii. Proportionate punishment

In determining punishment, proportionality — a general principle in criminal law used to convey the idea that the severity of the punishment of an offender should fit the seriousness of the crime — needs to be by design, and not left to chance.

Towards that end, when determining punishment, the following must be taken into account:

- To what extent was harm caused, or reasonably likely to have caused, due to the disinformation;
- How widespread was the reach of the disinformation;
- Was the creator and/or sharer of the disinformation a figure of authority, or impersonating a figure of authority;
- Was the creator and/or sharer of the disinformation part of a larger coordinated group; and
- What was the general context in which the disinformation was created and/or shared. For example, false information shared during a pandemic causes, or could reasonably cause more harm than it would during ordinary times.

7.2. Communication strategies

Clear communication with a high rate of diffusion is needed to underpin the government's approach towards countering COVID-19 false information. As seen with the high volume of types of false claims coded "authority action", government policies and its communication to the public need to be unequivocal. An easy-to-use possibly interactive, digital and physical one-stop information centre needs to be constantly updated to provide updates on the current situation in language that is easy to understand. Here, it should be remembered that a potential reason why false information and rumours have proliferated is not due to there being too much information, but rather a lack of high quality, credible information.

Further to this, the government also ought to consider including inoculation strategies

in its communication to make the public aware of the types of false information being spread. This could be done through existing communication channels, and also include the newly launched *Saluran Berita RTM* channel and the *Pastikan Sahih* programme mentioned earlier. This would complement the current strategy that predominantly hinges on creating deterrence, which is ineffective in addressing those who genuinely believe in the unverified information's veracity, and fact-checking initiatives that are hamstrung as a reactive exercise.

7.3. Social media regulation

Today, the conversations integral to a functioning society are increasingly taking place on social media platforms rather than the public commons. The initial gains from social media, particularly as to how it has allowed family and friends to reconnect and communicate online, are now being threatened by the increasing risk these platforms pose to society's well-being. As this happens, social media platforms have been alleged to be responsible for a rise in misinformation, disinformation, hate speech and cyberbullying, among others. The evidence in the speed and reach of false information being disseminated on social media platforms further make this point.

As a consequence, the argument that social media are mere platforms for opinions, not dissimilar to opinion sections of newspapers, whereby the publisher retains no liability for the views posted, is untenable. Particularly as social media companies are most familiar with their codes and algorithms, social media companies ought not to be thought of as neutral bystanders any longer. While social media companies have been actively combating false COVID-19 content on their respective platforms, their early response exposed their lack of preparedness in dealing with novel threats to the information environment. Regardless of the current policies that they might have adopted since the beginning of the pandemic, some regulation might prove helpful in the wider effort to combat COVID-19-related false information.

The policy options proposed below point towards an important point to appreciate — that it is still too early to set onerous obligations on social media companies. Additionally, as social media companies are not based in Malaysia, issues of compliance may require a remedy either of a normative or legislative nature, with the latter requiring registration or local representation. Rather, a more deliberate approach is favoured where the government sets obligations, with compliance then being monitored. For the time being, naming and shaming ought to be the preferred method to ensure compliance. Pending concrete evidence that social media companies are not complying with the obligations, only then should the means of enforcing compliance be considered and determined.

With regards to how there is little to no technological homogeneity underpinning the social media platforms, the government's efforts towards introducing legal obligations ought to be objective-based rather than platform-specific. This will allow sufficient flexibility on the part of the social media companies to implement these obligations that complement the government's objective.

One example of an objective-based obligation is by obligating social media companies to be more transparent about the types of COVID-19-related content hosted on their respective platforms. Here, the government can introduce a requirement for social media companies to publish periodical transparency reports

containing the number of complaints and/or reports made on their platform, the subsequent action(s) taken (if any), the types of content that they have removed from their respective platform through enforcing their internal community standards, and outlining their internal policies towards combating false information. This will allow the government, researchers, media and fact-checkers to understand in greater detail the COVID-19 infodemic as it plays out — giving them every advantage possible to counter false information and limit its effects on society.

Besides that, the government needs to formalise, through legislation, its SOP on take-down notices issued to social media companies. This would create a legal obligation for social media companies to remove content breaching the procedures and/or guidelines from their platforms. To limit concerns and potential of censorship, these take-down notices ought to be reserved only for content that has been deemed to be false and/or problematic by healthcare officials, based on nothing else, but science and a wider appreciation of free speech principles. Towards ensuring sufficient checks and balances, the social media company needs to publish each and every take-down request submitted by the government for public oversight.

Through this, the democratic deficit in the sense of an unelected company — whose interest might not lie in abstract concepts of democratic values and human rights norms — to determine the redlines of free speech can be minimised.

7.4. Fact-checking

While credit must be given to [Sebenarnya.my](https://sebenarnya.my) for its fact-checks during the COVID-19 pandemic, its fact-checks ought to be translated to all major languages in Malaysia to ensure it reaches the widest audience possible. Notwithstanding the fact that Malaysians are expected to be literate in the national language, lived realities would dictate that there is no harm in also publishing the fact-checks in other languages spoken by Malaysia's plural society.

Besides this, the government could also play a more active role in stimulating the ecosystem to be more conducive towards non-governmental fact-checkers. This can be done by providing grants for non-governmental fact-checkers in their early stages of operations. For longer-term funding options, proposals could be made that a consolidated fund be set up, replenished by revenue gained through the digital tax that has been in effect since the start of 2020.

7.5. Media standards

Towards achieving the twin goals of a higher quality media practice in Malaysia — which would minimise instances of sloppy reporting while simultaneously reducing any potential of interference of the media's role as a public watchdog — an independent media council needs to be introduced at once. As an industry regulator, an independent media council ought to be mandated to determine professional standards for its members, with sanctions to reprimand members who fail to meet these standards. By reducing government overreach into the media industry, the latter will be more resilient towards the ebbs and flows of political machinations and interference. An independent media council will only be a positive for those who subscribe to democratic and human rights norms.

Additionally, the government should consider converting RTM into a full-fledged public-service broadcaster. This would shift the centre of interest of RTM from the state to the public, ensuring objective reporting in its broadcast. By doing so, it would benefit the longest running broadcaster in Malaysia by increasing public trust towards RTM, while ensuring that it is insulated from any unwanted influence.

7.6. Resilience building

False information on the COVID-19 pandemic had exposed how social media and communication application users are not adept at basic digital literacy skills, such as fact-checking information, reverse image searching of photos, or spotting telltale cues in photos and/or videos that could help identify when and where it was taken. Further, truth formation is a complex exercise and leverages on various psychosocial factors.

A resilience strategy should have a roadmap towards a specific and achievable aim. It needs to take into account the players involved in information dissemination and encourage verification at these levels. For instance, the media is touted as the fourth estate in democracies, sharpened by the need for the media to play their role as the watchdog of society. However, sloppy journalistic practices with weak newsroom practices could create or exacerbate the reach of false information. On the other hand, users should inculcate a culture of verification. These are translatable to indexes which can be monitored. Resilience typically means the ability to withstand or recover from difficulties, which indicates the need for society to play a larger role against false information.

To that end, these digital literacy skills must be inculcated as soon as possible to build society's resilience towards the infodemic. This will prove beneficial over the course of the COVID-19 pandemic, and when facing any novel threats to the information environment in the future. Importantly, any initiative to increase society's digital literacy skills should not only target the youth, but all other layers of society as well.

It must be remembered while the onus is on the government to create an information environment that is free and unpolluted, responsibility in vetting information prior to sharing lies within the users. Users have to be empowered to verify the information, not only from domestic circles, but also from international organisations and social media companies.

8. Conclusion

It might seem peculiar that a policy paper ends by not promising a silver bullet against the COVID-19 infodemic. Yet this ought to be taken as an honest assessment, and a realistic acknowledgement of the inherent difficulties in legislating and policymaking pertaining to matters involving individual liberties, in this case, free speech. Additionally, truth formation is a complicated process, involving apparatuses of governmentality, user-generated content and a mediated environment.

While this paper has suggested policy options for consideration, more research must be done to uncover the different facets of the infodemic that we were unable to unearth completely due to the limitations of our database. For example, false information related to COVID-19 vaccine(s), while a trend seen elsewhere, was not present in our dataset of types of false claims made. But considering how a whole-of-society vaccination programme would most likely be the effective method of stamping out COVID-19 among the people, any mis- or disinformation pertaining to vaccines would pose a threat to the collective.

Besides that, research must also be done to identify if there had been any coordinated effort in spreading false information related to COVID-19, as this would present a more nefarious threat to the information environment.

Further, while we acknowledge the need for action to stem the tide of the infodemic, this must be done deliberately and consciously. Legislations must be recognised as an unwieldy, slow and overly blunt tool in the information environment. While there is a role for legislation in combating the infodemic, this must be complementary to other non-legislative means as laid out in this paper and, most importantly, not contradictory to free speech values. In a highly connected information environment, muzzling speech could have a detrimental impact on trust and other factors related to the efficacy of the government. While controlling information can have short-term gains, the weakening of trust can be fertile ground for more misinformation.

While some have likened the fight against COVID-19 to a war, this should be taken as a message to instil the urgency to act, rather than a rationale for war-time measures. It must be emphasised that what is essentially a public health crisis does not, and should not, grant the government a free hand to either muzzle the media or impinge on individual free speech.

It is hoped that this paper helps shed some light on how this could be done better.

Appendix

Sebenarnya.my Database

Coding Sheet

1) Fact-check outcomes

This refers to the outcome of Sebenarnya.my's fact-check. Pick one of the three below:

- Debunk ("palsu", etc)
- Clarification ("penjelasan", etc)
- Warning ("waspada", etc)

2) Medium where the false claim circulated

This refers to where the false claim had spread, based on the screenshot of the claim on the Sebenarnya.my fact-check webpage. Pick all that is relevant from the below:

- Email
- Facebook
- Instagram
- News
- SMS
- Telegram
- Twitter
- Website
- WhatsApp
- YouTube
- Unclear

3) Format of the false claim

This refers to the form of the false claim, based on the screenshot of the claim on the Sebenarnya.my fact-check webpage. Pick all that is relevant from the below:

- News-like
- Text
- Picture
- Video
- Audio
- Other

4) Motivation behind the creation of the false claim

This refers to the apparent motivation behind the creation of the false claim. Pick the most relevant from the below:

- Poor journalism (a mistake made by news outlet)
- Parody or satire
- To troll or provoke with no discernible political motive – or an expression of legitimate belief
- Political motives (partisanship or influence)
- Profit

5) Type of false claim made

This refers to the type of false claim made in the fact-checked false information. Pick all the categories that are relevant from the below:

- General medical advice (health remedies, diagnostics, effects of COVID-19, etc)
- Virus transmission (how COVID-19 is transmitted, how to stop virus transmission, including cleaning, certain types of lights, protective gear, etc)
- Vaccine development and availability
- Virus origins and/or conspiracy theories (where COVID-19 originated from, conspiracy theories related to COVID-19, etc)
- Community spread (how COVID-19 is spreading in the country, the presence of positive cases, etc)
- Authority action and/or policy (how the authorities are adopting or implementing a policy, etc)
- Public preparedness (about people hoarding, non-compliance with social distancing and other policies, etc)
- Prominent actors (famous people, etc)
- Stocks (how stocks of essential goods are running low, etc)
- Death (claims that a death has occurred due to COVID-19, etc)
- Scams (scams, etc)
- Others (claims that do not fall into the other ten categories)

6) Imposter content

This refers to whether the false claim contains any element of imposter content (ie, was it presented as if it was coming from the government?). Pick the most relevant from the below:

- Government (federal authority, state authority, government agency, army, etc)
- International authority (World Health Organization, etc)
- Bank
- University (includes professors, lecturers, etc)
- Medical (includes hospitals, doctors, nurses, etc)
- Media (traditional and non-traditional news)
- Politician
- Other (includes sports organisations, companies, industry associations, etc)
- Not applicable



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