

Protection from Online Falsehoods and Manipulation Act (POFMA): Regulating Fake News to Maintain Public Trust in Singapore

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INTRODUCTION

Singapore's Protection from Online Falsehoods and Manipulation Act (POFMA), a new legislation against fake news, was passed in parliament on 8 May 2019.² Since then, several correction notices have been issued under this law, but some of them have been met with criticism for being partisan.³ While the spread of fake news is a pressing problem facing many countries today, how governments can or should regulate online content is a policy challenge that intersects with concerns on censorship and freedom of speech. This paper explains how POFMA is intended to preserve public confidence in the Singaporean government and examines POFMA's criticisms and potential setbacks on public trust in politics.

'Falsehood' Definition

While there are different dimensions to the definition of a falsehood, this paper treats 'fake news' and 'falsehoods' as synonymous terms.

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² TODAY. 2019. "All you need to know about the debate on S'pore's proposed fake news law." TODAY Online, October 1, (<https://www.todayonline.com/singapore/all-you-need-know-about-debate-spores-proposed-fake-news-laws>), accessed May 17, 2020.

³ Tham, Yuen-C. 2020. "Falsehoods on coronavirus show why Pofma is necessary." The Straits Times, February 4, (<https://www.straitstimes.com/politics/falsehoods-on-coronavirus-show-why-pofma-is-necessary>), accessed July 6, 2020.

According to POFMA, “a statement is false if it is false or misleading, whether wholly or in part, and whether on its own or in the context in which it appears”.⁴ While this definition of a falsehood appears tautological, the Education Minister clarified in parliament that how a statement is judged is “empirically-based”.⁵ In other words, a statement cannot be a falsehood, if it is supported by “real data and observations”.⁶ Additionally, this definition excludes interpretations, “theories and opinions”.⁷

From the parliamentary debates, the Law Minister has also highlighted that the term “misleading” reflects “existing jurisprudence that statements can also be false by reason of having misled through omission”.⁸ Nonetheless, he stressed that the focus of the Act is ultimately on false statements.⁹

Protection from Online Falsehoods and Manipulation Act (POFMA)

The Act criminalises the spread of falsehoods on online communication platforms with malicious intent. This means that a person would be convicted if s/he spreads falsehoods (i) intentionally to “prejudice public interest”¹⁰, and (ii) with the knowledge that the statements are false.¹¹

⁴ Singapore Statutes. 2019. “Protection from Online Falsehoods and Manipulation Act 2019.” Singapore Statutes Online. (<https://sso.agc.gov.sg/Acts-Supp/18-2019/Published/20190625?DocDate=20190625>), accessed July 5, 2020.

⁵ Parliamentary Debates. 2019. “Protection from Online Falsehoods and Manipulation Bill.” Hansard, Vol 94, Sitting 105. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-366>), accessed July 5, 2020.

⁶ Ibid.

⁷ Ibid.

⁸ Parliamentary Debates. 2019. “Protection from Online Falsehoods and Manipulation Bill.” Hansard, Vol 94, Sitting 105. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-367>), accessed July 5, 2020.

⁹ Ibid.

¹⁰ Parliamentary Debates. 2019. “Protection from Online Falsehoods and Manipulation Bill.” Hansard, Vol 94, Sitting 104. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-364>), accessed July 5, 2020.

¹¹ Singapore Statutes. 2019. “Protection from Online Falsehoods and Manipulation Act 2019.” Singapore Statutes Online. (<https://sso.agc.gov.sg/Acts-Supp/18-2019/Published/20190625?DocDate=20190625>), accessed July 5, 2020.

Under POFMA, the Executive (any Minister) may issue the following orders to publishers of falsehoods, if it is in the public interest to do so¹²:

1. A Correction Direction – putting up a corrective notice indicating that the earlier published information is false, without removing people’s access to the falsehood;
2. A Stop Communication Direction – a takedown order to prevent further access to the falsehood. Technology companies can also be ordered to block accounts that are spreading falsehoods.

Public interest refers to protecting Singapore’s security, public health, public finances, and international relations, as well as preventing the incitement of hatred towards specific groups, the diminution of public trust in government institutions, and the interference of elections.¹³ POFMA applies to all online communication platforms, including private messaging platforms such as WhatsApp.

If a person who was issued the aforementioned directions wishes to challenge the order, s/he has to appeal to the High Court for a judicial review.¹⁴ The decision of the court overrules the Minister if s/he is wrong.¹⁵

Public Trust

Public trust is defined as the belief that government institutions adopt policies that serve public interest and represent citizens.¹⁶ Public trust entails the citizenry’s expectation that government institutions and policies will operate in ways conducive to their well-being,¹⁷ such as by delivering public goods and services to them.¹⁸ It dovetails the notion of the social contract, where citizens forgo some individual freedom in return for the benefits derived from their cooperation with the state.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Parliamentary Debates. 2019. “Protection from Online Falsehoods and Manipulation Bill.” Hansard, Vol 94, Sitting 105. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-367>), accessed July 5, 2020.

¹⁶ Kozuch, Barbara, Slawomir J. Magala, and Joanna Paliszkievicz. 2018. *Managing Public Trust*. Cham: Springer Nature: 3.

¹⁷ Ibid.: 11.

¹⁸ Parliamentary Debates. 2019. “Protection from Online Falsehoods and Manipulation Bill.” Hansard, Vol 94, Sitting 104. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-364>), accessed July 5, 2020.

On top of this social exchange function, trust also includes “an assessment of the publicly shared values and attributes associated with public action” from the government.¹⁹ These values usually entail public confidence in the government’s accountability, integrity, and responsiveness to public opinion. In other words, public trust comprises the government’s alignment with the citizenry in two main respects: serving the latter’s interests and acting in ways consistent with their expectations of what constitutes a reliable government. It is important to analyse POFMA in the context of trust in politics, because trust can simultaneously be re-inforced and eroded in this controversial law intended to tackle falsehoods. Thus, this paper is primarily concerned with the following research questions: First, why do falsehoods undermine public trust? And second, how does POFMA affect Singapore’s public trust in the government?

This paper acknowledges that it is necessary to have legislation that combats online falsehoods, as falsehoods have the potential to undermine public trust in government institutions by deceitfully smearing the government’s capacity in policymaking and implementation. However, POFMA has also been alleged to protect the incumbent government’s political interests and to discredit opposition, raising questions on whether it genuinely benefits the general public. While recognising that the incumbent government’s political interests do not necessarily conflict with public interest, this paper argues that the use of POFMA requires a more balanced approach to preserve public trust. Correcting falsehoods may be necessary to maintain trust between the government and the citizenry, but its repeated application on opposition figures and statements might misrepresent an overly defensive government that is afraid of acknowledging criticisms. This impression risks losing public trust instead. Thus, this paper argues that maintaining public trust requires an intricate compromise between the government’s correction of falsehoods to protect public interest, and an assurance that the ruling party is simultaneously kept in check by accommodating socially and culturally diverse views to remain accountable to their citizens.

IMPORTANCE OF COMBATING FALSEHOODS

The debate of this paper is not about whether the policy agenda of POFMA is justified. Nonetheless, this section discusses why mitigating the spread of falsehoods is

¹⁹ Kozuch, Barbara, Slawomir J. Magala, and Joanna Paliszkiwicz. 2018. *Managing Public Trust*. Cham: Springer Nature: 32.

increasingly salient and necessary, to contextualise why POFMA has been legislated in Singapore.

Falsehoods Damage Public Trust

Falsehoods can threaten the social fabric of a society, which can undermine public trust within the citizenry. Singapore is a multi-ethnic and multi-religious society, where falsehoods can reinforce stereotypes and prejudices.²⁰ Online platforms may deliberately feature falsehoods about a particular ethnic, religious, or immigrant group to question their loyalty to the country and highlight undesirable characteristics to reinforce stereotypes.²¹ For example, Darren Osborne, who drove a van into a crowd outside a London mosque, was reading far-right fake news websites against Muslims.²² Therefore, the spread of such falsehoods can easily polarise and exacerbate divisions along ethnic and religious lines in Singapore, which threaten social cohesion and trust. Maintaining trust within the citizenry is essential to preserve stable and peaceful social relationships within society.²³

Falsehoods also deter citizen participation by eliminating their trust in public discourse. Falsehoods tend to appeal to emotions and amplify hate speech, which incites vehement responses that may overpower minority or rational voices, both online and offline.²⁴ For instance, a falsehood stating that German Chancellor Angela Merkel took a photograph with a Syrian refugee who was an ISIS terrorist was spread to invoke anti-refugee sentiments.²⁵ The instigation of such offensive

²⁰ Mathews, Mathew. 2018. "Protecting racial and religious harmony in the threat of deliberate online falsehoods." Select Committee on Deliberate Online Falsehoods Written Representation 100: 1-8: 2-3, (<https://www.parliament.gov.sg/docs/default-source/sconlinefalsehoods/written-representation-100.pdf>), accessed July 6, 2020.

²¹ Ibid.

²² Rawlinson, Kevin. 2018. "Finsbury Park-accused trawled far-right groups online, court told." *The Guardian*, January 23. (<https://www.theguardian.com/uk-news/2018/jan/23/finsbury-park-accused-wanted-to-kill-all-muslims-court-told>), accessed May 17, 2020.

²³ Kozuch, Barbara, Slawomir J. Magala, and Joanna Paliszkiewicz. 2018. *Managing Public Trust*. Cham: Springer Nature: 11.

²⁴ Mathews, Mathew. 2018. "Protecting racial and religious harmony in the threat of deliberate online falsehoods." Select Committee on Deliberate Online Falsehoods Written Representation 100: 1-8: 7, (<https://www.parliament.gov.sg/docs/default-source/sconlinefalsehoods/written-representation-100.pdf>), accessed July 6, 2020.

²⁵ Ott, Stephanie. 2017. "How a selfie with Merkel changed Syrian refugee's life." *Al Jazeera*, February 21, (<https://www.aljazeera.com/indepth/features/2017/02/selfie-merkel-changed-syrian-refugee-life-170218115515785.html>), accessed May 17, 2020.

speech in the public space instigates disorder and crowds out constructive public engagement between citizens and the government.

Additionally, falsehoods erode trust in public institutions. Hostile actors may spread falsehoods to manipulate public elections, undermine public trust in government institutions, and threaten the state's ability to respond to crises.²⁶ An erosion in public trust arises if citizens perceive that the government is not acting in ways that serve the public's interests. This reduces the state's capacity to govern as citizens may no longer comply with government directives and policies, resulting in social instability if order and cooperation are compromised.

Government Intervention is Necessary for Combating Falsehoods

Online falsehoods cannot be left unregulated because of the public's potential inability to recognise them. According to the Pew Research Centre, 88% of Americans indicated difficulties in distinguishing fake news.²⁷ Consumers' media literacy is insufficient to shield them from online falsehoods.²⁸ Even highly educated university undergraduates are susceptible to fake news.²⁹ The inability to distinguish fake news may be due to human cognitive biases, like confirmation bias, where people tend to believe in information that is consistent with their worldviews.³⁰

²⁶ Lewandowsky, Stephan, Ullrich Ecker, and John Cook. 2017. "Beyond misinformation: Understanding and coping with the 'post-truth' era." *Journal of Applied Research in Memory and Cognition* 6(4): 353-369.

²⁷ Shirsat, Abhijeet. 2018. "Understanding the allure and danger of fake news in social media environments." Bowling Green State University PhD Dissertation: 2, (https://etd.ohiolink.edu/letd.send_file?accession=bgsu1530280814598288&disposition=inline), accessed July 5, 2020.

²⁸ Bulger, Monica, and Patrick Davison. 2018. "The promises, challenges, and futures of media literacy." *Data & Society*, February: 3, (https://datasociety.net/pubs/oh/DataAndSociety_Media_Literacy_2018.pdf), accessed May 17, 2020.

²⁹ Wineburg, Sam, and Sarah McGrew. 2017. "Later reading: Reading less and learning more when evaluating digital information." Standard History Education Group Working Paper 2017-A1, (<https://pdfs.semanticscholar.org/5b26/9628f4dc29b514dfcb0b5e429e49fc0dae6d.pdf>), accessed July 6, 2020.

³⁰ Soon, Carol, and Shawn Goh. 2017. "What lies beneath the truth: A literature review on fake news, false information and more." *Institute of Policy Studies*, June 30:20, (https://lkyspp.nus.edu.sg/docs/default-source/ips/report_what-lies-beneath-the-truth_a-literature-review-on-fake-news-false-information-and-more_300617.pdf), accessed May 17, 2020.

Additionally, people commonly use heuristics when reading online, by superficially speed-reading instead of thoughtfully processing information.³¹

Granted that there is a need to intervene to manage the spread of online falsehoods, technology companies are, however, found to be inadequate to regulate online content. For instance, tagged warnings on Facebook do not significantly reduce the perceived accuracy of online falsehoods.³² Combating online falsehoods necessitates rapid responses, because the internet has bots and amplifiers that enable people to spread them speedily.³³ Therefore, the Singapore government identified a policy window³⁴ to address the limitations of existing measures in curbing the spread of online falsehoods.

Thus, the Parliament formed a Select Committee on Deliberate Online Falsehoods in 2018, to discuss issues like how the spread of online falsehoods can affect public interest.³⁵ Members of the public were invited to make submissions concerning this topic to the Select Committee. Some of them, mainly academics, religious leaders, civil society members, and technology representatives³⁶ were invited to the hearings to elaborate on their submissions.³⁷ After which, the Select Committee submitted a report summarising these procedures and suggested poli-

³¹ Ecker, Ullrich. 2017. "Why rebuttals may not work: The psychology of misinformation." *Media Asia* 44 (2): 79-87: 83-84, (<https://www.tandfonline.com/doi/pdf/10.1080/01296612.2017.1384145?needAccess=true>), accessed July 6, 2020.

³² Pennycook, Gordon, Adam Bear, Evan Collins, and David Rand. 2019. "The implied truth effect: Attaching warnings to a subset of fake news stories increases perceived accuracy of stories without warnings." *Management Science*: 3, (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3035384), accessed May 17, 2020.

³³ Lucas, Edward, and Peter Pomeranzev. 2016. "Winning the information war." *Centre for European Policy Analysis*: 10, (https://cepa.ecms.pl/files/?id_plik=2706), accessed May 17, 2020.

³⁴ Kingdon, John. 1995. *Agendas, alternatives and public policies*. Boston: HarperCollins: 20-21.

³⁵ Parliament of Singapore. 2018. "Select Committees of Parliament." Parliament of Singapore, May 16. (<https://www.parliament.gov.sg/about-us/structure/select-committees>), accessed July 5, 2020.

³⁶ Parliament of Singapore. 2018. "Select Committee on Deliberate Online Falsehoods – Causes, Consequences and Countermeasures." Parliament of Singapore, September 20. (<https://sprs.parl.gov.sg/selectcommittee/searchPage?committee=Other%20Select%20Committee%20Reports&from=20-09-2018&to=20-09-2018>), accessed May 17, 2020.

³⁷ The Straits Times. 2018. "Recap of what Select Committee on fake news did and key issues that emerged during hearings." *The Straits Times*, September 20. (<https://www.straitstimes.com/politics/recap-of-what-select-committee-on-deliberate-online-falsehoods-did-and-key-issues-that>), accessed May 17, 2020.

cy proposals to parliament.³⁸ After two days of parliamentary debates, the POFMA bill was passed.

POFMA'S IMPACT ON PUBLIC TRUST

This section discusses the criticisms of POFMA, which include its alleged curtailment of free speech, the lack of sufficient checks on the incumbent government vested with legal powers to issue directions, and the insularity that it might bring to public discourse. These criticisms point to how POFMA risks developing a 'rogue' government³⁹ that might abuse it to suppress opposition. In this scenario, POFMA erodes rather than protects public trust, if it becomes an instrument to protect the political interests of an authoritarian government that has deviated from public interest and values. For each criticism of POFMA, this section first identifies the problem, explains the incumbent government's defence, and comments on the implications on public trust.

1: POFMA Curtails Free Speech

Even before POFMA was passed in parliament, it has constantly been challenged by the criticism that it might result in a chilling effect, referring to the suppression of free speech and the rise in self-censorship. These effects arise from fears of being convicted under POFMA for publishing or spreading unverified information, which might then result in self-censorship and the diminution of citizen participation in public discourse. In response, the Minister for Communications and Information has stated that:

"The merits of juxtaposing the facts with falsehoods...will allow readers to make informed judgements, draw their own conclusions about the arguments that are being made and promote a more vigorous online discourse" (S. Iswaran, Minister for Communications and Information).⁴⁰

³⁸ Kingdon, John. 2012. "How does an idea's time come? Agendas, alternatives, and public policies." In *Public administration: Classic readings*, eds. J. M. Shafritz and A. C. Hyde. Wadsworth: Cengage Learning: 406.

³⁹ Parliamentary Debates. 2019. "Protection from Online Falsehoods and Manipulation Bill." Hansard, Vol 94, Sitting 105. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-366>), accessed July 5, 2020.

⁴⁰ Ibid.

Hence, the incumbent government suggested that POFMA should not be misconstrued as a censorship law that curtails the freedom of speech. Its function is to keep Singapore citizens informed rather than misinformed, by preventing falsehoods from crowding out “legitimate debate” underpinned by facts.⁴¹ The correction directions allow for the false statement or publication to remain accessible online, alongside the correction notice. This enables the general public to read both statements and judge for themselves, without necessarily censoring online content.

With respect to the policy instruments of POFMA in particular, this paper argues that it is unlikely for the correction directions alone to undermine the citizenry’s trust in government institutions. Given that the falsehoods remain publicly accessible, the nature of correction directions is less intrusive than other censorship laws. It is also unlikely that the correction notices run against public interest, as they are precisely intended to reinforce the integrity of government institutions, by clarifying what the facts concerning these institutions are. It is therefore improbable that the correction directions alone would undermine public trust, as they neither remove online content nor ban online discourse among citizens oppressively.

2: POFMA Favours the Incumbent Government

Another controversy surrounding POFMA is the issue of who is conferred with the legal powers to issue the directions – ministers of the incumbent government. There have been concerns about appointing ministers to issue directions, as Executive action feeds fears on power abuse and falsehoods spread by the government.⁴² During the parliamentary debates, the Workers’ Party’s (WP) Members of Parliament (MPs), who are opposition MPs, recommended that the Executive should file a request to the courts. The courts would then issue directions if they find falsehoods. This recommendation is based on the grounds that both the Executive and

⁴¹ Tham, Yuen-C. 2019. “Parliament: Law against online falsehoods will not stifle free speech, say ministers.” *The Straits Times*, April 1, (<https://www.straitstimes.com/politics/parliament-law-against-online-falsehoods-will-not-stifle-speech-ministers>), accessed July 5, 2020.

⁴² Parliament of Singapore. 2018. “Select Committee on Deliberate Online Falsehoods – Causes, Consequences and Countermeasures.” Parliament of Singapore, September 20, (<https://sprs.parl.gov.sg/selectcommittee/searchPage?committee=Other%20Select%20Committee%20Reports&from=20-09-2018&to=20-09-2018>), accessed May 17, 2020.

the statement-maker accused of spreading falsehoods should be subjected to the judicial process, to be fair and consistent with other laws.⁴³

However, the incumbent People's Action Party (PAP) MPs maintained that the Executive should be the entity issuing the directions under POFMA, due to the practical need for a speedy response against the rapid spread of online falsehoods:

"Mr Pritam Singh [Opposition MP] says philosophically, he has a disagreement...But I ask Mr Pritam Singh to look through and decide practically what Singaporeans need in times of crises"⁴⁴ (Christopher de Souza, PAP MP).

"this Bill gives us the capability we lacked then. To put out clarifications, corrections fast, accurately and widely. We may speak philosophically about it. But when lives depend on accurate information that needs to be out there urgently, we...would not want to be philosophical"⁴⁵ (Alex Yam, PAP MP).

From these excerpts, the PAP MPs constructed a dichotomy between "philosophical" and "practical" arguments. These "principles of classification" and "ordering"⁴⁶ – where the practical outweighs the philosophical – help the ruling party achieve discursive legitimacy. Philosophical arguments are deemed undesirable as they stray away from the practical urgency to clarify falsehoods. Philosophical reasons also are considered to not address falsehoods' potential damage on the society. Singapore is usually characterised as pragmatic and non-philosophical, which means that policy decisions are justified and publicly accepted on grounds of instrumental rationality.⁴⁷ In other words, such practical justifications frame the appointment of ministers to issue directions as the necessary means to curb the spread of falsehoods effectively. Granted that this justification – in doing "what

⁴³ Parliamentary Debates. 2019. "Protection from Online Falsehoods and Manipulation Bill." Hansard, Vol 94, Sitting 104. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-364>), accessed July 5, 2020.

⁴⁴ Parliamentary Debates. 2019. "Protection from Online Falsehoods and Manipulation Bill." Hansard, Vol 94, Sitting 104. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-365>), accessed May 17, 2020.

⁴⁵ Parliamentary Debates. 2019. "Protection from Online Falsehoods and Manipulation Bill." Hansard, Vol 94, Sitting 105. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-366>), accessed July 5, 2020.

⁴⁶ Foucault, Michel. 1972. "The discourse on language." In *The archaeology of knowledge*, trans. A.M.S. Smith. New York: Pantheon Books: 220.

⁴⁷ Chua, Beng Huat. 1995. "Pragmatism of the PAP government." In *Communitarian ideology and democracy in Singapore*. London: Routledge: 66, 69.

works” for protecting public interest – is perceived as natural and neutral⁴⁸, this practical reason appealed to rationality and is probably aligned with Singaporeans’ pragmatic values. This alignment would probably then reinforce public trust in the ruling PAP government’s decisions, by appealing to their objectivity instead of falling back on highfalutin philosophical ideas.⁴⁹

Indeed, POFMA has been implemented swiftly in most of the cases⁵⁰, and there has been no instance of public disorder arising *due to* a falsehood since its legislation. However, the absence of public disorder after POFMA’s legislation does not necessarily mean that it effectively prevents disorder, since there lacks a counterfactual for a valid comparison. Moreover, mass panic still occurred even in the absence of falsehoods, such as panic buying during the COVID-19 crisis when the Disease Outbreak Response System Condition level was raised from yellow to orange.⁵¹ Hence, a speedy implementation of correction directions is not the only condition needed for preserving public trust in the government. The next section discusses how POFMA alone cannot address deeper public issues and concerns, whose flaws might then undermine public trust in the government to respond to these concerns.

3: POFMA Insulates the Government from Engaging in Constructive Public Dialogue

Perhaps what lies at the heart of the controversy surrounding POFMA is neither about how it is implemented nor who is vested with the powers to issue directions. Instead, the issue is the *impression* POFMA constructs among citizens – that it protects political interests in the name of public interest, which might not always be synonymous in the eyes of the citizenry. This is also articulated in both parliamentary debates and public discourse:

⁴⁸ Tan, Kenneth Paul. 2017. *Governing Global-city Singapore*. Oxfordshire: Routledge: 44.

⁴⁹ *Ibid.*: 43.

⁵⁰ Cheng, Kenneth. 2019. “News analysis: Fake-news laws — what do the first two cases tell us?” TODAY, December 5, (<https://www.todayonline.com/singapore/news-analysis-fake-news-laws-what-do-first-two-cases-tell-us>), accessed May 20, 2020.

⁵¹ Tan, Audrey. 2020. “Coronavirus: Politicians, supermarkets urge calm amid panic-buying of groceries.” The Straits Times, February 7, (<https://www.straitstimes.com/singapore/health/coronavirus-fairprice-chief-urges-calm-amid-panic-buying-of-groceries-singapore>), accessed May 20, 2020.

“A rogue government...who abuses their POFMA powers will be held to account in elections – a number of PAP Members...have made a great deal of this point. But...this ignores the fact that a rogue government can precisely use POFMA powers to stop voters from learning negative information about their actions [and] insulate against electoral accountability”⁵² (Leon Perera, WP MP).

“POFMA risks stifling a frank and healthy exchange of opinion required for a functioning democracy. It also threatens engendering a cynical perspective about how the Government employs POFMA, something I opine has started to take root already”⁵³ (Pritam Singh, WP MP).

Therefore, POFMA might actually diminish public trust if the incumbent government is perceived as a defensive political entity that uses POFMA to protect its own interests, without producing constructive solutions. This will be illustrated using two examples.

First, a correction direction was issued to rectify a false claim that the government planned to increase Singapore’s population to 10 million by 2030.⁵⁴ Second, correction directions were also issued to an opposition party who falsely claimed that Singaporean Professionals, Managers, Executives, and Technicians (PMET) retrenchment had risen.⁵⁵ Notwithstanding the premise that ministers of the ruling party issue corrections to prevent the diminution of trust in their govern-

⁵² Parliamentary Debates. 2019. “Protection from Online Falsehoods and Manipulation Bill.” Hansard, Vol 94, Sitting 105. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-366>), accessed July 5, 2020.

⁵³ Tham, Yuen-C. 2020. “Falsehoods on coronavirus show why Pofma is necessary.” *The Straits Times*, February 4. (<https://www.straitstimes.com/politics/falsehoods-on-coronavirus-show-why-pofma-is-necessary>), accessed July 6, 2020.

⁵⁴ Goh, Yan Han. 2020. “Pofma correction direction issued to 4 Facebook pages, 1 website.” *The Straits Times*, July 4, (<https://www.straitstimes.com/politics/pofma-correction-directions-issued-to-4-facebook-pages-1-website>), accessed July 7, 2020.

⁵⁵ Tham, Yuen-C. 2020. “Court dismisses SDP’s appeal against Pofma order.” *The Straits Times*, February 6, (<https://www.straitstimes.com/singapore/courts-crime/court-dismisses-sdps-appeal-against-pofma-order>), accessed July 7, 2020.

ment⁵⁶, POFMA's "coincidental" application on opposing or alternative voices⁵⁷ may counter-productively undermine public trust, if the citizenry believes that POFMA has become a political tool to discredit opposition parties or critics. POFMA may "create a cognitive shortcut where people seeing an official correction presume that the original falsehood must be true precisely because it is being vehemently debunked".⁵⁸ In other words, repeated applications of POFMA on opposing voices might be misconstrued as an excessively defensive move on the part of the PAP government, which does not bode well for retaining public trust in a government that already has the clear mandate of the people.⁵⁹

Additionally, POFMA risks diverting public discourse from a critical discussion of policy problems and solutions to the politicisation of what constitutes facts and falsehoods pertaining the government. For example, issuing correction directions on the alleged 10 million population target shifts public discussion away from the citizenry's underlying concerns on competition from foreigners in the workforce to numbers and statistics. It is undeniable that the government makes population projections and conducts scenario planning⁶⁰, instead of setting explicit population targets. However, the issue that many citizens are concerned about is not what exactly these population figures will be, but how their livelihoods and opportunities would be affected by more immigration. Similarly, the falsehood on PMET employment figures shifts public discourse from job insecurity to statistical figures. Although the government has indeed implemented new policies, such as the

⁵⁶ George, Cherian. 2020. *Air-Conditioned Nation Revisited: Essays on Singapore Politics*. Singapore: Ethos Books: 179.

⁵⁷ Lim, Janice. 2020. "'Unfortunate coincidence' initial Pofma actions directed at opposition parties, affiliated figures: Iswaran." TODAY Online, January 6, (<https://www.todayonline.com/singapore/unfortunate-coincidence-first-four-pofma-actions-directed-opposition-politicians>), accessed July 7, 2020.

⁵⁸ Parliamentary Debates. 2019. "Protection from Online Falsehoods and Manipulation Bill." Hansard, Vol 94, Sitting 105. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-366>), accessed July 5, 2020.

⁵⁹ George, Cherian and Donald Low. 2020. "GE2020: Why Singapore may lose, whatever the final score." Academia SG, July 7, (<https://www.academia.sg/academic-views/ge2020-why-singapore-may-lose/>), accessed July 12, 2020.

⁶⁰ National Population and Talent Division. 2013. "A Sustainable Population for a Dynamic Singapore: Population White Paper." Strategy Group, Prime Minister's Office. (<https://github.com/isomerpages/isomerpages-stratgroup/raw/master/images/PublicationImages/chart7.png.pdf>), accessed on July 7, 2020.

SGUnited Jobs and Skills Package⁶¹, to placate retrenchment and unemployment concerns among Singaporeans, issuing correction directions on these employment and population figures might wrongly signal that the government is not empathic of the citizens' anxieties and grievances.

Thus, public trust does not lie solely in the management of falsehoods, but also in the government's capacity, accountability, and willingness to engage in alternative views. Trust in political processes is not merely about clarifying falsehoods about the government, but also in the government's willingness to bring the public into policymaking. This fall in public trust despite POFMA's legislation is evident in the ruling PAP's relatively dismal performance in the 2020 General Elections, falling below their own hope⁶² that most citizens would choose a "flight to safety" by voting for the incumbent party in the COVID-19 pandemic.⁶³ The election results indicated that citizens demand the government to accommodate a greater diversity of voices in sensitive and potentially divisive public issues. This softer, consultative approach is preferred to a defensive, hard-fisted approach, where the government could be misperceived as insulating itself from engaging in such public issues or criticism by using legal powers like POFMA. Public trust will still be eroded if government institutions fail to respond to the citizenry's demands, or if the government's hard stance is misconstrued as incongruent with the citizenry's expectations of benevolence and accountability from them.

It is therefore crucial for the incumbent government to enact policies to address the citizenry's concerns, and not merely debunk falsehoods that undermine trust in government institutions. For example, the concessions for workers affected

⁶¹ SkillsFuture and Workforce Singapore. 2020. "SG Jobs & Skills." SkillsFuture SG and Workforce Singapore, June 29, (<https://www.ssg-wsg.gov.sg/sgunitedjobsandskills.html>), accessed July 12, 2020.

⁶² Sim, Royston. 2020. "GE2020: Election results a clear mandate for PAP but also reflects desire for more diversity of voices in Parliament, says PM." *The Straits Times*, July 11, (<https://www.straitstimes.com/politics/pm-lee-pap-will-designate-pritam-as-opposition-leader-urges-all-sporeans-to-put-aside>), accessed July 12, 2020.

⁶³ Fernandez, Warren. 2020. "GE2020: PAP returns to power with 83 seats, but loses Sengkang and Aljunied GRCs in hard-fought Covid-19 election." *The Straits Times*, July 11. (<https://www.straitstimes.com/politics/ge2020-pap-returns-to-power-with-83-seats-but-loses-sengkang-and-aljunied-grcs-in-hard>), accessed July 12, 2020.

by the ban on personal mobility devices⁶⁴ and policy changes that allow single parents to rent public houses⁶⁵ are among the public issues where the government implemented ground-up policies, to assure minority or disadvantaged groups that the government also accounts for their interests in policymaking.

Nonetheless, the way in which the government manoeuvres its position in public discourse could be more forthcoming, especially with a more vocal citizenry and active civil society that continues to question policies and introduce alternative ideas. These factors render the ruling party's maintenance of public trust and legitimacy even more challenging in this struggle and articulation of conflicting ideas and interests⁶⁶ – to debunk falsehoods without unintentionally smothering well-intended, constructive criticisms – for building a more inclusive and collaborative society with diverse perspectives.

CONCLUSION AND POLICY RECOMMENDATIONS

According to the parliamentary debates, the correction direction is an unprecedented policy instrument for combating online falsehoods.⁶⁷ Existing fake news laws usually mandate social media platforms to forcefully censor hate speech and online falsehoods.⁶⁸ There is therefore a potential for policy diffusion to other countries whose governments plan to enact laws to combat the spread of online falsehoods.

⁶⁴ Lim, Min Zhang. 2019. "Impact of PMD ban on delivery riders taken seriously, Lam Pin Min says after dialogue." *The Straits Times*, November 13, (<https://www.straitstimes.com/singapore/transport/impact-of-pmd-ban-on-delivery-riders-taken-seriously-lam-pin-min-says-after>), accessed May 20, 2020.

⁶⁵ Au-Yong, Rachel. 2019. "Some single unwed parents under 35 allowed to apply for subsidised flats." *The Straits Times*, August 5, (<https://www.straitstimes.com/singapore/some-single-unwed-parents-under-35-allowed-to-apply-for-subsidised-flats-on-appeal>), accessed May 20, 2020.

⁶⁶ Tan, Kenneth Paul. 2017. *Governing Global-city Singapore*. Oxfordshire: Routledge: 23.

⁶⁷ Parliamentary Debates. 2019. "Protection from Online Falsehoods and Manipulation Bill." Hansard, Vol 94, Sitting 104. (<https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-364>), accessed July 5, 2020.

⁶⁸ Gesley, J. 2019. "Germany: Facebook found in violation of 'anti-fake news' law." *Global Legal Monitor*, August 20, (<http://www.loc.gov/law/foreign-news/article/germany-facebook-found-in-violation-of-anti-fake-news-law/?loclr=fblaw>), accessed May 17, 2020.

Strengths

Lawmakers formulating policies to combat online falsehoods might wish to incorporate the following strengths of POFMA. Its main advantage lies in the correction directions, which are essentially official government statements to debunk falsehoods without involving censorship of online content. The correction direction is a relatively non-intrusive instrument, as elaborated earlier. There are also benefits in clarifying empirically verifiable statements in order to improve the quality of public discourse grounded in facts. As such, it is probably more convincing for the public to accept this legal instrument, which does not conflict directly with free speech, especially in the more liberal democratic countries.

Additionally, POFMA presents a speedy policy intervention to curb the rapid spread of online falsehoods. While the appointment of the Executive to issue these directions remains controversial, POFMA nonetheless recognises the need to formulate instruments that can rapidly correct damaging falsehoods, especially those that aim to promote enmity between various groups in society or to unfairly disrepute a person or institution. Its speedy feature can be emulated.

Weaknesses

However, POFMA's Stop Communication Direction and the appointment of ministers with the authority to issue these directions may be less acceptable in liberal democratic countries. It is less likely that citizens in these countries would accord the Executive with the power to determine what constitutes a falsehood. There is an obvious concern that a member of the Executive would not be a reliable and impartial person to clarify what constitutes falsehoods that concern the government.

Perhaps, France's election misinformation law is more appropriate for these countries, as it allows for both the ruling and opposition parties to apply for an emergency injunction to the court for removing falsehoods.⁶⁹ Having a politically independent entity such as the Judiciary would less likely evoke concerns of power abuse or suppression of free speech in politics, as compared to relegating ministers with these powers.⁷⁰ For Singapore, it might be prudent to limit POFMA's correction

⁶⁹ George, Cherian. 2020. *Air-Conditioned Nation Revisited: Essays on Singapore Politics*. Singapore: Ethos Books: 180.

⁷⁰ Tham, Yuen-C. 2019. "Singapore's fake news law to come into effect Oct 2." The Straits Times, October 1, (<https://www.straitstimes.com/politics/fake-news-law-to-come-into-effect-oct-2>), accessed May 17, 2020.

directions to socially and geopolitically divisive falsehoods concerning race, religion, immigration, international relations, and electoral misinformation, whose damages are more difficult to contain.

Conclusion

In sum, POFMA at best offers instruments that can correct unfounded online falsehoods rapidly and minimise any discord that such falsehoods might sow within society. However, it is probably insufficient to preserve the Singapore citizenry's trust in government, as it has been perceived as an instrument that favours the ruling party by protecting their reputation. While, POFMA is intended to preserve public trust, whether it has really done so remains questionable, despite assurances that it possesses mechanisms to mitigate power abuse.

The maintenance of public trust in politics requires more than just the preservation of a government's legitimacy by correcting falsehoods. It is crucial for the government to *build* this trust by actively reforming its governing approach, and to appear less self-justifying and intolerant of criticism. While POFMA was neither intended to target criticisms based on opinions nor promote self-censorship, it has been interpreted as a politicised, one-sided law. A government's effective management of falsehoods should be accompanied with an acceptance of public criticism to earn public trust.

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