



Clickbait Content Titles on Internet Media Reviewed from a Criminal Law Perspective

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Article	Abstract
Keywords: Criminalization; Clickbait; Information Creators; Content;	<i>Clickbait content titles are a method or practice that creators often use to attract users' attention in order to make a profit. However, this practice often harms users both in terms of internet experience and in terms of economy. There is a lot of content on internet media that is also of low quality due to this practice. This research uses a juridical normative method with a legislative approach and a conceptual approach. The technique of collecting materials is carried out using the snowball method which means that the collection of legal materials begins with the collection of some legal literature and then over time the legal materials will become many and large. The results show that although there are several regulations that can be indirectly used to encourage creators who create clickbait titles, each of these regulations has weaknesses and does not explicitly state a prohibition on the practice of creating or using clickbait content titles. The absence of legal force and the absence of a regulated prison sentence make creators indifferent to the negative impact caused by the use and use of clickbait content titles. Therefore, it is necessary to criminalize the government or authorized bodies by making a new regulation or making changes (make an addendum) to existing laws and regulations. This can be done by involving the preparation of regulations, the addition of explanations, and the implementation of criminal sanctions in them. The establishment of specific and detailed regulations can be used as a reference to determine the correct interpretation to reduce the potential for repetition of the same act in the future.</i>

INTRODUCTION

The era of globalization brings significant changes including in the development of technology whose existence cannot be avoided. Technological developments have progressed in accordance with the development of science. In a general sense, technological development refers to progress in the development of science and engineering that results in new discoveries and sustainable development (Dewi and Kurniawan 2023) . Technology that develops rapidly and continuously can have a major influence and pave the way for revolutionary transformation in various fields, including the creation of information systems.

Information systems or can also be called information technology (*information technology*) run hand in hand with the development of technology and human civilization. In general, information technology is an elaboration of new technology in the form of activities to process data that include several stages. The stages in question are activities in the form of collecting, processing, managing, storing, distributing, and utilizing data to produce quality information (Nuryanto 2012) .

Since the beginning of human civilization on earth, the development of information technology has occurred in a complex manner. The history of information technology began with the discovery of historical objects or records which were then reconstructed historically and the results were analyzed and linked to developments. At that time, not only writing and numbers had not been discovered, but language for everyday communication had not yet been formed. Therefore, human civilization at that time used media such as paintings, pictures on cave walls, inscriptions, stones, drums, trumpets made of animal horns, and many other traditional equipment that were in accordance with the naming of the place or region of origin of the equipment as a form of communication tool in conveying information. This information technology then continued to develop until now a technology called the internet has been created.

Information technology and the internet are interrelated. The internet or interconnected network is part of information technology in the form of a global network consisting of various computers that are interconnected and work together using standard transmission control protocols/internet protocols (*TCP/IP*) which function to connect all types, types, and computer systems around the world so that humans can communicate and exchange information with each other (Edukom Team 2019) . The internet can also be defined as a network consisting of many points (*nodes*) that cover the earth and are interconnected and then create a communication system. These points (*nodes*) can be electronic equipment such as computers, laptops, or other communication equipment such as cell phones and *Personal Data Assistance (PDAs)* which are used as information centers.

According to data from the Central Statistics Agency (BPS) from the results of the 2022 Susenas Survey, as many as 66.48% (sixty-six point forty-eight percent) of the population in Indonesia had accessed the internet in 2022 and as many as 62.10% (sixty-two point ten percent) in 2021. The increase in data from internet users reflects a climate of openness to information and acceptance of technological developments and changes towards an information-savvy Indonesian society. The high number of internet users is also inseparable from the rapid development of mobile phones. In 2022, it was recorded that 67.88% (sixty-seven point eighty-eight percent) of the population in Indonesia had mobile phones. This figure has increased when compared to the conditions in 2021 which only reached 65.87% (sixty-five point eighty-seven

percent) (Directorate of Financial Statistics 2022) . This is what makes information technology and humans a necessity and inseparable.

The existence of great influence and based on a strong social system and increasing speed makes the updates of information technology that are created have a great influence on human life, including causing positive and negative impacts. On this basis, the development of information technology should also be followed by the development of Human Resources (HR). This is because information technology is one example of an important part that can actually be a tool or extension of one's abilities. The availability of information technology allows humans to socialize and socialize and easily do all activities including living daily life by utilizing information technology in the form of the internet which is generally done in cyberspace *using* various electronic equipment owned.

If not used properly, information technology can cause chaos such as the creation of many violations. Therefore, as users, humans must also be able to use the information technology that exists today and in future developments as well as possible according to needs and desires so that it continues to provide benefits for life. Oetomo also stated that daily life patterns have changed since the existence of information technology in the form of the internet. With the internet, the earth seems to be a small village that never sleeps. All types of activities can be facilitated by internet technology (Oetomo et al . 2007) .

Many things can be done easily with the development of technology, one of which is the ease of searching and accessing various information available. However, the development of information technology has also caused many changes including changing the media landscape and the way humans consume media. If in the past print media such as newspapers and flyers were the main source of information for humans, now it is slowly being replaced by digital media which is able to present information quickly and based on real *time* .

The main difference between print media and digital media lies in the form of the media. In print media, information is delivered through printed publications, while information is delivered through digital media through electronic devices such as radio, television, mobile phones, tablets, laptops, and computers with or without an internet connection. Slowly but surely, the death of print media continues. One of the changes that print media companies must make in presenting information is to switch to digital media. By making adjustments from the switch from print media to digital media, media companies must also fix many things, including making changes to several aspects of the journalistic process in journalism practices. This allows media companies to continue to exist if they respond and adapt to the situation.

Initially, in delivering information, most media companies, especially digital media, did not apply subscription fees. However, over time, digital media companies must also make a profit in order to continue operating in terms of presenting information

to users. This situation is inseparable from the increasing number of user information needs that can cover many things. This condition was then utilized by several digital media companies by implementing a subscription system that is quite affordable for interested users. Several digital media companies that have used the subscription system include Kompas.id, Jawa Pos, Tempo, CNN Indonesia, Wayang, YouTube, Twitter (now known as X), and TikTok. Digital media companies offer many benefits to users who have implemented the subscription system, such as obtaining very good service in terms of entertainment, productivity, and storage (*cloud storage*). Another advantage is that users can get more exclusive and interesting information. In addition, users who have subscribed can also easily plan a consistent monthly budget according to their needs.

In addition to gaining benefits from implementing a subscription system, digital media companies also earn most of their revenue through many things such as collaborating with many parties or brands, becoming media partners *at* many events, and recruiting individual creators or influencers *who* were previously not tied to any agency to then become part of the digital media company and produce various content in order to get a lot of interaction (*engagement*) from users. In addition, placing advertisements on website pages *and* the number of click *-through rates* (CTR) made by users on information links can also provide benefits for digital media companies, especially for internet media companies. These benefits can then be managed back into personal income (monetization) for the creators involved in producing the content. Therefore, every internet media company, especially creators, must be able to compete with many similar competitors by competing with each other using various techniques or methods to be able to provide unique and interesting information in order to get attention and generate more profit from clicks made by users, one of which is by creating and using clickbait content *titles*. Generally, the practice of *clickbait* content titles does not just happen, creators try to create titles using several methods such as using provocative language, using interrogative sentences, using pointers, and using interjections in information links in order to manipulate emotions so that users are unable to skip the content.

clickbait content title was initially more often found on the YouTube application which was created and used by creators or YouTubers as bait for each of their videos so that it could attract the attention of YouTube application users which resulted in an increase in the number of viewers *or* subscribers. This method was then adapted or applied to other media such as digital media news portals, articles, and blogs. According to The Oxford English Dictionary, clickbait *is* a title that aims to attract attention and encourage users to click on internet media information links.

Quoted from the Quora comment page, Adhyasta Dirgantara, a journalist, reporter, and also a news creator at an Indonesian media company, stated that clickbait content titles *have* actually been used for a long time to disseminate information in the

Indonesian media, although in journalism it is not allowed because basically the journalist's job is to provide information to users and not to deceive. Not only media company creators can create clickbait content titles, *ordinary people who want to upload content with provocative titles can also be called clickbait content title creators* (Dirgantara 2020). The use of *clickbait* content titles often focuses on celebrity subjects, rumors, and fictitious accounts rather than serious or more academic issues.

clickbait content titles are divided into 2 (two) categories, namely titles that support and titles that provide inappropriate information. The supporting *clickbait* content title is a title that is in accordance with the content of the information presented, only the use of words or sentences in the title is made provocatively so that users are interested in reading. While the clickbait content title *that* provides inappropriate information is a title with the use of words and sentences that often confuse or exaggerate information even though it does not match the content and facts presented. Clickbait content titles *in* this category can have a negative impact on users who read because they can result in a waste of time and can lead to a wrong or inaccurate understanding of the actual topic. The quality of the content presented is also of poor quality or not useful.

clickbait content titles that do not match the facts and expectations will only get disappointed with the emergence of feelings of frustration or anger. Not to mention users who are disadvantaged in terms of material if they have implemented a subscription system in order to get exclusive content. The use of clickbait content titles *can* also pose a cybersecurity risk if users do not care (are indifferent), are not careful, and do not re-check the credibility of the media portal they are targeting. This can create a negative experience in using the internet. On the other hand, internet media companies or creators do not care about the reading experience of users. Internet media companies and creators only think about how to gain maximum profit without seeing the risks. In the end, there will be a lot of content on internet media that has low quality because many internet media companies and creators prioritize profit over providing valuable information.

Indonesia as a country of law has several policies to control the creation and use of clickbait content titles *by* implementing various regulations such as the Criminal Code (KUHP), Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), Law Number 40 of 1999 concerning the Press, Government Regulation (PP) Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, and the Journalistic Code of Ethics stipulated by the Press Council through Press Council Regulation Number: 6/Peraturan-DP/V/2008 concerning Ratification of the Press Council Decree Number 03/SK-DP/III/2006 concerning the Journalistic Code of Ethics as a Press Council Regulation. However, each of these regulations has

weaknesses and does not explicitly state a prohibition on the practice of creating or using clickbait content *titles*.

The absence of legal force and the absence of criminal sanctions that regulate imprisonment make creators not care about the negative impacts caused by the use and use of clickbait content titles. Therefore, it is necessary to have criminalization carried out by the government or authorized bodies by creating new regulations or making changes (addendums) to existing laws and regulations. This can be done by involving the preparation of regulations, adding explanations, and implementing criminal sanctions in them. The determination of specific and detailed regulations can be a reference for determining the correct interpretation in order to reduce the potential for repeating the same actions in the future.

Based on this background, an interesting thing to study in more depth is the criminalization of creators who create or use *clickbait* content titles on internet media from a criminal law perspective. So the formulation of the problem of this study is how are the legal regulations and what is the urgency of criminalizing creators who create and use clickbait content titles *on internet media*? *The purpose of this study is to analyze the regulations and determine the urgency of criminalizing creators who create and use clickbait content titles on internet media from a criminal law perspective in order to gain a better understanding of the related legal aspects.*

METHOD

Research methods are an important part of a research because they are useful as directions and instructions. This research uses legal research methods. This research uses normative juridical methods with a statutory approach and a conceptual approach. The technique of collecting materials is carried out using the snowball method (*snowball theory*) which means that the collection of legal materials begins with the collection of several legal material literatures and then over time the legal materials will become many and large. This study examines the legal regulations and the urgency of criminalizing creators who create and use *clickbait* content titles on internet media from a criminal law perspective.

RESULTS AND DISCUSSION

A. *Clickbait* Content Titles

1. Regulations Regarding the Spread of Fake News (Hoaxes)

Clickbait content titles are often associated or equated with fake news (hoaxes) in the digital world because *they* use the same strategy, namely provocative titles to attract the attention of internet users. However, in fact, both have different intentions and purposes. Clickbait content titles *are* more annoying because they mislead users at a lower level whose main purpose is to increase the number of click-through rates or *Click-Through-Rate (CTR)* and traffic to certain *website pages* in the hope of earning advertising revenue or

increasing rankings. While fake news (hoaxes) can be much more dangerous because it can be misleading false information that is deliberately spread to trigger emotional reactions, cause fear, create confusion, and can significantly influence the opinions and decisions of many users. The purpose of spreading fake news (hoaxes) can also vary. Starting from political, financial, or even just entertainment interests. Fake news (hoaxes) spread quickly through social media and other digital media.

Regulations regarding the spread of fake news (hoaxes) in Indonesia have existed and been formed, including the Criminal Code (KUHP) and Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE).

a. Criminal Code (KUHP)

In the Criminal Code (KUHP), especially in Article 390, there is a definition of a criminal act of spreading false news (hoaxes as an action carried out to benefit oneself or others in an unlawful manner).

between Article 390 of the Criminal Code (KUHP) regarding the spread of fake news (hoaxes) and the creation or use of clickbait content titles . In Article 390 of the Criminal Code (KUHP), the spread of fake news (hoaxes) aims to cause the price of goods, funds, or securities to fluctuate. The fake news (hoaxes) referred to does not only include empty events, but also includes something that is conveyed differently from the facts on the ground. Other factors outside the elements that have been mentioned cannot be subject to this article. Thus, fake news (hoaxes) that include other things are not regulated by Article 390 of the Criminal Code (KUHP). Meanwhile, the creation or use of clickbait content titles *carried* out by creators on internet media cannot be subject to this article because it is more related to marketing strategies to gain profit.

b. Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law)

In Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), specifically in Article 28 paragraph (3), it contains a criminal act of distributing electronic information and/or electronic documents that have previously been known to contain false information which can cause unrest in society.

between Article 28 paragraph (3) concerning the distribution of electronic information and/or electronic documents that have previously been known to contain false notifications and the creation or use of clickbait content titles . The distribution of electronic information and/or electronic documents that

have previously been known to contain false notifications in Article 28 paragraph (3) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE) aims to cause unrest. The meaning of unrest referred to in this article is a condition that disrupts public order in physical space, not a condition in digital or cyber space by causing confusion and fear that refers to sensitive matters and occurs during a crisis. Meanwhile, the creation or use of clickbait content titles *carried* out by creators on internet media cannot be charged with this article because it does not lead to or create public unrest and only has an impact on several individuals who feel disadvantaged.

2. *Clickbait* Content Titles

In addition to fake news (hoaxes), clickbait content titles *are* also often associated with misinformation, malinformation, and disinformation. But in fact, these three things have different intentions and purposes.

Misinformation is an unintentional mistake, for example, an employee makes a mistake in attaching an illustration to a website page. The title of clickbait content *cannot* be categorized as misinformation because the title is intentionally created and used by creators on the internet media with the aim of attracting users to click on the content link to increase the click *-through rate* (CTR) which can then be used as a profit.

Misinformation is true information based on reality but used to harm a person, organization, or country and spread in a misleading way by causing confusion from users who see it. Clickbait content titles *cannot* be categorized as misinformation because the title is created and used as a strategy to gain profit and not to harm other parties.

Disinformation and fake news (hoaxes) are two things that are almost the same but have differences. In terms of meaning, fake news (hoaxes) is incorrect information that seems true according to the assumptions of the recipient. While disinformation is a distortion of information that does not contain any truth at all which is usually carried out by irresponsible individuals and is spread to deceive recipients who tend to be confused or deceived. The creation or use of clickbait content titles *carried* out by creators on internet media is not included in fraud because it still presents correct information, only the use of titles that are less appropriate.

Indonesia as a country of law indirectly has several policies to control the creation and use of clickbait content titles *by* implementing various regulations such as Law Number 40 of 1999 concerning the Press, Government Regulation (PP) Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, and the Journalistic Code of Ethics stipulated by the Press Council through Press Council Regulation Number: 6/Peraturan-DP/V/2008

concerning Ratification of the Press Council Decree Number 03/SK-DP/III/2006 concerning the Journalistic Code of Ethics as a Press Council Regulation.

a. Law Number 40 of 1999 concerning the Press and the Journalistic Code of Ethics

In Law Number 40 of 1999 concerning the Press and the Journalistic Code of Ethics, there are several articles that explain that the press or mass media should provide information, not create fake news and mix facts with personal opinions. Some of these articles include the following:

1) Article 1 number 13

Article 1 Number 13 states that the press has an obligation to correct or erroneously report any information, data, facts, opinions, or images that are not true. So if there is a report that is very different from the original, such as the use of a clickbait content title *that* does not match the content, then it is the press's obligation to erroneously report.

2) Article 3 paragraph (1)

Article 3 Paragraph (1) states that the national press functions as a medium for information, education, entertainment, and social control. It can be seen that one of the functions of the media is for education. Therefore, it is time for the media, especially internet media, to present news that is in accordance with journalistic ethics.

3) Article 6

Article 6, especially letters c, d, and e, mentions several roles of the national press. It can be concluded that the national press has a role related to the truth. This is certainly contrary to the use of clickbait content titles *which* are basically not in accordance with the material presented.

4) Article 13

clickbait content titles is not included in the prohibition in this regulation.

5) Article 15 paragraph (2) letter d

Article 15 paragraph (2) letter d states the implementation function of the Press Council which explains that the Press Council carries out its function by providing considerations and seeking to resolve public complaints regarding cases related to press reporting. Considerations regarding complaints from the public as referred to in paragraph (2) letter d are those related to the Right of Reply, Right of Correction, and alleged violations of the Journalistic Code of Ethics. The use of clickbait content titles *is* basically included in violations of the Journalistic Code of Ethics which should be adhered to by all press or media. So it is appropriate for the Press Council to provide considerations and seek a resolution to this problem.

6) Article 17

Article 17 mentions the role of the community in obtaining information from the press or media. If there is an error such as obtaining inappropriate material due to the use of clickbait titles, the community can report the violation to the Press Council. So the community has a very important role for the development of information. If the community does not report and chooses not to use their voting rights, then violations like this will continue to occur and the press or media will not know the deterrent effect of their detrimental actions.

7) Article 18

Article 18 explains the criminal provisions that the press or press companies will receive if they violate several related provisions. *clickbait* content titles in order to gain profit. The drawback of this law on the creation or use of clickbait content titles *carried* out by creators on the internet media is that it only applies to the press. Ordinary people who carry out similar actions cannot be subject to the same sanctions.

In addition, this law also does not provide a complete explanation. The prohibitions and criminal provisions mentioned also do not explicitly state that the press or press companies are not allowed to create or use clickbait content titles *in* conveying information to the public media.

b. Government Regulation (PP) Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions

In Government Regulation (PP) Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions, it is explained that every electronic system organizer who presents any electronic information and/or electronic documents that are not relevant is required to delete or remove them from the search engine list at the request of the person concerned. This regulation also contains administrative sanctions.

1) Article 1 Number 1

Article 1 number 1 states the definition of an electronic system which refers to various devices and systems that use electronic components to carry out their functions, including computers, mobile phones and all devices that use the internet to access information.

2) Article 1 Number 4

Article 1 number 4 explains who can be said to be an electronic system organizer. The article explains that anyone can act as an electronic system organizer as long as they can manage or operate an electronic system. This also relates to creators who with their advantages can utilize the electronic system they have to disseminate information through the internet media.

3) Article 1 Number 8

Article 1 number 8 explains the definition of electronic information which is a collection of data that has been managed and its meaning can be understood by people who can understand it. Content transmitted using the internet network on internet media such as videos, images, news, or advertisements are also part of electronic information.

4) Article 1 Number 9

Article 1 number 9 explains the definition of electronic documents which are almost similar to electronic information, but both have differences. In electronic information, information or data contained in an electronic system is transmitted using the internet network, while electronic documents are a collection of structured information and usually have a certain format that can be accessed, read, or stored electronically with or without an internet network.

5) Article 15

Article 15 explains the obligations of every electronic system organizer towards irrelevant electronic information and/or electronic documents. So if there is electronic information and/or electronic documents that are not in accordance or intentionally exaggerate the actual facts such as the use of clickbait content titles, the electronic system organizers or can also be called creators who hold control have an obligation to delete and remove the material from the search engine list.

6) Article 16

Article 16 explains the classification of electronic information and/or electronic documents that are eligible for deletion. Article 16 paragraph (1) letters d and f state that electronic information and/or electronic documents must be deleted if they do not comply with agreements or statutory provisions. In addition, electronic information and/or electronic documents must also be deleted if they cause losses to the owner of the information. As is known, the use of clickbait content titles *is* not permitted in Indonesian law even though it does not include an explicit explanation. The actions of creators who spread information using clickbait content titles *also* have a detrimental impact on many public figures. This is because clickbait content titles *always* make the image of public figures *look* bad in the eyes of the public, especially in news media that focus on entertainment *such* as celebrity subjects, rumors, and fictitious accounts rather than serious or more academic issues.

7) Article 17

Article 17 explains the subjects who may file for the removal of electronic information and/or electronic documents from the search engine list. Subjects who are entitled to file for the removal of electronic

information and/or electronic documents from the search engine are subjects who are directly related to the information distributed by the creator through content created with the approval of the court.

8) Article 18

Article 18 explains the mechanism for deleting electronic information and/or electronic documents. Article 18 paragraph (2) letter b states that the owner of personal data as a relevant subject has the right to use the deletion feature if there is electronic information and/or electronic documents that are not relevant. The title of clickbait content *created* and used by creators is often said to be irrelevant due to several reasons related to the nature and purpose of creating the content. The method of using clickbait content titles *often* spreads inaccurate or half-truth information just to attract attention in order to increase the number of click-through rates or *Click-Through-Rate (CTR)* so that creators gain profit (monetization). This can lead to the spread of disinformation and worsen public understanding of certain issues.

9) Article 100

Article 100 explains about administrative sanctions which can be in the form of written warnings, administrative fines, temporary suspension, termination of access and/or removal from the list given by the minister in accordance with the provisions of laws and regulations. So if there are creators who violate the articles in this regulation, they can be subject to sanctions according to the level of their crime.

10) Article 101

Article 101 explains the procedures for the implementation of administrative sanctions and filing objections. Creators who are proven to have violated the articles contained in government regulations will be subject to criminal penalties in the form of administrative sanctions in accordance with the provisions of ministerial regulations. If the creator wishes to file an objection to the administrative sanctions received, this can also be done in accordance with ministerial regulations.

clickbait content titles carried out by creators on internet media is that there are no criminal sanctions in it and only contain administrative criminal sanctions which result in a lack of deterrent effect.

c. Press Council Journalistic Code of Ethics

The Journalistic Code of Ethics established by the Press Council through Press Council Regulation Number: 6/Peraturan-DP/V/2008 concerning Ratification of Press Council Decree Number 03/SK-DP/III/2006 concerning the Journalistic Code of Ethics as a Press Council Regulation aims to guarantee the freedom of the press and journalists to fulfill the public's right

to obtain correct information. Indonesian journalists need a moral and ethical foundation for the profession as an operational guideline in maintaining public trust and upholding integrity and professionalism. Article 7 paragraph (2) of Law Number 40 of 1999 concerning the Press and the Journalistic Code of Ethics states that journalists have and obey the Journalistic Code of Ethics. Therefore, the code of ethics is something that must be obeyed by journalists and the press.

The Journalistic Code of Ethics explains that journalists and the press must have the following:

- 1) Must have an independent nature.
- 2) Must take a professional approach.
- 3) Always test the information.
- 4) Don't make up fake news.
- 5) Do not mention or broadcast the identity of the crime victim.
- 6) Do not abuse your profession.
- 7) Have the right to refuse to protect sources.
- 8) Do not write or broadcast news based on prejudice.
- 9) Respect the rights of sources.
- 10) Retract, correct, and correct erroneous news.

In points c, h, i, and j it is stated that journalists and the press must always test the information managed and not write or broadcast information based on prejudice. This relates to the use of clickbait content titles. In creating and broadcasting information, creators must re-check the actual information and convey it as it is to the wider community without adding personal opinions for profit.

In addition, journalists and the press must respect the rights of sources if the information created does not match the wishes of the source. Journalists and the press also have an obligation to retract, correct, and correct erroneous news. This is also related to misinformation, malinformation, disinformasi, and most importantly the use of clickbait content titles. So if there is information that is not appropriate or wrong, journalists and the press are required to correct it.

clickbait content titles carried out by creators on the internet media is that it only applies to journalists and the press. Ordinary people who carry out similar actions cannot comply with the same code of ethics. In addition, there is no prohibition that explicitly states that journalists and the press are not allowed to create or use clickbait content titles in conveying information to the wider community.

Each of these regulations has weaknesses and does not explicitly state a prohibition on the practice of creating or using clickbait content titles. This makes the practice

of clickbait content titles *unclassifiable* against any regulation. The absence of legal force and the absence of criminal sanctions that regulate it make creators indifferent to the negative impacts caused by the use and use of clickbait content titles . Therefore, specific regulations and strict implementation are needed to control and criminalize the practice of clickbait content titles . The regulation must include a clear definition of what is meant by clickbait content titles , appropriate sanctions for violators, and effective monitoring and enforcement mechanisms.

B. Clickbait Content Titles

1. Clickbait Content Title Practices

Clickbait content titles are not new. The phenomenon has existed and has occurred since the emergence of print media in the 1800s using the term “yellow journalism” which aims to refer to the disguise of provocative and exaggerated stories as news (Thiel 2018) .

of clickbait content titles is an attempt by creators to exploit the natural human desire to know more and the fear of missing out (*FOMO*) *in order to gain profit*. *Creators who create and use clickbait* content titles are individuals or groups who design article, video, or other content titles using provocative, surprising, or emotional sentences that often exaggerate facts to trigger users' curiosity *about* information that is not yet known (*information gap*). The number of user visits to the content is used by creators as a bargaining chip to potential investors to insert advertisements into the content so that they can increase profits. However, this strategy can have a negative impact if used for a long time.

clickbait content titles often conflicts with legal norms because it can involve elements of fraud and violations of the principles of transparency and integrity of information. Some of the relationships between clickbait content titles *and* violations of legal norms are as follows:

a. Consumer Deception

Article 4 letter c of Law Number 8 of 1999 concerning Consumer Protection states that it is the consumer's right to obtain correct, clear and honest information regarding the condition and guarantee of goods and/or services.

Clickbait content titles can be considered a form of deception against users as consumers because the listed titles do not match the reality of the content presented. This is in line with Article 8 paragraph (1) letter f of Law Number 8 of 1999 concerning Consumer Protection which states that business actors are prohibited from producing and/or trading goods and/or services that do not match the promises stated in the labels, labels, descriptions, advertisements or sales promotions of the goods and/or services. Therefore, as business actors, creators are prohibited from disseminating information to users as consumers if the content presented does not match the promised or attached

title. In many jurisdictions, this kind of practice can violate consumer protection laws and can result in criminal penalties. One of them is as attached to Article 62 paragraph (1) of Law Number 8 of 1999 concerning Consumer Protection.

b. Credibility and Integrity of Information

Legal norms require the dissemination of accurate and reliable information. Clickbait content titles *with* their sensational nature often damage the credibility of information and spread confusion among the public. This can violate laws on the dissemination of fake news or misinformation such as Article 390 of the Criminal Code (KUHP) and Article 28 paragraph (3) of Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE).

c. Intellectual Property Rights

Clickbait content titles that involve the use of names or trademarks without permission, not in the right context, or in a misleading manner can be said to be an act that violates intellectual property rights. In Law Number 27 of 2022 concerning Personal Data Protection, there are many legal snares for perpetrators who violate the provisions, one of which is regarding Article 65 paragraph (3) which explains the prohibition for someone to include a person's name without permission.

Furthermore, Article 67 paragraph (3) includes criminal provisions that if proven to violate the provisions of Article 65 paragraph (3), the act is punishable by imprisonment for a maximum of 5 years and/or a maximum fine of Rp. 5,000,000,000.00 (five billion). So if the creator in the practice of clickbait content titles *takes* names, brands, and personal data that do not comply with the permission of the owner of the personal data, they can be subject to the criminal penalties.

d. Media Regulation and Journalistic Ethics

Many countries have journalistic regulations and codes of ethics that emphasize the importance of delivering accurate, honest, and non-misleading news and information. However, creators with clickbait content titles *often* contradict and do not comply with these standards because their main focus is on making a profit rather than presenting valuable and accurate information. Overall, although the main purpose of clickbait content titles *is* to increase the number of clicks and revenue, this practice often conflicts with various legal norms aimed at protecting users and maintaining the integrity of information in the public space.

2. *Clickbait* Content Titles

In today's digital era, clickbait content titles *have* become one of the strategies widely used by media companies and creators to attract users' attention.

However, the use of these provocative titles often draws criticism from internet users. Negative reviews of clickbait content titles *reflect* feelings of disappointment and frustration from users who feel deceived by content that does not match expectations. Not to mention users who are disadvantaged in terms of material if they have implemented a subscription system in order to get exclusive content. This experience not only harms users, but also raises doubts about the credibility of the platform and content creators. Negative reviews from users who complain about the practice of clickbait content titles *have* an impact on the relationship between creators and users in the digital world.

For example, as found on Kompas.id: Baca Berita Lengkap which is a premium digital news portal in the form of an application launched on March 8, 2018 by PT Kompas Media Nusantara which has served the Indonesian people for almost 60 years by presenting information about politics, economy, the archipelago, and the humanities. Although categorized as a premium news application that must implement a subscription system to be able to access premium content presented comprehensively, this news media is still not free from the practice of using clickbait content *titles*.



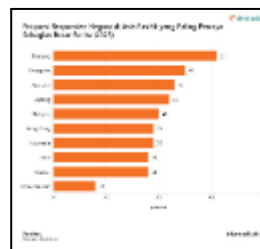
One example is as shown in the image above. In the Kompas.id application: Read Complete News for the iOS version on the App Store, one user expressed his disappointment on the rating and review page. The user with the name b1959si said that he had subscribed to the Kompas media portal to be able to read articles about the analysis of Barcelona football club tactics. However, after the user b1959si opened and read more about the contents of the article, there was only an explanation of the background of the Barcelona football players. Apparently, the explanation of the Barcelona football club tactics was only listed in the visuals and news titles. Therefore, it can be concluded that even though the user with the name b1959si has applied a subscription fee, he can still be a victim of clickbait content *titles*.

3. *Clickbait* Content Titles

Today, criticism of clickbait content titles *and* their risks has increased rapidly because news consumption has shifted from print media to digital information media platforms. The presentation of information that initially provided quality by providing accurate information has shifted to an effort by media companies and creators to attract users by using ridiculous titles (Filloux 2016). This statement is in line with the results of cognitive research which shows that

clickbait content titles *are* a form of attention distraction for users that can cause stress, bad mood, material losses, and result in lower productivity (Kaushal and Vemuri 2021) . However, the practice of *clickbait* content titles not only harms users, but can also potentially damage public trust in media companies and creators as sources of digital information as a whole. Users who increasingly distrust the existence of information from digital media will give bad ratings to media companies and creators who often create clickbait content titles *that* do not match the content of the news and then slowly switch to leaving the information media. This can affect the credibility of information content production on internet media.

According to a report from the Reuters Institute in 2023, it was explained that there had been a decline in the level of public trust in the media in Asia Pacific countries (Muhamad 2023) .



From the table above, it shows that 10 (ten) out of 11 (eleven) Asia Pacific countries have lost trust in the information media. The South Korean public has the lowest level of trust in the media, which is only 28% (twenty-eight percent), followed by the Philippines at 38% (thirty-eight percent), India 38% (thirty-eight percent), Indonesia 39% (thirty-nine percent), Hong Kong 39% (thirty-nine percent), Malaysia 40% (forty percent), Japan 42% (forty-two percent), Australia 43% (forty-three percent), Singapore 45% (forty-five percent), and Thailand 51% (fifty-one percent). This figure shows how most people no longer trust the media, one of the causes of which is the practice of clickbait content titles . This data must certainly be a concern for the media, especially creators today.

Media companies, especially creators, must consider 2 (two) sides when producing information. There are 3 (three) characteristics that media must have so that the business being run continues to grow: (1) dual product, namely making the contents or packaging of the product look attractive and paying attention to user needs, (2) dual market, namely paying attention to the needs of the user market and potential investors to include advertisements, (3) dual mission, namely as a business institution and public education. Media companies and creators are required to be able to stand in the middle and balance between business orientation and public education. Realizing both in balance is certainly not easy and requires careful effort. The business side must be maintained so that the efforts made continue to run and progress, but on the other hand, media

companies and creators also have an obligation to accommodate user needs in order to gain trust (Kaushal and Vemuri 2021) . Therefore, it is important for media companies and creators to balance between attracting audience interest and providing relevant and honest content.

4. Stages of Criminalization

The absence of legal force and the absence of criminal sanctions that regulate it makes creators not care about the negative impacts caused by the use and use of clickbait content titles . Therefore, criminalization is needed by involving important factors in criminal norming, namely the element of intent or can also be called *opzet* which can include all elements that follow. The intended act in question is the will to do an act so that it can create a result.

In addition, in the formulation of criminalization, it is also necessary to include an element of unintentional or can also be called *culpa* . The unintentional in question is an unintentional act that results in being prohibited and can be threatened with punishment. Although the creator assumes that the implementation of the practice of clickbait content titles *is* done unintentionally and is forced to do so because it is demanded by circumstances, they can prevent it by doing other things or not doing the practice of clickbait content titles at all *so* as not to create consequences that have been prohibited by law. Therefore, the government or authorized agency to make changes (*addenda*) to existing laws and regulations or create a new regulation by using a criminalization policy.

Criminalization policies can continue to develop dynamically along with the development of society. The development of criminal law is increasingly used and relied on to regulate and discipline society through legislation. Criminalization policy can be interpreted as the process of determining an act that can be punished and prohibited (Prasetyo 2017) . In determining a crime, a criminal law policy (*penal policy*) is used in the form of a system of laws and regulations or practices established by the government, courts, or related authorized institutions aimed at regulating legal actions such as providing legal protection, conducting supervision, and clarifying the obligations and responsibilities of society or individuals for the implementation of the law from a violation of the law. In essence, criminal law policy (*penal policy*) functions to provide good criminal law formulations and guidelines to lawmakers. The following is a criminal law criminalization policy in formulating and providing guidelines to lawmakers:

a. Legislative Policy

The formulation stage is the stage of law enforcement that regulates legal actions against violations of the law (*in abstracto*) carried out by the law-making body. Criminal law enforcement against violations of the law (*in abstracto*) is conceived as an effort to combat crime through the formation of criminal law

regulations that prohibit certain activities. Law enforcement in this context is still in the form of certain formulations or regulations (articles) which are guidelines for the community not to carry out various actions prohibited by the rules. In short, criminal law enforcement against violations of the law (*in abstracto*) has not yet been directly enforced by law enforcement officers. This first stage can also be called the legislative policy stage.

Legislative policy can be categorized as a strategic stage because it determines the next stages. This is because when criminal legislation is to be made, the direction to be taken will be determined. With the making of a law, an action that is to be made a prohibited act in criminal law will involve the criminalization process.

In the formulation contained in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) it states that Indonesia is a country of law. As a country of law, all government actions in organizing the state to achieve state goals must be based on established laws. Therefore, law is the basis for the government in implementing and limiting government power. All interests of society or individuals and the state continue to experience dynamic developments in accordance with the demands of modernization and globalization. This dynamic change in society is what needs to be regulated in law. The process of making laws must also be based on the values or soul of the nation, so that legal concepts originating from outside cannot be immediately accepted. This national identity is a filter for the entry of values from other nations.

b. Judicial Policy

The application or judicial policy stage is the stage of implementing criminal law by law enforcement officers starting from the police to the courts. This second stage can also be called the judicial policy stage.

c. Executive Policy

The execution stage is the stage of concrete implementation of criminal law by criminal enforcement officers. This third stage can also be called the executive or administrative policy stage.

The criminalization policy in the formation of laws and regulations is very important for the process of running a country based on law or commonly called a country of law like Indonesia. The determination of specific and detailed regulations involving the preparation of regulations, adding explanations, and implementing criminal sanctions in them can be a reference for determining the correct interpretation in order to reduce the potential for repeating the same actions in the future

CONCLUSION

Based on the results of research and discussions related to creators who create and use clickbait content titles , the following conclusions can be drawn:

- A. Clear and firm legal regulations regarding creators who create and use clickbait content titles *on* internet media are very important. Clickbait content titles *are* known for their misleading and manipulative nature, not only harming users but also disrupting a healthy and credible digital ecosystem. Indonesia as a country of law has several policies to control the creation and use of clickbait content titles *and* provide protection for users of the integrity of digital content which must be a top priority by implementing various regulations . Therefore, specific regulations and strict implementation are needed to control and criminalize the practice of clickbait content titles . *These regulations must include a clear definition of what is meant by clickbait content titles , appropriate sanctions for violators, and effective monitoring and law enforcement mechanisms.* With strict legal regulations, it is hoped that digital media can be created that is more responsible, informative, and protects the public from inappropriate content.
- B. *Clickbait* content titles not only mislead the public and harm consumers of information by presenting content that does not match the promise in the title, but also has the potential to spread disinformation and disrupt the order of legitimate information in the digital world. From a criminal law perspective, this action can be considered a form of public manipulation that requires legal intervention to protect the public interest and maintain the integrity of information. By criminalizing creators who create and use clickbait content titles *on* the internet, it is hoped that there will be a deterrent effect for the perpetrators and an increase in the quality and credibility of content distributed through the internet, so that the public can receive accurate and useful information without having to worry about manipulation and misuse of information.

Suggestion

clickbait content titles on the internet media from a criminal law perspective. The government and policy makers need to formulate clear and specific laws by precisely identifying what is included in the category of clickbait content titles *and* determining

fair and effective sanctions for violators. In addition, there needs to be a collaborative effort between the government, digital media platforms, and civil society organizations to raise public awareness of the dangers and negative impacts of clickbait content titles. Education for content creators about ethical practices in creating titles and content must also be improved. The implementation of this regulation must be accompanied by a strict and transparent monitoring mechanism, as well as a fair legal process to ensure that the law is applied consistently. With these steps, it is hoped that a healthier digital environment can be created, where the information presented is truly trustworthy and beneficial to the wider community.

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