



Legal Case Study Methods With A Case Of Spreading False Information Online Of Some Vietnam Magazines (Thanh Nien Newspaper, Tuoi Tre Newspaper, Vietnamnet.Vn) - And Criminal Laws Of Vietnam, Malaysia, Cambodia And Myanmar

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Abstract

In this paper, authors confirm that spreading false information online and slander and violating privacy on purpose are three types of crimes that some Vietnam newspapers including Thanh nien newspaper (Thanhvien.vn) and Tuoi tre newspaper (Tuoitre.vn) and recently, Vietnamnet.vn (online) violated during 2015-2022 period in Vietnam.

Through this case study, firstly, we use laws from Vietnam, Malaysia, Myanmar, Cambodia to solve this bad behavior. And secondly, authors refer to Ho Chi Minh ideas on journalism to teach students in social sciences, and laws majors.

Finally, by using qualitative and own experiences and observations, authors suggest to apply case teaching method for social sciences students to better discuss above legal case study.

Key words: The Indonesian approach, Malaysia laws, Myanmar laws, Vietnam laws, slander crime, fake news publish, Thanh nien newspaper, Tuoi tre newspaper

JEL: K10, K14, K15

1. Introduction

On January 21, 1969, Uncle Ho worked with comrade To Huu, member of the Politburo, Head of the Central Propaganda Department, and the leader of the Central Office of the Party, and asked to prepare an article for Uncle Ho on the occasion of the Communist Party of Vietnam. The Party's founding day was celebrated on February 3, 1969, with the theme of wiping out individualism and improving revolutionary morality. The article was drafted. On January 3, Uncle Ho corrected and worked with the comrades mentioned above. Uncle corrected a lot in the manuscript. At the suggestion of the leaders of the Propaganda Department and the Office of the Party Central Committee, Uncle Ho agreed that the title of the article was Enhancing revolutionary morality, wiping out

individualism as we know it, but in the specific content of the article, Mr. Specific bodies and jobs must put the latter first. In a short article, Uncle Ho affirmed that individualism is the cause and companion of the diseases of embezzlement, corruption, wastefulness, luxury, greed, profiteering, etc., which harm the interests of the people. revolution, of the people. Uncle pointed out the Party's tasks on strengthening the education of cadres and party members; strictly practice criticism and self-criticism within the Party and welcome and encourage the masses to honestly criticize party cadres and members; strictly implement the regime of activities of the branch; strictly maintain Party discipline; closely inspect cadres and party members. As for party members, Uncle Ho pointed out: "It is necessary to resolutely wipe out individualism, improve revolutionary morality, foster collective thought, solidarity, organization and discipline. Must go deep, go close to reality, close to the masses, really respect and promote the people's right to collective mastery. Must try to study, practice, improve understanding level to do all tasks well.

(source: <https://tuoitredhdn.udn.vn/chu-tich-ho-chi-minh/cuoc-doi-va-su-nghiep-cmb51p43tj/suy-nghi-ve-su-nghiep-bao-chi-cua-bac-ho-939.html>, access date 12/3/2022).

Reading Uncle Ho's writings, everyone finds that learning how to write his whole life is not enough. Many times Uncle Ho pointed out the limitations of the press that many journalists today still encounter. When writing about art, "the way of writing is in lowercase, three-capsule, string and string; and it seems that the writing is to count the lines to get money, there are some boring articles like that"; "As for writing about politics, it is dry and has two bad points: one is stereotyping, the other is too many foreign words" (Ho Chi Minh, Complete volume, Volume 9, p. 412).

In below section we will show roles of English in presenting case study of two Vietnam magazines (thanhvien.vn and tuoitre.vn) with Malaysia, Cambodia, Myanmar and Vietnam laws approach for dealing with posting false information online.

Research question:

Question 1: Analyze real cases studies of publishing fake news in Vietnam?

2. Literature review

First, an Indonesian cabinet member has threatened to shut down Facebook Inc. If there is any evidence the personal data of citizen is being harvested or the social media giant fails to crack down on "fake news" during election.

(source: <https://tech.hindustantimes.com/tech/news/indonesia-threatens-to-ban-facebook-over-fake-news-data-privacy-of-users-story-qOzU3iLeRtQo03eU5QLHjO.html>, access date 12/3/2022).

Second, In the letter "to the writing class of Huynh Thuc Khang newspaper" in 1949, President Ho Chi Minh stated: "The object of the newspaper is the majority of the people. A newspaper that is not liked by the majority of the population is Not worthy of being a newspaper".

Figure 1- President Ho Chi Minh



(source: internet)

Le, K., & Nguyen, M. (2021) mentioned relation between Education and political engagement, and confirmed by (Huy, D.T.N, 2015; Tinh, D.T., Huy, D.T.N., Thuy, N.T., 2021; Le, K., & Nguyen, M., 2020).

Then we summarize previous studies in below table:

Table 1 - Related previous studies

Authors	Year	Content, results
Allcott & Gentzkow	2017	In an early contribution, they estimated that “the average US adult read and remembered on the order of one or perhaps several fake news articles during

		<p>the election period, with higher exposure to pro-Trump articles than pro-Clinton articles.” In turn, they estimated that “if one fake news article were about as persuasive as one TV campaign ad, the fake news in our database would have changed vote shares by an amount on the order of hundredths of a percentage point,” roughly two orders of magnitude less than needed to influence the election outcome.</p>
<p>Lee McIntyre</p>	<p>2021</p>	<p>The obvious danger is that someone might take a fake story for real, causing us to believe a falsehood (such as that Trump’s inauguration crowd was bigger than Obama’s). But one hidden danger is that—in an environment in which fake news is prevalent—we might also begin to take real news for fake. This inability to tell the difference between fact and fiction—truth from falsehood—breeds cynicism and lack of trust in the media, which could pave the</p>

		way for authoritarian rule.
Hattingh et al	2020	the root causes of the spreading of fake news are identified to reduce the encouraging of such false information.
Mamak	2021	Fake news is dangerous in many spheres, including that of health

(source: author synthesis)

Finally, we will analyze that criminal behavior in publishing fake news, For example, many newspapers in Vietnam have been punished and fined for that in past years.

3. Methodology

Authors mainly use experiences, observations, practical situation with cases studies of publishing fake news, for example in Vietnam combined with qualitative analysis, synthesis and explanatory methods.

4. Main findings

For case study teaching method in English for students with social sciences major, we will present case students and discussion relevant topics as below:

4.1 Case studies of publishing fake news in two Vietnam magazines

Historical time	History of violating
1992	Discipline and dismissal of Editor-in-Chief Vu Kim Hanh: The first major disciplinary case with Tuoi Tre newspaper was in 1992 when Ms. Vu Kim Hanh, the editor-in-chief of the newspaper at that time, was considered a "serious mistake" when she let published a number of unpublished documents related to Mr. Ho Chi Minh's private life, including documents claiming that he had a wife. (source: https://tieng.wiki/content/ , access date 10/3/2022)

Mid 2007	the case against the press was prosecuted with the charges of: "Deliberately disclosing State secrets" under Article 263 and "Abusing democratic freedoms to infringe upon the interests of the State, legitimate rights and interests of
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	organizations and citizens" according to article 258 of the Penal Code). Meanwhile, many journalists from central and local press agencies have been summoned and questioned by the investigative police agency.
2018	PMU18 case in 2008. For the first time, many journalists were interrogated, investigated and had to go to court
2021- beginning 2022	Thanh nien newspaper (Thanhvien.vn) and Tuoitre.vn and bad editor team Nguyen Ngoc Toan/Dang Thi Phuong Thao still publish false information online causing troubles and disorder in Vietnam society

(source: <https://vi.wikipedia.org/wiki/>, access date 27/2/2022)

Next, we will present many legal lessons for students in journalism field.

4.2 Educating students in journalism and publishing

In addition to, we can teach students with viewpoints of President Ho Chi Minh in revolutionary roles of journals and newspapers and publishing:

Uncle Ho considered the press to be an indispensable means of revolutionary activities, especially in the condition of conducting mass mobilization for revolution, but he had not yet grasped the power in his hands. Journalism is one of the effective ways to realize revolutionary ideals, ambitions and tasks. Uncle Ho started his revolutionary life by writing newspapers, then set up press agencies under the direct direction of himself and his associates to implement guidelines, lines, policies and work according to the organization's principles and purposes. revolutionary office. During his life of revolutionary activities, Uncle always devoted time and enthusiasm to journalistic activities.

Analyzing specifically the specific tasks of a political newspaper, the Party newspaper, right after our army won a complete victory at Dien Bien Phu in 1954 and prepared for a new development step of the country, Uncle Ho wrote an article: It is necessary to See the Party newspaper (People's Daily, issue of June 24, 1954) and point out: "The Party newspaper is simple, practical and extensive training classes. It teaches us what we need to know about propaganda, organization, leadership, and work. Every day it helps to improve our political level and work productivity". He also said: "In order to fulfill the mission of propaganda, organization and guidance, our newspapers need to be closer to the masses, go deeper into the actual work, the way the press works must improve. more"

(source: Ho Chi Minh Complete Collection, National Political Publishing House, Hanoi, volume 5, p.271).

At the 3rd Congress of the Vietnam Journalists Association, Uncle Ho once again affirmed: "The mission of the press is to serve the people, to serve the revolution."

(source: Ho Chi Minh Complete Collection, National Political Publishing House, Hanoi, volume 10, p.613).

Figure 2 - Ho Chi Minh and publishing activities



(source: internet)

National liberation hero, outstanding culturalist Ho Chi Minh is also a great revolutionary journalist who gave birth and laid the foundation for Vietnam's revolutionary press. Uncle claimed to be a journalist, but above all a revolutionary. When talking with a Soviet journalist, Ruf Bersatsky, he confided: "I am a skit writer, a political commentator. I wouldn't argue with calling a propagandist, a professional revolutionary is the most correct."

(source: <https://tuoitredhdn.udn.vn/chu-tich-ho-chi-minh/cuoc-doi-va-su-nghiep-cmb51p43tj/suy-nghi-ve-su-nghiep-bao-chi-cua-bac-ho-939.html>, access date 11/3/2022)

4.3 Malaysia, Myanmar and Vietnam approaches on privacy laws and slander via publishing false news or information

First, violators may be sanctioned according to the provisions of Articles 156 of the Penal Code 2015 amended and supplemented 2017 Article 156. The crime of slander has the following contents:

Those who fabricate or spread things that are well known to be fabricated in order to offend the honor or cause damage to the legitimate rights and interests of others or fabricate other people's crimes and denounce them before competent authorities. rights, shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one and seven years of imprisonment:

- Organizing;
- Abuse of positions and powers;

The offenders may also be subject to a fine of between one million dong and ten million dong, a ban from holding certain posts, practicing certain professions or doing certain jobs for one to five years.

Next, Fake news laws are different from general libel, defamation, sedition or similar laws (see also [Section 66\(d\)](#) of Myanmar's [Telecommunications Law](#)) because they establish a direct relation between a falsehood and a threat to public interests. They constitute a very early intervention against still abstract threats as they allow the removal of false information from public discourse before a critical mass of misinformation may pose a threat to protected interests.

Under the first category, Malaysia springs to mind where a sweeping [Anti-Fake News Act](#) was enacted by parliament in April this year. The law was clearly intended to shield then-prime minister Najib Razak against any further exposure in the [1MDB](#) corruption scandal. The Act criminalized everyone who “knowingly creates, offers, publishes, prints, distributes, circulates or disseminates any fake news”, whereas fake news was defined as “any news, information, data and reports, which is or are wholly or partly false”.

In Cambodia, where the government has effectively removed all opposition, a ministerial directive has [established](#) measures against websites publishing “fake news” that “provoke, create chaos, damage national defence and security, incite discrimination, affect national customs and culture”. A high-ranking ministerial representative [said](#), “fake news is not good for real democracy, we want good news for our people.” In Vietnam, which is ruled by the Vietnamese Communist Party, the recently enacted [Cybersecurity Law](#), which also criminalizes spreading false information under specified conditions, is [intended](#) to be used against “enemy and reactionary forces” who incite protests, riots and terrorism.

(source: [Lasse Schuldt](#), 2018. Retrieved from: <https://verfassungsblog.de/a-look-behind-the-fake-news-laws-of-southeast-asia/>, access date 12/3/2022).

Then, students can discuss below case questions:

Question 1: Can you summarize fake news case of Vietnam magazines above?

Question 2: Present The Malaysia, Cambodia, Myanmar and Vietnam laws approaches for handling false news, slander and privacy laws in case of above journalism?

5. Discussion and Conclusion

Based on above approaches, teachers can use English as foreign language to teach students in social sciences and esp., journalism major.

Cultural writer Ha Huy Giap once wrote: “President Ho pays great attention to writing style. People are very careful right away about the use of a small word, a punctuation mark, the layout of an article. Ho Chi Minh was a strict linguist. Users use very few words, but the most correct and necessary words, so that an academician to a farmer can understand.”

Applying case teaching methods with using English for social sciences students:

In above section we present an example of legal case study of some Vietnam magazines.

Case study is a method of studying real situations or events. This method uses theory to study and analyze real situations. Case studies are used in schools around the world, it helps to acquire knowledge more efficiently and faster.

Case studies are mostly used by business schools because of the practicality of the discipline that requires a case study. That is to help students, students can use the knowledge they have learned to analyze situations or events in reality.

Doing a case study will help improve teamwork and other skills

When large assignments are assigned on situations, it is necessary for students to divide into groups to work together. Therefore, increased teamwork skills are essential skills when working in companies. Along with that, skills in analysis as well as presentation and problem solving are also accumulated. When we complete that big exercise, we will be asked about that problem. This is the time when we need to defend our opinions as well as respond to other people's questions. After the protection process, that possibility is also significantly increased

Teachers also get a lot of experience and different ways of solving problems from students

When teachers guide or teach large exercises, they themselves also gain a lot of experience from students. Collect different solutions to enrich your syllabus and lectures. Or to adjust the exercises to be closer to reality.

Situations and problems close to the theory will have a very high applicability

With situations or problems close to the theory, it will help students to systematize all the knowledge they have learned to apply to solve the assigned problem. Not only use the theory learned, but also learn more about related theories outside the curriculum to solve problems.

Research limitation

Authors need to make analysis for other legal case studies as well as for other markets.

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Conflicts of interest

There is no conflict of interest

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