

# Rebuilding Hegemony: State Responses to Fake News in Thailand

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2025

A thesis submitted in fulfilment of the requirements  
for the degree of Doctor of Philosophy

## **Statement of Originality**

This is to certify that the content of this thesis is my own work. This thesis has not been submitted for any other degree or purpose.

I certify that the intellectual content of this thesis is the product of my own work, and that all assistance received in preparing this thesis and all sources have been acknowledged.

Itsakul Unahakate, 31 October 2025

## Acknowledgement

This thesis would not have been possible without the support and guidance of those who generously contributed their time and expertise. I am deeply grateful to Associate Professor Aim Sinpeng, my lead supervisor, for her guidance, patience, and consistent support throughout this research. I am sincerely thankful to Dr Gavan Butler, my auxiliary supervisor, for his insightful advice and valuable feedback, which helped refine and strengthen the work. I would also like to thank the two examiners, Professor Michael Connors and Dr Sarah Logan, for their constructive and encouraging comments that significantly improved this thesis.

This thesis draws on data that was gathered with the generous assistance of several individuals. I would like to thank Sorawit Boontueng and staffs at Thai Lawyers for Human Rights (TLHR) for facilitating access to criminal case files, which form the basis of the analysis in Chapter 4; Luxsika Stapatyanon for archiving fact-checked reports used in Chapter 5; and Stephen Tyler Williams and Suppalerk Petpol for providing the Keyword Exploration Tool used in Chapter 6. I am sincerely thankful to all interviewees, both those who agreed to be named and those who preferred anonymity, for generously sharing their perspectives and experiences that informed this research.

I would like to thank the Faculty of Economics and Thammasat University for awarding a scholarship that was intended to fully support my studies and made this research possible. I also wish to thank the Faculty of Arts and Social Sciences, the University of Sydney, for the support provided through the Doctoral Research Travel Grant Scheme, which enabled my fieldwork.

Pursuing a doctorate degree abroad comes with many challenges, and I would like to express my sincere thanks to members of the Sydney Southeast Asia Centre, particularly Professor Michele Ford and Dr Natali Pearson, for their support and encouragement during my transition. I also appreciate Dr Kyungjoon Lim, my flatmate, whose presence and understanding of academic life helped me maintain balance throughout this journey. I am also grateful to my girlfriend, friends, colleagues, and cats for their encouragement and understanding, all of which helped me navigate the highs and lows of pursuing this degree. Above all, I am forever indebted to my mother and my sister for their patience and unwavering belief in me. Their support has been the foundation of my ability to undertake and complete this work.

## Author Attribution Statement

The preliminary findings presented in Chapter 5 of this thesis were previously shared on 30 November 2023 at the webinar *Mapping Global Populism — Panel #7: Democracy in Thailand: Navigating Populism and Authoritarianism*, organised by the European Center for Populism Studies (ECPS). The presentation was delivered under the title “Authoritarian Ministry of Truth: A Case of Thailand’s Anti-Fake News Center”.

The final findings of Chapter 5 were presented on 14 July 2025 under the title “State-Controlled Fact-Checking During COVID-19: A Case of Thailand’s AFNC” in the panel *Digital Propaganda in Autocratized Southeast Asia* at the 28th IPSA World Congress of Political Science, held in Seoul, under the theme *Resisting Autocratization in Polarized Societies*.

In addition to the authorship attribution statements above, in cases where I am not the corresponding author of a published item, permission to include the published material has been granted by the corresponding author.

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## **Statement on the Use of Generative AI**

During the preparation of this thesis, generative AI tools—ChatGPT and Grammarly—were used for the purposes of text enhancement, including improvements to sentence structure, paraphrasing, and clarity. Where any text was modified by generative AI, the author carefully reviewed the resulting content for errors, inaccuracies, or biases and made further modifications as necessary. The author takes full responsibility for the submitted thesis and affirms that the work is their own, with generative AI used in accordance with appropriate academic and ethical guidelines.

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## Abstract

Fake news leads to various social costs. During the pandemic, it undermined public health measures, making state intervention appear justified. However, in many countries, anti-fake news measures have resulted in restricted freedom of expression. This raises important questions about the underlying motivations of such efforts: are they driven by genuine concerns for public interests or a desire to suppress dissent and consolidate political control? Adapting the strategic-relational approach (SRA) developed in Jessop (1990, 2016), this thesis develops a conceptual framework to argue that, in authoritarian regimes, state responses to fake news serve to legitimise mechanisms of state control over information flow on social media in an effort to rebuild state hegemony. Using Thailand as a case study, this thesis contends that the Thai state seeks to rebuild hegemony because of the rise of social media as an increasingly contested domain for the state, and a hegemonic crisis that has unfolded in the country over the past two decades.

Official and archival document analysis—including case files, fact-checking reports, and official pandemic situation briefing videos—and interviews are employed to provide a comprehensive within-case analysis of key state responses to fake news: criminal sanctions, content restrictions, fact-checking, and public communication. The findings reveal that each response, implemented through different institutional and organisational mechanisms, fulfils a distinct function in controlling the flow of information: censorship, surveillance, and propaganda. These institutional and organisational mechanisms, which contribute to structural determination of hegemony, are central to the Thai state's efforts to rebuild hegemony. At the same time, the state constructs hegemonic visions by legitimising the necessity of these mechanisms to combat fake news—invoking claims of public interest that are ultimately illusory. This illustrates constructed consent as a means of reinforcing coercive state power.

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## List of Abbreviations

AFNC	Anti-Fake News Centre
AOT	Airports of Thailand PCL
CCA	Computer-Related Crime Act
CCSA	Centre for COVID-19 Situation Administration
CDR	Council for Democratic Reform
CIB	coordinated inauthentic behaviour
DDC	Department of Disease Control
DMSC	Department of Medical Sciences
FFP	Future Forward Party
ICCPR	International Covenant on Civil and Political Rights
IFCN	International Fact-Checking Network
ISOC	Internal Security Operations Command
MDES	Ministry of Digital Economy and Society
MICT	Ministry of Information and Communication Technology
MOPH	Ministry of Public Health
NBT	National Broadcasting of Thailand
NBTC	National Broadcasting and Telecommunications Commission
NCPO	National Council for Peace and Order
NetzDG	Network Enforcement Act
NLA	National Legislative Assembly
NT	National Telecom Public Company Limited
NTD	notice-and-takedown
NVI	National Vaccine Institute
PAD	People's Alliance for Democracy
PDRC	People's Democratic Reform Committee
POFMA	Protection from Online Falsehoods and Manipulation Act
PPP	People's Power Party
PRD	Public Relations Department
RTA	Royal Thai Army
RTP	Royal Thai Police

S&S	Sure and Share Centre
SRA	strategic-relational approach
TCSD	Technology Crime Suppression Division
TLHR	Thai Lawyers for Human Rights
TRT	Thai Rak Thai Party
UDD	United Front for Democracy Against Dictatorship
WHO	World Health Organisation

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# Chapter 1

## Introduction

### Introduction

At the Munich Security Conference in February 2020, Dr Tedros Adhanom Ghebreyesus, the Director-General of the World Health Organisation (WHO), highlighted the critical challenge of “fighting an infodemic<sup>1</sup>”. He remarked, “fake news spreads faster and more easily than this virus and is just as dangerous” (World Health Organization, 2020). A month later, the International Press Institute acknowledged the harmful effects of the coronavirus but raised concerns that states’ emergency measures might be used “as a pretext to censor news and information on and offline or implement regressive regulations against media freedom” (International Press Institute, 2020). Unfortunately, their concerns proved right, as numerous violations of media freedom have occurred globally, including restrictions on access to information, censorship, and strict regulations, all justified by the claim of controlling alleged fake news. Since January 2020, at least 24 states have enacted criminal laws ostensibly aimed at combating fake news to protect the public but have instead restricted media freedom. Moreover, 51 countries have employed new and existing laws to prosecute critics of their policies, regardless of their relevance to the pandemic. (Human Rights Watch, 2021).

Here, we encounter a dilemma regarding whether the state should intervene in controlling the so-called fake news. On the one hand, fake news—fabricated or misleading information intended to deceive audiences—leads to various social costs, such as difficulty in discerning trustworthy news, eroding trust in society, and distorting democratic decision-making processes (Martens, Aguiar, Gomez-Herrera, & Mueller-Langer, 2018). During the pandemic, fake news circulating on social media fuelled beliefs that resulted in vaccine avoidance, mask refusal, and the use of unproven

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<sup>1</sup> While the term ‘infodemic’ has been widely adopted by scholars and journalists, Simon and Camargo (2021) argue it is misleading due to key differences. Unlike a virus, fake news sources are diverse, its spread is intentional, and its virality depends on social norms and individual efforts rather than biological transmission. Hence, this thesis avoids using the term.

treatments (Ferreira Caceres et al., 2022; Rocha et al., 2021). In this context, state intervention to control the spread of fake news on social media appears justified. On the other hand, the state's rationale for anti-fake news measures may be questionable, as evidenced in many countries where the introduction and enforcement of such laws impose information restrictions, censorship, and strict regulations, posing a threat to freedom of expression (Neo, 2021c; Vese, 2022). This issue is particularly concerning in authoritarian regimes, as it may hinder democratic progress. This thesis aims to address this dilemma of whether the state should intervene in controlling fake news. It explores what underpins states efforts to control fake news: is it driven by genuine concerns for public interests or a desire to suppress dissent and consolidate political control? This thesis argues that responses to state responses to fake news serve to legitimise mechanisms of state control over information flow on social media in an effort to rebuild state hegemony.

The remainder of this chapter is structured as follows. First, it discusses the definition of 'fake news', arguing that it refers to fabricated or misleading information intended to deceive audiences. Second, the rise of fake news is analysed through three interrelated factors: the proliferation of social media, declining trust in journalism, and political polarisation. Third, it compares responses to fake news in democratic and authoritarian regimes, categorised into three focus areas: content, sources, and audiences. Fourth, it highlights gaps in previous research on state responses to fake news in authoritarian contexts. Fifth, it presents Thailand as a case study. Sixth, it introduces the conceptual framework, adapting strategic-relational approach (SRA) (Jessop, 1990, 2016) and details research methods and data collection. Finally, the chapter concludes with the thesis outline.

## **Fake News**

In this dissertation, the term 'fake news' is defined as fabricated or intentionally misleading information, often presented in the format of real news, with the intent to deceive audiences for political, financial, or ideological purposes. This section examines the debate surrounding the term and proposes a definition to be used throughout the thesis to analyse how states employ the term in their responses to fake news.

Fake news is not a new term. It has existed across different periods, from the pre-printing press era to the mass media era and into today's social media era (Burkhardt, 2017; Posetti & Matthews, 2018). Nonetheless, its impact has become increasingly urgent and concerning in the present day. On social media, fake news spreads at a greater scale, speed, and depth than verified information across all categories, particularly in political news (Vosoughi, Roy, & Aral, 2018). Consequently, the issue has attracted significant scholarly attention. The definition of fake news, however, is neither simple nor universally agreed upon, partly because there are numerous terms used to describe it<sup>2</sup>. Although the term 'fake news' is widely used, some scholars have expressed dissatisfaction with it and debated its appropriateness in academic discussions<sup>3</sup>.

There are three main approaches to studying the fake news that reflect the debate. The first avoids using the term 'fake news', opting for other terms to precisely identify and categorise the specific characteristics of different types of 'information disorder'. This approach typically defines fake news based on two key aspects: its falseness and its intention to harm. Tandoc et al. (2018), in their analysis of research papers from 2003 to 2017, developed a typology of fake news along two dimensions: facticity (the extent to which it is based on facts) and intention. Similarly, a Council of Europe report categorises 'information disorder' using falseness and intent to harm as criteria, identifying three types: misinformation, disinformation, and malinformation. According to the report, disinformation is "false and deliberately created to harm a person, social group, organisation or country", whereas misinformation is "false, but not created with the intention of causing harm." Malinformation, by contrast, is "based on reality, used to inflict harm on a person, organisation or country" (Wardle & Derakhshan, 2017, p. 20). Notably, both disinformation and misinformation are often referred to as fake news.

The second approach, by contrast, maintains the use of the term 'fake news', arguing that it highlights the importance of the phenomenon, particularly its political and societal significance, and draws public attention. Egelhofer and Lecheler (2019,

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<sup>2</sup> For a comprehensive review, see Tandoc, Lim, and Ling (2018)

<sup>3</sup> See, for example, the debate between Habgood-Coote (2019, 2022) on the one hand, and Brown (2019) and Pepp, Michaelson, and Sterken (2022) on the other hand.

p. 111) refers to this approach as ‘fake news genre’, defined as “the intentional creation of pseudojournalistic disinformation”. While the term is criticised for being broad, ambiguous, and misused by politicians to discredit unfavourable news coverage (Wardle & Derakhshan, 2017), some scholars continue to employ it and emphasise the news format. For instance, definitions of fake news include:

- “fabricated information that mimics *news media content* in form but not in organisational process or intent” (Lazer et al., 2018, p. 1094, emphasis added)
- “*news articles* that are intentionally and verifiably false, and could mislead readers” (Allcott & Gentzkow, 2017, p. 213, emphasis added)
- “the deliberate presentation of (typically) false or misleading *claims as news*, where the claims are misleading by design” (Gelfert, 2018, p. 86, emphasis added)
- “[i]ntentional disinformation (invention or falsification of known facts) for political and/or commercial purposes, *presented as real news*” (McNair, 2017, p. 38, emphasis added).

These definitions, emphasising the news format, align with the suggestion that “fake news does not simply mean false news but should be understood as an imitation of news” (Egelhofer & Lecheler, 2019, p. 100). Accordingly, a message qualifies as fake news if it is low in facticity, intended to deceive, and presented in a journalistic format. However, despite this definition being closely associated with disinformation, Egelhofer and Lecheler (2019) argue that misinformation remains significant because, once people are exposed to it, altering their perceptions becomes challenging.

The third approach examines how the term ‘fake news’ is used in real-world contexts without the authors explicitly defining it. For example, Egelhofer, Aaldering, Eberl, Galyga, and Lecheler (2020), opposing the academic use of the term, investigate its application in news reports and find that journalists have largely characterised fake news as false information and broadened its use as a buzzword for any inaccuracy. In political studies, there is growing support for research on ‘fake news label’, described as “the political instrumentalization of the term by political actors to delegitimize journalism and news media” (Egelhofer & Lecheler, 2019, p. 111). For instance, Sombatpoonsiri and Luong (2022) use legal definitions to analyse and compare government digital repression across four Southeast Asian countries.

Similar to Egelhofer et al. (2020)'s findings, in Thailand, the term 'fake news' (ข่าวปลอม) is commonly used to refer to any false information and increasingly applied as a catch-all term for inaccuracies (O. Yingyongpathana, personal communication, 2 January 2024; P. Kularb, personal communication, 22 January 2024). However, while the Thai state actively employs the term—as evidenced by the naming of the state-controlled fact-checking agency, the Anti-Fake News Centre (AFNC)—it has never formally defined it. Nonetheless, since the dissemination of fake news constitutes a criminal offence under the Computer-Related Crime Act (CCA), and intent is a key element of such offences, in this dissertation, fake news is defined as fabricated or intentionally misleading information, often presented in the format of real news, with the intent to deceive audiences for political, financial, or ideological purposes. Given that the objective of this dissertation is to analyse the reasons behind the state's responses to fake news, any usage of the term by the state that extends beyond this definition, or any ambiguity in defining it, will be interpreted as an exercise of state power.

## **The Rise of Fake News**

Fake news is not a new phenomenon, but it became an urgent global issue in 2017 following heightened attention after Donald Trump's 2016 electoral victory and the role fake news in political campaigns. In early 2018, the Cambridge Analytica scandal further underscored concerns over fake news, as the firm illicitly exploited Facebook user data to influence the 2016 US presidential election and Brexit referendum (Allcott & Gentzkow, 2017; Bakir & McStay, 2018; Grimm, 2020; Guess & Lyons, 2020; McNair, 2017; Posetti & Matthews, 2018). In less democratic countries, the use of social media for public opinion manipulation had taken place in 70 countries and that the creation of fake news is the most common strategy. Government agencies, like communication or digital ministries, military, police force, and state-funded media, spread the so-called 'computational propaganda' and disinformation in 62 countries (Bradshaw, Bailey, & Howard, 2021; Bradshaw & Howard, 2019) This section explores the rise of fake news and argues that it is shaped by three interrelated factors: the proliferation of social media, declining trust in journalism, and political polarisation.

## ***The Proliferation of Social Media***

The proliferation of social media is the first and foremost factor shaping the rise of fake news, as it enables such information to spread faster and more widely than was ever possible in traditional media. Social media have revolutionised communication, changing how and where people access information. This shift has accelerated the production and spread of information, including fake news, on an unprecedented scale, driven by a low-cost environment and incentives for fake news production.

First, social media platforms have reduced costs and lowered barriers to entry into the media industry. Unlike traditional mass media, which required substantial investments like printing presses or broadcasting licenses, digital media production and distribution are far cheaper (Doyle, 2009; Lazer et al., 2018). Social media platforms facilitate this process, as “all users can piggyback onto the pre-existing digital networks of the internet” (Flew, 2014, p. 76). The number of individuals and organisations involved in this process is massive. For example, Facebook reported nearly 3 billion monthly active users by the end of 2022 (Meta Platform Inc, 2023). This has enabled diverse actors—citizens, influencers, NGOs, and even governments—to produce and share content, including fake news.

Second, social media’s business models and algorithms incentivise fake news production. Programmatic advertising generates revenue based on clicks, encouraging not only legitimate content but also misleading headlines and fake news (Bakir & McStay, 2018; Braun & Eklund, 2019; Creech, 2020). For example, during the 2016 US presidential election, Macedonian teenagers created fake news sites for profit, exploiting this revenue-driven system (Allcott & Gentzkow, 2017; Bakir & McStay, 2018; Guess & Lyons, 2020).

## ***Declining Trust in Journalism***

The rise of fake news is partly driven by declining trust in journalism. In Western contexts, fake news reflects a broader erosion of public trust in political institutions and mainstream media (McNair, 2017). Gallup polls show trust in the US mainstream media has steadily declined, hitting historic lows before the 2016

presidential election. Similarly, the Reuters Digital News Report reveals that only about half of respondents in Norway and Denmark trust the news most of the time (Allcott & Gentzkow, 2017; Freelon & Wells, 2020; Kalsnes, 2018; Lazer et al., 2018). In authoritarian countries where press freedom is restricted, trust in journalism is often shaped by the relationship between the news media and the state. In East and Southeast Asia, for example, news media often have ties to political and economic elites and are used to promote government narratives. As a result, trust in mainstream media tends to depend on how much people trust the government and support its social and ideological control (Chang & Tang, 2023). For state-controlled media, information disseminated through informal channels—such as rumours—poses a significant challenge to maintaining public trust in such media, as demonstrated in the case of China (Wang, Zhu, & Zhang, 2024).

While the primary sources of mistrust in journalism differ between democratic and authoritarian regimes, two common factors that have facilitated the rise of fake news can be identified. The first factor is the role of social media. Social media accelerates the news cycle, pressuring traditional outlets to publish unverified information to stay competitive (Bakir & McStay, 2018; Waisbord, 2018). Moreover, the format of social media, where information is presented in short snippets on mobile screens or within news feeds, makes it challenging to assess the accuracy of an article (Allcott & Gentzkow, 2017). This spread of false information, presented as real news, undermines “our capacity as media users ... to trust the information we receive in the form of journalism” (McNair, 2017, p. 43). Second, perceived bias and partisanship undermine media trust (Ashley, 2019; Kalsnes, 2018). As a result, individuals seek alternative sources for both political and non-political content—sources that may contribute to the spread of false information. For example, fake news websites after the 2016 US election often presented themselves as independent journalism while sharing hyper-partisan content (Robertson & Mourão, 2020). Similarly, in the case of non-political content, 40% of most frequently shared Polish health links were identified as fake news (Waszak, Kasprzycka-Waszak, & Kubanek, 2018).

## ***Political Polarisation***

While the rise of fake news is influenced by social media and declining trust in journalism, many studies highlight partisan and ideological polarisation as a more fundamental cause (Bennett & Livingston, 2018; Osmundsen, Bor, Vahlstrup, Bechmann, & Petersen, 2021; Spohr, 2017). Polarisation limits “opportunities for cross-cutting political interaction” (Lazer et al., 2018, p. 1095), fostering an environment where fake news and information manipulation thrive.

Fake news is increasingly utilised by domestic and international political actors, including governments, to control narratives and mobilise proxy actors (Egelhofer & Lecheler, 2019; Mele et al., 2017). The 2016 US presidential election and the 2016 Brexit referendum exemplify these dynamics. Pro-Trump fake news narratives gained traction during the election, while the Cambridge Analytica scandal revealed the misuse of personal data to influence Brexit (Allcott & Gentzkow, 2017; Bakir & McStay, 2018; Grimm, 2020; Guess & Lyons, 2020; McNair, 2017; Posetti & Matthews, 2018). Both events were also linked to Russian interference, with entities like the Internet Research Agency manipulating public discourse (Bastos & Farkas, 2019; Monsees, 2020, 2021). Globally, politically driven fake news stems from sources such as far-right websites and state propaganda campaigns, particularly in authoritarian regimes (Bennett & Livingston, 2018; Bradshaw et al., 2021; Bradshaw & Howard, 2019; Humprecht, 2019). Unlike in more democratic countries, governments in authoritarian countries are the primary actors deploying troops and trolls in orchestrating social media campaigns, including the dissemination of fake news (Bradshaw & Howard, 2017). These state-led social media campaigns can exacerbate polarisation. In Myanmar and Sri Lanka, for example, state actors leveraged social media to mobilise public backing for violence against Muslims (Schirch, 2021).

The rise of fake news and information overload raise a key question: how do individuals decide whom and what to trust? Polarisation plays a significant role in this process. Lewandowsky, Ecker, Seifert, Schwarz, and Cook (2012) suggest that people assess information based on its alignment with their beliefs, coherence, source credibility, and social perceptions. Social media algorithms intensify these effects by promoting content that aligns with users’ beliefs (selective exposure), creating

personalised information environments (filter bubbles), and reinforcing shared perspectives within like-minded communities (echo chamber) (Bakir & McStay, 2018; Spohr, 2017; Sunstein, 2018). These psychological effects inevitably amplify the impact of fake news, as individuals are more likely to believe fake news when it aligns with their political views (Rhodes, 2022). Moreover, when laws aimed at curbing fake news are politicised or misused, individuals may engage in self-censorship and retreat to private, closed communication networks—intensifying psychological effects, as observed in Southeast Asian countries (Sinpeng & Tapsell, 2020).

## **Responses to Fake News in Democratic and Authoritarian Regimes**

Responses to fake news have varied across political regimes. In democratic regimes, states respond to fake news in ways that support key principles of democracy, such as protecting national security and elections from outside interference, making sure voting is fair and transparent, and allowing free speech to encourage public debate (Tenove, 2020). These democratic values are exemplified by the Digital, Culture, Media and Sport Committee of the British House of Commons, which warns that fake news undermines reasoned debate, jeopardising “the very fabric of our democracy” (House of Commons, 2019). In authoritarian regimes, conversely, “national security discourse has been predominantly articulated by national state institutions and legislatures, and by those attempting to get the attention of policy makers” (Neo, 2021b, p. 219). This has resulted in responses to fake news that risk undermining free expression and other fundamental civil liberties, including measures such as media control, censorship, and the implementation of criminal laws.

Responses to fake news in democratic regimes are typically initiated by non-state actors and supported by the state, whereas in authoritarian regimes they are predominantly state-led. In democratic contexts, non-state actors—particularly social media platforms—have played a central role in developing responses to fake news, with state intervention in online communication remaining relatively limited. In contrast, authoritarian regimes tend to exercise greater control over fake news through institutional and organisational mechanisms, particularly through laws and regulations. Although common types of responses to fake news can be observed across regime types (see Table 1.1), their impacts differ significantly. For instance, in terms of content

restrictions, authoritarian regimes are more likely to criminalise fake news through vague legal provisions and harsh penalties, whereas democratic states rarely impose such restrictions and tend to adopt narrowly defined legal categories, such as those related to hate speech.

Table 1.1 Responses to fake news in democratic and authoritarian regimes

Focus of the responses	Democratic Regimes		Authoritarian Regimes
	By non-state actors	State-led responses	
Fake news content	Improve media outlet's operational and ethical standards		
	Increase exposure to credible news sources		Public communication
	Fact-checking and flagging potential false information		Fact-checking
	Content restrictions		
Sources of fake news	Indicators for transparency of the sources		Criminal sanctions
Audience of fake news	Pre-bunking		

Source: summary by the author based on the discussion in this section

The first response to fake news is to raise operational and ethical standards in media organisations to adapt to the digital media landscape. For example, in 2018, Reporters Without Borders (RSF) launched the Journalism Trust Initiative (JTI) to

counter online disinformation by developing trust and transparency standards (Reporters Without Borders, 2018). Media organisations are encouraged to adopt best practices, such as verifying stories and sources before publication, to avoid spreading misinformation (Wardle & Derakhshan, 2017). Innovative methods, such as *The Guardian's* 2019 initiative to prominently date-stamp archived news stories, aim to contextualise old reports and prevent their misrepresentation (Moran, 2019).

Second, exposure to credible news sources can be increased through social media algorithms that sort, select, and rank news (European Commission, 2018). For instance, Facebook's 2017 'Related Articles' feature provided additional perspectives beneath disputed stories, though it raised concerns about algorithmic accountability in determining the selection of alternative viewpoints (Alemanno, 2018).

Public communication efforts by state actors can enhance exposure to credible news sources. During the pandemic, for example, governments employed various methods to communicate COVID-19-related information to their citizens (OECD, 2020). Unfortunately, numerous reports indicate that authoritarian governments have themselves engaged in the creation and dissemination of fake news, with Türkiye serving as an example (Siwakoti et al., 2021). Chapter 6 of this thesis offers a more detailed account of this response.

Third, fact-checking, defined as systematically assessing the validity of claims made by public officials and institutions (Walter, Cohen, Holbert, & Morag, 2020), is a crucial response. Fact-checkers must remain neutral and adhere to fairness and transparency principles, as outlined in the International Fact-Checking Network (IFCN)'s Code of Principles. Social media platforms such as Facebook have been seeking partnerships with Code of Principles signatories in order to identify and review potential false information and flag the content with a warning label without removing it, unless it violates the 'Community Standards' (Meta Platform Inc, 2021).

Approaches to fact-checking differ between democratic and authoritarian regimes. In democratic countries, journalists or independent third-party fact-checkers usually fulfil this role, with states sometimes providing support through funding or coordination with independent bodies to avoid partisanship (Centre for Law and Democracy, 2021; OECD, 2020). In contrast, authoritarian regimes often attempt to act as a 'Ministry of Truth' by establishing state-controlled fact-checking agencies,

whose independence cannot be assured (Centre for Law and Democracy, 2021; Law Library of Congress, 2019; Schuldt, 2021; Siwakoti et al., 2021). Chapter 5 of this thesis will provide a more detailed explanation.

Fourth, exposure to fake news is subject to content restrictions. While social media platforms typically rely on their 'Community Standards' to determine whether content should be restricted, states play a more significant role in shaping the boundaries of freedom of expression, particularly through legal and regulatory frameworks. However, the extent of this role differs between democratic and authoritarian regimes. For example, Germany's Network Enforcement Act or NetzDG, requires social media platforms to remove or block obvious illegal content, such as defamation and hate speech, but not fake news. Authoritarian states, on the other hand, use this response in their own unique ways. Despite being referred to as NetzDG, Malaysia's Anti-Fake News Act, for example, are dedicated to cracking down fake news and imposes criminal penalties on individuals or entities who are the source of such information, rather than intermediaries (Centre for Law and Democracy, 2021; Law Library of Congress, 2019; Neo, 2021c; Siwakoti et al., 2021; Smith, Perry, & Smith, 2021; Vese, 2022). A more detailed explanation will be provided in Chapter 4 of this thesis.

Fifth, while the previous four responses aim to increase exposure to quality information as a means of countering fake news, this response focuses on addressing its source. Because social media platforms' advertising-based business models often incentivise the spread of fake news for profit (Bakir & McStay, 2018; Braun & Eklund, 2019; Creech, 2020), these companies are expected to play a key role in countering fake news. Policy recommendations emphasise transparency regarding content sources, sponsorship, and political advertising (European Commission, 2018). Efforts also focus on limiting disinformation by detecting manipulation from bots, cyborgs, and coordinated networks (see Shu, Sliva, Wang, Tang, and Liu (2017), for example). In response, platforms like Meta have implemented measures such as removing accounts and pages engaging in coordinated inauthentic behaviour (CIB) (Giglietto, 2022; Gleicher, 2018, 2020).

The measures adopted by social media platforms have sparked important debates about the role of private companies in online communication. However, state

responses to the sources of fake news—particularly in authoritarian regimes—are more concerning, as they often involve criminal sanctions. Unlike democratic countries, where criminalisation of fake news is rare and legal definitions are narrowly specified, many authoritarian states have enacted or amended laws with broad, vague definitions and severe penalties, including imprisonment, as seen in Malaysia’s Anti-Fake News Act discussed above. These measures risk disproportionate punishment and legal overreach (Centre for Law and Democracy, 2021; Law Library of Congress, 2019; Neo, 2021c; Siwakoti et al., 2021; Vese, 2022). This response is examined in greater detail in Chapter 4.

The last response to fake news focuses on audiences, particularly by enhancing their ability to critically assess information—pre-bunking or pre-emptive debunking of fake news. Although partisanship is often cited as a key driver of fake news belief and dissemination, studies suggest that cognitive factors—such as inattention and lack of critical reasoning—also play a significant role (Pennycook & Rand, 2021). As a result, scholars increasingly advocate for pre-bunking strategies to build resilience against misinformation (Lewandowsky & van der Linden, 2021; van der Linden, Roozenbeek, & Compton, 2020). These approaches underscore the importance of information literacy, which has been shown to be more effective than other literacies in helping individuals identify fake news (Barclay, 2018; Jones-Jang, Mortensen, & Liu, 2021). In democratic contexts, such as the UK, states have supported pre-bunking efforts through educational campaigns and gamified tools (OECD, 2020; Traberg, Roozenbeek, & van der Linden, 2022). In authoritarian regimes, however, such audience-focused strategies are less central to state responses.

In sum, this section demonstrates how varying democratic values across regimes shape state responses to fake news. In democratic contexts, non-state actors—particularly social media platforms—play a leading role, with the state providing limited but supportive involvement. In contrast, authoritarian regimes exert more direct control through measures that differ in form, degree of intrusiveness, and implications for freedom of expression. Even when responses appear similar across regime types, the devil is in the details. To make sense of the authoritarian state’s rationale in controlling fake news, Chapters 4 to 6, using Thailand as a case study,

examine four key responses: criminal sanctions, content restrictions, fact-checking, and public communication.

## **Authoritarian Responses to Fake news**

Despite growing scholarly attention to the phenomenon of fake news, significant gaps remain in understanding how and why states—particularly in authoritarian regimes—respond to it. First, existing research is disproportionately focused on Western contexts, especially the US. Second, the literature tends to overemphasise the consequences of state responses, often neglects the underlying motivations of the state. Third, current theoretical frameworks often fail to adequately address the relational dynamics between the state and society. Finally, there is a lack of explanation for the variation in state responses to fake news within a country.

First, scholarship to date has largely concentrated on the experiences of Western countries, most notably the US. Because the rise of fake news has gained significant attention in academic discourse since the 2016 US presidential election and the Brexit referendum, much of the existing literature, as Persily and Tucker (2020) observe, is centred on developed or more democratic countries. In contrast, the complexities of fake news, including state responses to it, in developing countries and in authoritarian regimes remain underexplored.

Second, existing studies on authoritarian regimes tend to focus more on state responses and their consequences than on the reasons behind them. Scholars in law and political science who study authoritarian regimes frequently focus on the consequences of state responses to fake news, particularly their adverse effects on civil liberties and freedom of expression (see Centre for Law and Democracy (2021); Law Library of Congress (2019); Siwakoti et al. (2021); Vese (2022), for examples). Understanding the reasons behind state responses to fake news is critical, as they involve a dual dimension: while such measures may undermine freedom of expression, they are, to some extent, justified in the context of emergencies such as the COVID-19 pandemic.

Third, current theoretical frameworks explaining state motivations are limited in their ability to explain the interactive dynamics between the state and society. On the one hand, when the state is viewed merely as an exogenous force, as is typical in

neoclassical economic explanations (see Allcott and Gentzkow (2017), for example), such a perspective fails to recognise the role of social forces—with particular interests—both within and beyond the state that shape these responses. On the other hand, viewing the state as a political actor, as is commonly the case in applications of ‘securitisation theory’ (see Neo (2021c), for example), often narrows the analysis to state actions and tends to presume that national security claims inherently gain societal approval and consent.

Finally, there remains a gap in understanding why a single state adopts multiple approaches to addressing fake news. Existing studies often either analyse all responses to fake news collectively or focus on a single measure. This tendency leads to insufficient attention to the specific rationales underpinning each response, as well as to the potential contradictions in the state’s role—particularly between safeguarding the public interest and suppressing dissent through information control. This is also the case in applications of securitisation theory to the analysis of fake news in Southeast Asian countries such as (Neo, 2021a), Singapore (Neo, 2020), and Thailand (Sombatpoonsiri, 2021).

## **Thailand as a Case Study**

Thailand serves as a case study for examining what underpins states to control fake news in authoritarian regimes. Unlike in democratic countries, authoritarian states often employ ambiguous laws and regulations to control political content on the Internet (Mechkova, Pemstein, Seim, & Wilson, 2021). During the pandemic, numerous states worldwide introduced and implemented criminal laws under the pretext of combating fake news, often claiming to protect public interests while simultaneously restricting media freedom and suppressing dissent (Human Rights Watch, 2021). Thailand illustrates this trend through its implementation of the Computer-Related Crime Act (CCA) and the Emergency Decree on Public Administration in Emergency Situations. For instance, under this decree, the state-controlled Anti-Fake News Centre (AFNC) collaborated closely with police departments, raising significant concerns about the impact of such measures on freedom of expression (Centre for Law and Democracy, 2021). As a case study for countries that use laws and regulations under the pretext of controlling fake news,

Thailand aligns closely with countries that possess the capacity to regulate online content without resorting to the Internet or social media shutdowns, such as Hong Kong, Indonesia, Israel, Jordan, Kuwait, Malaysia, Mauritius, the Philippines, Senegal, Singapore, Vietnam, and Zambia. However, it differs from some authoritarian regimes, such as Cambodia and Laos, which lack the capacity to regulate online content. Similarly, Thailand's approach does not align with countries like China, India, Morocco, Russia, and Türkiye, where states could address fake news through widespread Internet or social media shutdowns (Mechkova et al., 2021). The Thai state offers a unique case study due to its distinctive approach to regulating fake news through existing laws and regulations, rather than introducing new legislation. The Thai state has, for decades, consistently sought to control media and communication, particularly through laws and regulations. In the Internet and social media era, the state has shifted its focus to controlling content rather than the channels of communication, utilising measures such as the Computer-Related Crime Act BE 2550 (2007) and its amendment by the Computer-Related Crime Act (No 2) BE 2560 (2017) and Section 112 of the Criminal Code (Lèse-Majesté provision) (Sinpeng & Hemtanon, 2019). This sets Thailand apart from countries like Singapore, which introduced new legislation, the Protection from Online Falsehoods and Manipulation Act (POFMA), specifically to address fake news, while Thailand relies on pre-existing laws.

## **Conceptual Framework**

This thesis aims to explore what underpins the Thai state efforts to control fake news. It argues that fake news is employed in an effort to rebuild state hegemony. This is achieved by legitimising institutional and organisational mechanisms of state control over information flow on social media—a domain where state power is increasingly contested. This thesis adapts the strategic-relational approach (SRA) developed in Jessop (1990, 2016)<sup>4</sup>, to construct a conceptual framework for explaining

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<sup>4</sup> The Strategic-Relational Approach (SRA) was developed by Bob Jessop in the 1970s to analyse capitalist states, particularly in Western Europe. Its theoretical development originated within Marxist state theory, aiming to challenge state-centred perspectives by introducing a relational conception of the state. This builds on Nicos Poulantzas's argument that the state, like capital, should be understood as a social relation (Jessop, 1990, pp. 2-4).

the Thai state's responses to fake news. Hegemony here refers to "the successful mobilisation and reproduction of the 'active consent' of the dominated groups by the ruling class" (Jessop, 2016, p. 105). To achieve state hegemony, both structural determination of hegemony and widely accepted 'hegemonic visions' are essential (Jessop, 1990).

The conceptual framework consists of three stages of analysis. The first stage examines why the Thai state seeks to rebuild hegemony. This involves two key components: first, the rise of social media as an increasingly contested domain for the state; and second, a hegemonic crisis in the country, rooted in the political and economic transformations that have unfolded over the past two decades (2000s–2010s).

Second, by comparing the variation in responses to fake news—criminal sanctions, content restrictions, fact-checking, and public communication—this thesis contends that each response serves a distinct function in controlling the flow of information. These coercive responses are operationalised through different institutional and organisational mechanisms, which constitute the structural determination of hegemony.

Third, this thesis also examines hegemonic visions—that is, how the Thai state legitimises the necessity of controlling information flow on social media by invoking claims of general will or common interests, which are ultimately illusory. This illustrates constructed consent as a means of reinforcing coercive state power

This framework will be further developed in Chapter 2, where existing literature on state hegemony is critically examined.

### ***Research Methods and Data Collection***

This thesis adopts qualitative research methods, using Thailand as a case study. A 'case' refers to a specific instance that represents a broader category of events, enabling theory development through the analysis of similarities and differences among cases (George & Bennett, 2005). Employing a within-case analysis, this study compares different state responses to fake news and infers causal mechanisms (Goertz & Mahoney, 2012; Ragin & Rubinson, 2009). Additionally, it applies process-tracing to investigate causal mechanisms by examining various forms

of evidence, such as archival documents, to identify patterns, sequences, and traces (Beach, 2017). Specifically, this thesis utilises theory-guided process tracing as proposed by Falleti (2016), where existing theoretical frameworks inform the identification of causal mechanisms—in this case, Bob Jessop’s (1990, 2016) state theory explaining what underpins state efforts to control fake news.

This thesis examines four key state responses to fake news in Thailand: criminal sanctions, content restrictions, fact-checking, and public communication. Official and archival document analysis, along with interviews with eleven officials and experts, are incorporated in this thesis to provide a comprehensive examination of state responses to fake news. The documents analysed include, but are not limited to, laws, regulations, cabinet resolutions, and budgeting documents, all in Thai. These official documents are essential for understanding the institutional and organisational mechanisms through which the Thai state responds to fake news. For instance, the Computer-Related Crime Act BE 2550 (2007) and its amendments, serve as the primary legal instrument for imposing criminal sanctions and restricting online content, including fake news. The use of these documents in the analysis will be elaborated in the following chapters. Official statistics, social media platform reports, and relevant news articles were also examined. The interviews, conducted in Thai, involved two former ministers of the Ministry of Digital Economy and Society (MDES), a commissioner of the National Broadcasting and Telecommunications Commission (NBTC), an MP, a higher-level government officer of MDES, a deputy director of the Thailand Anti-Fake News Centre (AFNC), a transnational social media executive, academics, and journalists. These statistics, reports, news articles, and interviews are used to ensure analytical rigour.

Additionally, Chapter 4 investigates criminal sanctions under the CCA using case data from the Thai Lawyers for Human Rights (TLHR) case files. Chapter 5 compares fact-checking patterns by state-controlled and independent fact-checkers—represented by the AFNC and AFP Fact Check (Thailand), respectively—through directed content analysis. Chapter 6 analyses public communication by examining COVID-19 briefing videos by the CCSA and the Ministry of Public Health (MOPH), using an Automatic Speech Recognition (ASR) model and summative content

analysis. These specific methods and data collection details are provided in each chapter.

The timeframe of this thesis spans from 12 March 2020 to 30 September 2022, covering the official pandemic period under the Declaration of an Emergency Situation in Thailand.

## **Thesis Outline**

This chapter provides background on responses to fake news in authoritarian regimes and highlights gaps in previous research on state responses to fake news in authoritarian contexts. It also introduces the conceptual framework, adapting strategic-relational approach (SRA) (Jessop, 1990, 2016) and details research methods and data collection.

In the following chapters, Chapter 2 examines the significance of social media as 'media' and argues that social media should be regarded as an increasingly contested domain, serving as the starting point for analysing state responses to fake news. This chapter critiques previous explanations of state responses to fake news and posits an explanation that conceptualises the state as a social relation. It also introduces this thesis's specific interpretation and application of the concept of state hegemony. Chapter 3 provides the necessary context by tracing Thailand's political and economic trajectory over the past two decades and assessing the impact of the COVID-19 pandemic, illustrating the state's hegemonic crisis and its opportunity to rebuild a hegemonic vision.

The next three chapters analyse state responses to fake news: criminal sanctions and content restrictions (Chapter 4), fact-checking (Chapter 5), and public communication (Chapter 6). Chapter 4 argues that the interpretation and implementation of the Computer-Related Crime Act (CCA) in controlling the spread of fake news is strategically selective. This argument is supported by empirical evidence assessing the application of criminal sanctions and content restrictions on fake news during the COVID-19 pandemic. Chapter 5 argues that the Anti-Fake News Centre (AFNC) fulfils multiple functions, including serving as a tool for surveillance, a function often overlooked in prior research. The chapter examines the rationale behind the establishment of the AFNC by comparing fact-checked reports from state-controlled

and independent fact-checkers—specifically, the AFNC and AFP Fact Check (Thailand). Additionally, document analysis is used to assess the AFNC's operational processes and its actual role in addressing allegedly fake news. Chapter 6 focuses on the Centre for COVID-19 Situation Administration (CCSA), the centralised administrative body under the Emergency Decree, arguing that public communication during the pandemic served as an opportunity for the state to spread propaganda under the guise of maintaining public order and ensuring the safety of the people. Evidence for this argument is drawn from an analysis of COVID-19 briefing videos from the CCSA and the Ministry of Public Health (MOPH).

Finally, Chapter 7, the concluding chapter, summarises the key findings, highlights the thesis's contributions, and suggests directions for future research.

## **Chapter 2**

# **Contested Domain for State Hegemony and State Responses to Fake news**

### **Introduction**

The issue of fake news, though prominently exacerbated during the COVID-19 pandemic, had already emerged as a critical concern following significant political events. A notable instance occurred in early 2018 with the Cambridge Analytica scandal, which emphasised the role of fake news in shaping public opinion through targeted political advertisement. This controversy involved the British political consulting firm's unlawful exploitation of Facebook users' personal data to influence political campaigns, particularly the 2016 US presidential election and the Brexit referendum. In April 2018, Facebook's CEO, Mark Zuckerberg, testified before the US Congress in response to the scandal, acknowledging the platform's shortcomings. "It's clear now that we didn't do enough to prevent these tools [Facebook platforms] from being used for harm. That goes for fake news, foreign interference in elections, and hate speech, as well as developers and data privacy", he acknowledged. He further remarked, "I think the real question, as the internet becomes more important in people's lives, is what is the right regulation, not whether there should be or not" (Watson, 2018).

Zuckerberg rightly posed a critical question—what is the right regulation? This inquiry also extends to the broader issue of the state's role in regulating the Internet and social media. In November 2018, at the Internet Governance Forum (IGF) Opening Ceremony, French President Emmanuel Macron rejected the binary between a corporate-driven 'Californian internet' and a state-controlled 'Chinese internet', advocating a third model of democratic internet governance that upholds human rights and freedom of information (Rone, 2021). However, within the spectrum between the two models, there are many governance models that are not inherently democratic. As discussed in Chapter 1, not all authoritarian regimes possess China's capacity for comprehensive Internet control or shutdowns. Nevertheless, during the pandemic,

numerous violations of media and information freedom persisted globally, including censorship, restricted access to information, and harsh regulations justified as necessary to combat fake news.

The governance models within the spectrum between the ‘Californian internet’ and the ‘Chinese internet’ reflect a tension described as ‘access contested’, a scenario where “the contest over [Internet] access has burst into the open, both among advocates for an open Internet and those, mostly governments but also corporations, who feel it is now legitimate for them to exercise power openly in this domain” (Deibert, Palfrey, Rohozinski, & Zittrain, 2011, p. 14). Building on this concept, this thesis argues that, for authoritarian regimes such as Thailand, the state’s role under the pretext of managing fake news is deceptively framed. Responses to fake news is employed to legitimise institutional and organisational mechanisms of state control over information flow on social media—a domain where state power is increasingly contested—in an effort to rebuild state hegemony.

The structure of this chapter is as follows. First, it examines the significance of social media as ‘media’, highlighting its role in transforming social relations and reshaping human activities. The second section, under the concept of access contested, explores the evolution of Internet access and content regulation, with particular attention to the growing power of social media platforms. Third, it critiques previous explanations for state responses to fake news, identifies research gaps in applying these perspectives to authoritarian regimes, and introduces a third explanation that conceptualises the state as a social relation. Next, it outlines this thesis’s specific interpretation and application of Bob Jessop’s (1990, 2016) concept of state hegemony. The fifth section connects the discussed concepts to a structured framework for analysing state responses to fake news. The final section presents the conclusion

## **Social Media as ‘Media’**

The example of the state’s attempt to regulate the Internet and social media, as discussed in the Introduction, highlights the power structures that shape communication on social media. However, scholars studying social media often treat these platforms as mere communication channels rather than as media with broader

societal context. In their comprehensive review of numerous definitions of social media exist across academic disciplines, Carr and Hayes (2015) note that no consensus has been reached. The problem lies in definitions that are either overly simplified, making them too inclusive, or overly specific, potentially excluding certain platforms. Accordingly, they propose defining social media as “Internet-based channels that allow users to opportunistically interact and selectively self-present, either in real-time or asynchronously, with broad and narrow audiences who derive value from user-generated content and the perception of interaction with others (Carr & Hayes, 2015, p. 50). According to this definition, platforms such as Facebook, YouTube, Instagram, and Tinder qualify as social media, whereas online news services and user-generated content platforms like Wikipedia do not, as they lack user self-presentation. While this definition provides a useful framework for identifying the technological characteristics of social media platforms—what qualifies as social media and what does not—it primarily views social media as mere communication channels and fails to sufficiently address the broader social structures in which they are embedded.

Social media, like other media, are not only technologies, but “techno-social systems in which technological structures interact with social relations and human activities in complex ways” (Fuchs, 2021, p. 47). Social media significantly transforms social relations and reshapes human activities in at least two ways. First, since the content on social media is user-generated, users also serve as content producers, set apart social media from traditional mass media, such as newspapers, radio, and television. Because social media enables many-to-many communication, users on social media platforms tend to demonstrate higher levels of engagement compared to mass media audiences (Fuchs, 2021). For example, Facebook’s daily active users reached 2 billion in 2021 (Meta Platform Inc, 2022), accounting for about one-fourth of the world’s population. Second, in terms of ownership, traditional media typically have unified control over both content and channels by the same owners. In contrast, social media platforms like Facebook, Twitter, and YouTube are characterised by user-generated content, where a diverse range of actors create content, while the platforms themselves are owned by large transnational ICT corporations (Fuchs, 2021). The interests of these companies may conflict with individual states, particularly when

operating under different jurisdictions (Trottier & Fuchs, 2015). These transformed social relations and reshaped human activities make it essential to carefully examine the power structures that shape social media.

The study of power in media has long been a central focus within the field of Political Economy. Indeed, there is a branch of Political Economy called Political Economy of the Media (or Communication), which focuses on the relations between media and communication systems and the social structure of the society (McChesney, 2000) and “power relations that mutually constitute the production, distribution and consumption of resources, including communication resources” (Mosco, 2009, p. 2). Political economists of the media primarily examine the interplay between communication and power dynamics in society, as well as the ways in which businesses and the state impact this relationship through various means such as market structure, advertising, technology, and government policies. (McChesney, 2007; Mosco, 2009).

In their seminal book, *Manufacturing Consent*, Edward S. Herman and Noam Chomsky suggest that the function of the media is “to amuse, entertain, and inform, and to inoculate individuals with the values, beliefs, and code of behaviour that will integrate them into the institutional structures of the larger society”. Then, the media has always been of interest to elites as it “serve, and propagandise on behalf of, the powerful societal interests that control and finance them”, particularly in order to make people comply with or consent to “the economic, social, and political agenda of privileged groups that dominate the domestic society and the state” (Herman & Chomsky, 2002, pp. xi, 1, 298). However, unlike mass media, the complex nature of social media blurs the line between producer and consumer while separating content ownership from channel ownership, thereby complicating the state’s efforts to rebuild hegemony—“the successful mobilisation and reproduction of the ‘active consent’ of the dominated groups by the ruling class” (Jessop, 2016, p. 105). The next section, using the concept of access contested, will explore the evolution of Internet access and content regulation, with a particular focus on the growing power of social media platforms.

## **Access Contested and the Power of Social Media Platforms**

Internet access and content regulation have evolved significantly since its formation. Deibert et al. (2011) identify four phases of Internet access and content regulation: the open commons phase (from its formation to around 2000), access denied (up to 2005), access controlled (up to 2010), and the current phase, access contested, referred to the phase when “the regulation that states imposed in the earlier phases is giving rise to strong responses from civil society, from other states, and also from the private sector” (Deibert et al., 2011, p. 16). The following subsections explore the evolving dynamics of Internet access and content regulation, coinciding with the growing power of social media companies. This section argues that social media should be regarded as an increasingly contested domain and that this ongoing contestation should serve as the starting point for examining responses to fake news.

### ***From Access Controlled to Access Contested***

During the previous phrase, access controlled (2005-2010), states employed various regulatory mechanisms, both technological and non-technological, to limit and shape access to knowledge and information beyond, supplementing traditional tools like filtering and blocking that had been used since the access denied phase (2000-2005). However, these mechanisms have eventually triggered counter-movements and resistance from individuals, civil society groups, and other states, creating conditions for ongoing contestation (Deibert & Rohozinski, 2011). This is partly because Web 2.0 technologies undermine authoritarian information control by facilitating civil society to bypass state censorship and to disrupt the flow of information. This has subsequently raised the cost of coercion and has underscored the growing significance of social media platforms (Drezner, 2010). In the access-contested phase (2010 onwards), Internet access and content regulation extend beyond state regulation to include actions by various stakeholders, including social media platforms, with competing interests and values in cyberspace policies and practices. Deibert et al. (2011, p. 14) argue that “[t]he tussles over cyberspace are the result of a gradual entanglement of competing strategic interests mutually dependent on and targeting a common communications and information space”. Still, a key driver of contestation in cyberspace is the increasing assertion of state power, particularly by

authoritarian regimes, where government control and state intervention have long been established. These strategies are increasingly adopted across regimes as legitimate means of consolidating state power, controlling information, and disabling adversaries (Deibert & Rohozinski, 2011). Morozov (2012) argues that while democratic countries often view information as a tool to undermine authoritarianism, it also serves an instrumental role in enabling propaganda, censorship, and surveillance—what he refers to as ‘the trinity of authoritarianism’. The Internet has not altered the composition of this trinity but has significantly transformed how each of these activities is carried out. This thesis will later explore how the Thai state has responded to fake news through the lens of this trinity of authoritarianism.

The differences in responses to fake news between democratic and authoritarian regimes, as discussed in Chapter 1, not only reflect competing interests and values but also signify distinct forms of hegemony in cyberspace across regimes. In more democratic countries, where cyberspace was viewed as either “something to be cordoned from government intervention” or “a mystery best left untouched” (Deibert & Rohozinski, 2011, p. 32)<sup>5</sup>, responses are primarily driven by non-state actors, particularly social media companies as platform owners. In contrast, in less democratic countries, responses are heavily state-led, often through laws and regulations designed to pressure platforms by treating them as intermediaries liable for Internet content (MacKinnon, Hickok, Bar, & Lim, 2014). From this perspective, social media should be considered an increasingly contested domain. It is “predominantly a corporate-state-power phenomenon, a force field in itself, in which powerful corporate and state interests are present and meet” (Trottier & Fuchs, 2015, p. 34). In other words, social media is not merely a neutral channel for communication. It is a complex domain shaped by the competing interests and values of private corporations and states seeking for hegemony. This underlines the importance of examining the control exerted by social media companies.

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<sup>5</sup> This is not to suggest that such a view remains valid today. In the current access-contested phase, both state and non-state actors play significant roles. There is growing evidence of state intervention in the Internet and social media, particularly since the Cambridge Analytica scandal and during the COVID-19 pandemic, as discussed earlier. From a historical perspective, however, differing views between democratic and less democratic regimes have shaped how states intervene in cyberspace.

## ***The Power of Social Media Platforms***

The power of tech companies, including social media platforms, has been extensively studied<sup>6</sup>. Various concepts have been proposed to describe the politico-economic systems shaped by this power from different perspectives, such as ‘surveillance capitalism’ (Zuboff, 2019) and ‘technofeudalism’ (Varoufakis, 2023). As transnational corporations, their power extends beyond national borders. From the perspective of political economists, this power can be evaluated through indicators such as assets, revenues, profits, employee numbers, and stock market values (Mazepa & Mosco, 2016). Meta Platforms Inc. (formerly Facebook), for instance, generated US\$118 billion in revenue in 2021 and operated over 80 offices worldwide, employing more than 70,000 people (Meta Platform Inc, 2022). Its profits increased from US\$606 million to US\$18.48 billion over the course of the 2010s (Fuchs, 2021).

Due to the significant influence of tech companies’ power both economically and in communication, numerous studies, such as those by Moore and Tambini (2021) and Flew (2021), focus on who to regulate these companies, including social media platforms. However, their scope is typically limited to democratic countries. On the other hand, numerous research on Internet control in countries like China and Russia provide valuable insights but focus on a context where the state maintains near-complete control over Internet infrastructure and intermediaries. Both conditions are absent in other authoritarian regimes, where states lack the negotiating power with giant tech companies and the capability to fully control internet infrastructure. Consequently, access contested in these countries takes on a fundamentally different character. Studies examining state responses to fake news in other authoritarian regimes often overlook the dimensions of tech companies’ power and platform ownership, instead treating social media platforms merely as communication channels.

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<sup>6</sup> There has long been a rich body of literature focusing on the platforms themselves. For example, Gillespie (2010) examines how the discourse surrounding the term ‘platform’ shapes public debates and regulatory approaches, while Gorwa & Ash (2020) discuss the transparency of platform companies in relation to their policies, practices, and systems, particularly concerning democratic dimensions such as freedom of expression and privacy.

In summary, this section argues that social media should be regarded as an increasingly contested domain and that this contestation should serve as the starting point for examining responses to fake news. In the access contested phase, controlling Internet access and regulating content has become significantly more challenging for states. Unlike earlier phases, the competing interests and values of various actors, particularly social media companies, play a critical role in understanding state interventions, including responses to fake news, on the Internet and social media. It is essential to put the state within this broader context and consider the interests and values of both states and social media platforms. The next section argues that current explanations of state responses to fake news fail to account for this complexity.

### **Making Sense of State Responses to Fake News**

Why do different states respond to fake news in different ways? Why do democratic and authoritarian regimes approach it differently? And why does a state employ various responses to fake news? This thesis seeks to make sense of state responses to fake news in order to address these questions. This section argues that the answers to these questions lie in how the state is conceptualised in relation to society, including its interactions with social media platforms.

Recent scholarship offers at least two approaches for understanding state responses to fake news. First, the neoclassical economics explanation views the state as an exogenous force operating outside the market, positioning it as a regulator of social media platforms. From this perspective, the government, as an apparatus of the state, should intervene to control fake news because it contributes to market failure and reflects the symptoms of an unregulated news monopoly (Allcott & Gentzkow, 2017; Pickard, 2020). The second explanation conceptualises the state as a political actor, often viewing social media platforms as merely a communication channel. In democratic regimes, states respond to fake news to protect core democratic principles, whereas in authoritarian regimes, states often frame fake news as a security problem, using it as a tool for media control rather than genuinely addressing the issue (Neo, 2021b; Tenove, 2020)—fake news is weaponised as part of the so-called digital repression. This section explores these two perspectives, points out research gaps in applying these views to authoritarian regimes, and introduces a third explanation that frames the state as a social relation.

## ***State as an Exogenous Force***

In media studies, various approaches have been employed to explain phenomena within the media industries, including the emergence of fake news. One such approach is neoclassical economics, which applies standard microeconomic tools to examine media industries and markets (Cunningham, Flew, & Swift, 2015). This framework focuses on market efficiency and identifies certain challenges as cases of market failure. The neoclassical economic perspective frames the rise of fake news as a market failure and posits that states, as an exogenous force operating outside the market, can play a role in addressing such failures. This includes ensuring access to quality information—such as through public communication during the pandemic—and regulating the monopolistic practices of social media platforms, as exemplified by the testimony of Facebook’s CEO before the US Congress.

First, fake news contributes to market failure by distorting the market for news and undermining trust in credible news sources (Martens et al., 2018). Allcott and Gentzkow (2017, p. 213) define fake news as “news articles that are intentionally and verifiably false, and could mislead readers”, which arises due to both demand-driven and supply-driven biases within the market for news. Demand-driven bias occurs because some media consumers derive psychological utility from consuming fake news, particularly when it aligns with their pre-existing beliefs. This creates a demand for distorted, imprecise, and biased news. On the supply side, bias emerges as news producers exploit opportunities to profit from misleading reports, ‘clickbait’, and falsities. Additionally, they may be ideologically motivated to disseminate fake news to benefit their preferred political candidates or causes (Allcott & Gentzkow, 2017; Gentzkow, Shapiro, & Stone, 2016).

Fake news hinders audiences’ ability to discern trustworthy news, aligning with George Akerlof’s concept of the ‘market for lemons’. In such the market, the inability of consumers to differentiate between low-quality and high-quality products diminishes trust and demand for higher-quality offerings. Regarding fake news, this dynamic reduces welfare for both news producers and consumers, ultimately resulting in market failure (Allcott & Gentzkow, 2017; Martens et al., 2018). This market failure justifies the state’s role in providing access to quality information. As Allcott and

Gentzkow (2017, p. 232) argue, “[i]n theory, a social planner should want to address the market failures that lead to distortions, which would take the form of increasing information about the state of the world”. For example, during the pandemic, many states employed different ways to communicate with their citizens about COVID-19-related fake news (OECD, 2020).

However, a key issue with this neoclassical economists’ explanation is that it portrays the state as a benevolent actor operating outside the market. This assumption reveals an inconsistency when applied to events in authoritarian regimes. For example, in 2019, the Oxford Internet Institute reported that social media was used to manipulate public opinion in 70 countries, with the creation of fake news identified as the most common strategy (Bradshaw & Howard, 2019) During the pandemic, governments in less democratic countries, such as Türkiye, were identified as sources of fake news, for instance, through the underreporting of COVID-19-related official statistics (Siwakoti et al., 2021).

Second, mainstream economists often view the rise of fake news as a problem fundamentally rooted in monopolistic power of social media platforms. Although social media platforms have faced pressure from consumers and civil society to address the prevalence of fake news on their systems (Allcott & Gentzkow, 2017), with some measures exemplified and discussed in Chapter 1, these platforms might act this way because they refrain from acting as editors in news selection but also seek to avoid appearing inactive on the issue (Tambini, 2017). This may indicate their prioritisation of profit over public accountability; a tendency often linked to their monopolistic power. Pickard (2020, p. 123) argues:

“Even as Facebook comes under increased public pressure to be held accountable for the misinformation it purveys and from which it profits, a core problem is often overlooked: the proliferation of so-called fake news is symptomatic of an unregulated news monopoly that is governed solely by profit imperatives. Facebook is not evil; it is merely the natural outgrowth of an information system governed by such an unaccountable, commercial logic”.

Media economists identify monopoly as a situation where state intervention is often deemed necessary (Cunningham et al., 2015). Antitrust actions and competition laws have been advocated as measures to constrain the size and limit the expansion

of big tech companies (Moore & Tambini, 2021). Also, the testimony of Facebook CEO before the US Congress, addressing the Cambridge Analytica scandal and its connection to the dissemination of fake news, aligns with this perspective. However, this perspective, again, assumes the state to be solely a public-serving actor, ignoring its own interests or agenda. Instead of enforcing laws and regulations to hold social media platforms more accountable for the dissemination of fake news, the state may leverage the business operations of these platforms for its own benefit. While privately owned social media platforms may appear independent or even antagonistic toward individual states, cooperation between these platforms and the state is more common. Private platforms benefit from user activity, which can simultaneously serve state interests, as exemplified by initiatives like the PRISM Internet surveillance system in the US (Trottier & Fuchs, 2015). In authoritarian regimes, social media platforms may comply with government requests to restrict content deemed to violate local laws or regulations, aiming to avoid legal liability that could harm their business operations (MacKinnon et al., 2014). Twitter, for example, while claiming to abide by 'applicable local laws', has been criticised for providing the government of Türkiye surveillance capabilities in exchange for financial benefits associated with operating in the country (Wilson & Hahn, 2021).

### ***State as a Political Actor***

The second explanation views the state, particularly the government, as a political (and societal) actor. Viewing the state as an actor implies that it operates based on its own interests, a perspective that underpins explanations of state responses to fake news through 'securitisation theory'. According to this theory, framing an issue as an existential threat legitimises extraordinary actions to address it, often breaking the normal political rules of the game (Buzan, Wæver, & de Wilde, 1998). This theory has been applied to analyse government responses to fake news in various authoritarian countries, particularly in Southeast Asia, including Cambodia, Malaysia, Singapore, Vietnam (Neo, 2020, 2021a, 2022), and Thailand (Pankaew & Punthong, 2022; Sombatpoonsiri, 2021). These studies suggest that the instrumentalisation of fake news is often used to justify claims that illiberal laws are necessary to address alleged fake news. However, the significance of fake news itself

is not always the driving factor behind such crackdowns. In authoritarian regimes, governments tend to securitise fake news as a means of controlling the media, rather than genuinely addressing the issue (Neo, 2021c). This leads to censorship, the suppression of freedom of expression, and the repression of political opposition. In other words, fake news is weaponised as part of the so-called digital repression, which, as Feldstein (2021a) argues, functions as an extension of political repression.

In contrast to the mainstream economists' perspective, this explanation posits that the state holds a normative view and pursues its own interests. For example, in his comprehensive study of policymaking and debates, Tenove (2020) proposes that governments in democratic countries aim to uphold three fundamental normative principles of democratic systems—self-determination, accountable representation, and public deliberation—through their responses to fake news. First, his study argues that self-determination involves addressing threats to security and sovereignty that endanger democracy. Protecting critical state functions, such as enforcing election laws and preventing illegitimate actors, particularly foreign states, from undermining democratic participation, may require national security measures. Second, accountable representation emphasises safeguarding the right to vote and ensuring fair and transparent electoral processes. Finally, public deliberation requires implementing media regulations that protect free expression in the public spheres while fostering media systems that promote communication that is both reasoned and respectful.

The state is also regarded as one of the hegemonic societal actors. Thus, while democratic countries share a commitment to upholding the same core democratic principles, their responses to fake news may vary significantly. Moreover, in contrast, authoritarian regimes often address the issue in fundamentally different ways. Neo (2021b) suggests that these differences reflect competing societal discourses about how different hegemonic societal actors conceptualise fake news—as a minor societal issue, a political issue, or a security threat. In more democratic regimes, fake news is typically framed as either a minor societal concern or a political issue. His study posits that in North America, particularly in the US, prominent technology corporations such as Facebook and Google have framed fake news as a societal issue that undermines the availability of reliable information. In this context,

the response primarily involves entrusting these private companies with self-regulation. Conversely, in regions such as the European Union, Australia, and New Zealand, fake news is perceived as a political issue, framed within a more nuanced political context. As a result, the response focuses on political intervention, guidance, and support while deliberately avoiding the criminalisation of fake news. This approach reflects concerns that criminalisation could be exploited by political actors for purposes of censorship and oppression. In authoritarian regime, on the contrary, “national security discourse has been predominantly articulated by national state institutions and legislatures, and by those attempting to get the attention of policy makers” (Neo, 2021b, p. 219). This has resulted in responses to fake news that risk undermining free expression and other fundamental civil liberties, including measures such as media control, censorship, and the implementation of criminal laws.

While this explanation provides a foundation for understanding why the state, particularly in authoritarian regimes, seeks to manage fake news, viewing the state merely as a political actor raises two problems that limit our understanding of its responses to fake news.

First, focusing primarily on states’ actions often overlooks the substantial power carried by social media platforms. This view, at worst, treats social media as mere communication channels and fails to fully acknowledge the significant role these companies play in managing content, or, at best, reduces them to passive actors. Recognising the power dynamics between social media platforms and the state is essential, as these relations, to some extent, shape how the state controls information flow on these platforms. For example, in March 2021, to pressure Twitter into complying with content removal requests, the Russian government implemented its first large-scale throttling, deliberately reducing the platform’s bandwidth to restrict access (Xue et al., 2021). Another example is that, in terms of fact-checking, these platforms cooperate only with third-party fact-checkers accredited by the International Fact-Checking Network (IFCN), as they may not trust state-controlled fact-checkers to ensure an unbiased and transparent fact-checking process<sup>7</sup>. These examples

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<sup>7</sup> In January 2025, Meta ended third-party fact-checking on its platforms, replacing it with a new system of ‘community notes’, which let users flagging potentially misleading or false content (Oxford, 2025). This shift highlights a more divergent approach from state-controlled fact-checking approach.

highlight the competing interests and values between states and platforms, an aspect often underexplored when focusing solely on the actions of the state as a political actor.

Typically, for any form of communication, there are two types of regulation: state regulation and market regulation (Mosco, 2009). Communication on social media platforms, too, is subject to both state and market regulations. Social media platforms enforce a set of guidelines known as the ‘community standard’, which governs user behaviour. These companies then have the ability to monitor and regulate content on their platforms by implementing and enforcing these predetermined standards established by the companies themselves. This ability of social media companies is particularly crucial given that “[a] key feature of the access-contested period will be the interplay and clash between these often-competing interests and values” (Deibert et al., 2011, p. 17). For example, while social media platforms might comply with government requests to restrict content, they exercise their own discretion and do not always do so (MacKinnon et al., 2014). For instance, In 2019, Reddit received 110 government takedown requests, complying with 41 (or 37.3%), whereas in the first half of 2020, Twitter received 42,200 requests and complied with 31.2% (Reddit Inc, 2020; Twitter Inc, 2021, as cited in Tuğrulcan, Overdorf, & Aberer, 2021).

Second, while securitisation theory provides useful analytical tools for understanding *how* the state securitises fake news, it cannot adequately explain *why* the state undertakes such actions. Most studies examining responses to fake news in authoritarian regimes tend to focus heavily on the dominant role of the state in digital repression. Among these, some apply securitisation theory to explain how the state securitises fake news. Since these studies are primarily concerned with ‘how’ questions—such as how an actor convinces an audience of a threat through speech acts (Eroukhmanoff, 2017)—securitisation theory is useful for examining the interaction between the state as the securitising actor and citizens as the audience. According to Buzan, Wæver, and de Wilde (1998, p. 21), “[t]he special nature of security threats justifies the use of extraordinary measures to handle them.” This aligns with Gramsci’s (1971, p. 244) observation that “the ruling class not only justifies and

maintains its dominance, but manages to win the active consent of those over whom it rules”. However, to understand *why* the state seeks to manage fake news, it must be examined in relation to the broader political system and its wider natural and societal contexts, rather than solely through the process of interaction between securitising actor and audience.

Moreover, the case of Thailand suggests that state responses to fake news are better explained through the notion of the ‘illusory general interest’ (Jessop, 2016) rather than through securitisation threat. Thus, while the state may claim security as a justification for regulating fake news, it does not necessarily implement any extraordinary measures beyond normal procedures. In other words, in the terms of securitisation theory, the Thai state’s responses to fake news can be characterised as politicised rather than securitised.

### ***State as a Social Relation***

Rather than viewing the state as an exogenous force or as a political actor, this thesis conceptualises the state as a social relation—that is, as embedded within a broader societal context. This perspective is crucial: on the one hand, state power is exercised by social forces both within and beyond the state apparatus; on the other hand, as an institutional order among multiple orders in society, the state must secure legitimacy from the wider social formation in order to effectively exercise power (Jessop, 2016). This perspective offers a more nuanced explanation of state responses to fake news by recognising the role of social forces—with particular interests—both within and beyond the state that shape these responses. Such a dimension is overlooked when the state is viewed merely as an exogenous force, as is typical in neoclassical economic explanations. Moreover, conceptualising the state as a social relation highlights the importance of legitimacy, particularly through claims about general will or common interest. Legitimacy remains underexplored in approaches that view the state as a political actor, since they often focus on state actions and tend to assume that national security—when claimed by the state—is inherently justified as a common interest, as is the case when employing securitisation theory.

To elaborate, while viewing the state as an exogenous force and as a political actor offer important insights into state responses to fake news, they share a

significant limitation, underscoring the need for a new explanation that addresses the overlooked dimension—the ‘part–whole paradox’ of the state. Jessop (2016, p. 86) argues:

“This [part-whole] paradox arises because the state is just one part of a complex social order, has limited capacities to intervene in other parts of the whole, and is at the same time held responsible for the whole and expected to intervene in the last instance to maintain institutional integration and social cohesion”.

Nicos Poulantzas, a postwar Greek political theorist, argued that the state, like capital, is a relationship of forces. Accordingly, the state is far from being a passive tool or neutral actor and is best understood as a social relation. Building on Poulantzas’s perspective, Bob Jessop (1990, 2016) has developed the strategic-relational approach (henceforth, the SRA) to analyse the state and state powers. This third explanation of state responses to fake news is grounded in the SRA.

The SRA, conceptualising the state as a social relation, rejects the notion of the state as a neutral instrument or a benevolent agent. It also argues that the state should not be understood as standing outside or above society but as embedded within the societal context. Rather than viewing the state as a unified entity or unitary subject, the SRA focuses on the exercise and effects of ‘state power’ as “a contingent expression of a changing balance of forces that seek to advance their respective interests inside, through, and against the state system” (Jessop, 2016, p. 54).

The SRA examines state power not only through its structure, institutional architecture, and organisational forms but also in terms of its strategic capacities within the political system and its interactions with broader functional systems. It then combines both strategic and relational dimensions. It is strategic in its proposition that “structures are only *strategically selective* rather than *absolutely constraining*” (Jessop, 2016, p. 55, emphasis in original). Additionally, the SRA highlights that the biased composition of constraints and opportunities can only be understood in relation to the specific strategies employed by particular social forces. These forces seek to advance their interests in a context shaped by other forces, each pursuing their own interests through distinct strategic actions. The SRA is also relational, as it emphasises that, despite its institutional separation and operational autonomy, the state is deeply

embedded within the broader political system and its wider natural and societal contexts. The exercise and impact of state power are shaped by its relational dynamics within these environments (Jessop, 2016).

To study the state and state powers, the SRA examines six dimensions of the state. Three of these are formal institutional aspects: modes of political representation, modes of articulation, and modes of intervention. Each dimension has its own strategic selectivities, yet they empirically overlap. The other three dimensions are substantive aspects, which give strategic meaning to the formal dimensions: social bases, 'state projects', and 'hegemonic visions'. However, to address why states in authoritarian regimes seek to manage fake news through various responses, this dissertation primarily focuses on modes of intervention and hegemonic visions, while also considering other dimensions due to the cross-cutting connections between them.

Building on the SRA, this proposed explanation views state responses to fake news as a mode of state intervention, which involves "the state's roles in demarcating the changing boundaries between public and private" and also "the institutional and organizational mechanisms and resources available for intervention" (Jessop, 2016, p. 70). Additionally, because of the part-whole paradox, hegemonic visions, which "elaborate the nature and purposes of the state for the wider social formation" (Jessop, 2016, p. 86), play a pivotal role in providing legitimacy for the state. Since hegemony is a concept employed across various academic disciplines, the next section will carefully explain its specific interpretation and application in this dissertation.

## **State Hegemony**

In this thesis, state hegemony is understood through the lens of structuration, which is "a process by which structures are constituted out of human agency, even as they provide the very medium of that constitution", and it is "an entry point to examine the mutual constitution of structure and agency" (Mosco, 2009, pp. 185, 188). In sociology, structuration theory explains that "[s]tructure is both the medium and the outcome of the day-to-day conduct in which actors engage" (Giddens & Turner, 1987, p. 8). In simpler terms, agents, their actions, and their interactions are constrained by social structures while simultaneously reproducing those structures.

In *Political Economy of the Media*, structuration theory serves as a bridge between Political Economy and Sociology. Within the context of structuration, political economists of the media often focus on issues such as social class, gender, race, social movements, and hegemony (Mosco, 2009). Hegemony, in particular, highlights the dynamic interplay between structure and agency, as it “partly depends on the concentration of material means to inflict violence and provide specific goods—thus making threats and promises credible—but also demands domination and submission, which involve both coercion and consent” (Schenoni, 2019). In this process, media plays a pivotal role in maintaining hegemonic control and resisting counter-hegemonies (Mosco, 2009). Before the remaining chapters explore how the state seeks to rebuild hegemony over an increasingly contested domain—social media—this section explains the specific interpretation and application of hegemony in this dissertation, drawing primarily on Bob Jessop’s state theory (1990, 2016).

The concept of hegemony in Jessop’s state theory is fundamentally shaped by Antonio Gramsci’s work. The fundamental principle of Antonio Gramsci’s notion of hegemony is that “man is not ruled by force alone, but also by ideas” (Bates, 1975, p. 351). According to Gramsci, there are two main modes of class domination: *force*, involving coercive apparatus to enforce compliance, and hegemony, which secures the active consent of subordinate groups through political, intellectual, and moral leadership aimed at fostering a collective will or national consensus (Jessop, 2016). Building on this concept in his *Prison Notebooks*, the term has been widely adopted in disciplines such as International Relations (IR), particularly in the works of Robert Cox, and International Political Economy (IPE) (Morton, 2007). Bob Jessop (1990, 2016), however, incorporates the concept of hegemony into his state theory, specifically to analyse capitalist states.

For Jessop, hegemony is tied to class domination, particularly ideological class domination, and is essential for maintaining social order. Without ideological hegemony to legitimise an exploitative system, such a system must rely heavily on coercion to maintain social order, making it more vulnerable to instability and resistance (Jessop, 1972). Incorporating the concept into his state theory, Jessop (1990) argues that state hegemony combines structural determination of hegemony with widely accepted ‘hegemonic visions’ because “in the absence of this condition,

state structures can undermine the pursuit of a project favourable to a class or class fraction other than the structurally privileged”. Therefore, these visions, which “elaborate the nature and purposes of the state for the wider social formation”, play a crucial role in providing legitimacy for the state (Jessop, 2016, pp. 69, 86).

Understanding hegemonic visions is essential for comprehending the state. These visions are tied to claims about the general will or common interest, which are fundamental to the state system and differentiate it from mere political domination or violent oppression. Since state power results from the mediated balance of various forces, hegemony is then achieved by aligning a broad range of identities, perspectives, and interests. However, the claims about the general will or common interest are always ‘illusory’. Jessop (2016, p. 51) argues:

“Whatever the political rhetoric of the common interest or general will might suggest, these are always ‘illusory’ insofar as attempts at definition occur on a strategically biased structural and discursive terrain and involve the differential articulation and aggregation of interests, opinions, and values. The common interest or the general will is always asymmetrical, marginalizing or defining some interests at the same time as it privileges others. There is never a general interest that embraces all possible particular interests”.

The way the state claims about general will or common interest is critical. In ‘normal’ states, political parties and parliaments—key components of modes of representation—play a crucial role in building hegemony by addressing “the part–whole paradox in the political system by representing particular interests and integrating them into an illusory national popular interest oriented to the political process within a fixed territory” (Jessop, 2016, p. 74). Failure to achieve this may result in a crisis of hegemony. Referring to the works of Poulantzas, Jessop (2016, p. 220) argues:

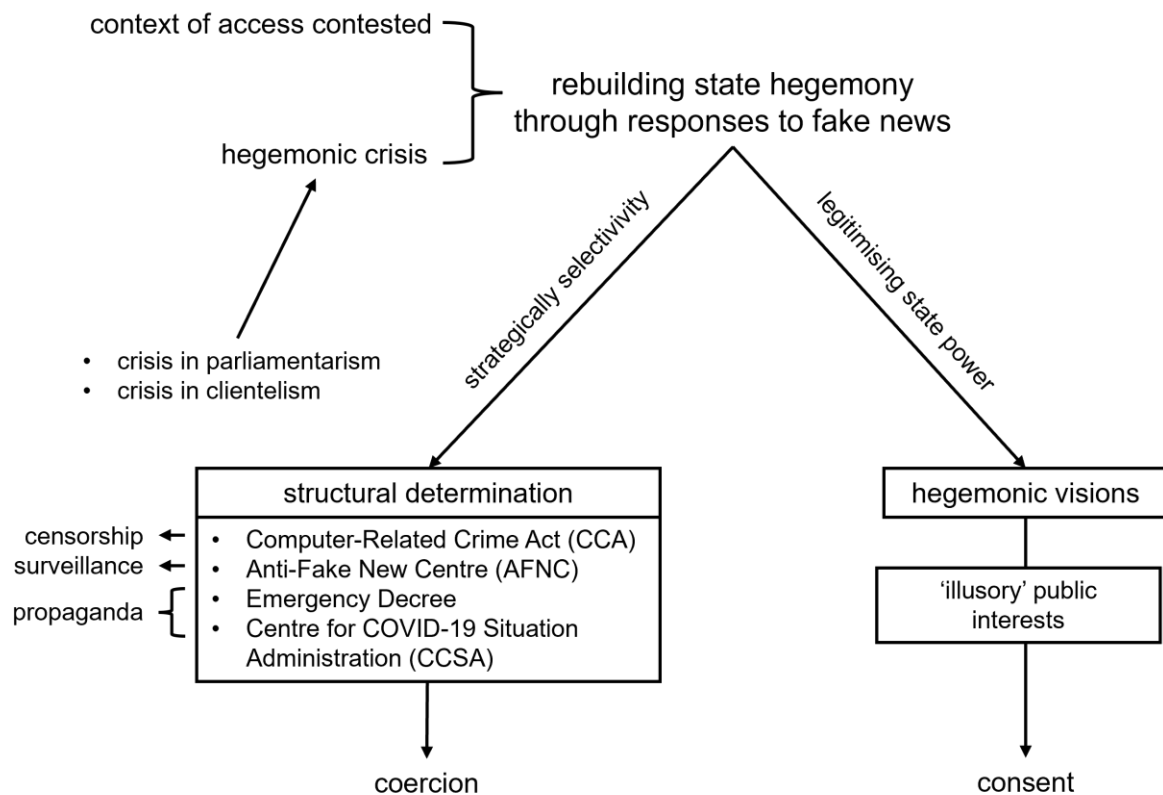
“Poulantzas also suggested that only one type of political crisis produces an exceptional political regime, namely a crisis of hegemony within the power bloc. This occurs when no class or fraction can impose its ‘leadership’ on other members of the power bloc, whether by its own political organizations or through the ‘parliamentary democratic’ state. This is typically related to a general crisis of hegemony over the whole society”.

However, like other state theories, Jessop’s state theory “has tended to be too influenced by the experience of the North” (Jessop, 2016, p. 238) and primarily focuses on ‘normal’ democratic capitalist states. This thesis aims to extend this theory by examining how states in nondemocratic regimes—what Jessop terms ‘exceptional regimes’—seek to rebuild hegemony. In these regimes, where political parties and parliaments are either non-functional or merely symbolic, representing particular interests and incorporating them into an illusory national popular interest becomes significantly more complex.

### **(Re)Building Hegemony in Authoritarian Regimes**

In order to examine what underpins states efforts to control fake news, this thesis applies strategic-relational approach (SRA) (Jessop, 1990, 2016), arguing that fake news is employed to legitimise institutional and organisational mechanisms of state control over information flow on social media—a domain where state power is increasingly contested—in an effort to rebuild state hegemony. The analysis unfolds through three stages of analysis:

Figure 2.1 Conceptual Framework



Source: author's elaboration, adapted from Jessop (1990, 2016)

First, this thesis examines why the Thai state seeks to rebuild hegemony. This involves two key components: first, the rise of social media as an increasingly contested domain for the state; and second, a hegemonic crisis in the country, rooted in the political and economic transformations that have unfolded over the past two decades (2000s–2010s). By conceptualising the state as a social relation, this thesis argues that social media should be regarded as an increasingly contested domain, making this ongoing contestation the starting point for examining responses to fake news. Rather than situating the state solely within domestic political conflict—where fake news is instrumentalised to justify illiberal laws—this thesis places the state within the broader context of access contested, considering the interests and values of both states and social media platforms in shaping responses to fake news. Additionally, as the state is deeply embedded within the broader political system and its wider natural

and societal contexts, this thesis examines Thailand's political and economic trajectory over the past two decades, arguing that the state has faced a hegemonic crisis due to eroding public consent from crisis in parliamentarism and crisis in clientelism. It then analyses the effects of the COVID-19 pandemic, positing that while it exacerbated the crisis, it also provided an opportunity for the state to rebuild its hegemonic vision.

Second, this thesis argues that responses to fake news are operationalised through different coercive institutional and organisational mechanisms, which constitute the structural determination of hegemony. It integrates both strategic and relational dimensions to analyse four key state responses to fake news: criminal sanctions, content restrictions, fact-checking, and public communication. These responses, as modes of state intervention, operate through distinct institutional and organisational mechanisms—the Computer-Related Crime Act (CCA), the Anti-Fake News Centre (AFNC), and the Emergency Decree on Public Administration in Emergency Situations alongside the Centre for COVID-19 Situation Administration (CCSA). Drawing on Morozov (2012)'s concept of the 'trinity of authoritarianism'—censorship, surveillance, and propaganda—this thesis investigates the primary function of each state response to fake news and how these responses are strategically selective, serving particular interests in controlling information flows on the Internet and social media.

Third, this thesis argues that fake news is employed to legitimise the structural determination of hegemony. It examines hegemonic visions—that is, how the Thai state legitimises the necessity of controlling information flow on social media by invoking claims of general will or common interests, which are ultimately illusory. This illustrates constructed consent as a means of reinforcing coercive state power. The combination of structural determination and hegemonic visions is essential for the Thai state to (re)build hegemony over social media, a site of intensifying contestation

## **Conclusion**

This chapter critiques previous explanations of state responses to fake news and, instead of viewing the state as an exogenous force or a political actor, introduces a third explanation that conceptualises the state as a social relation. Accordingly, social media is framed as an increasingly contested domain, and this contestation

serves as the starting point for analysing state responses to fake news. To explain these responses, this chapter introduces this thesis's specific interpretation and application of concept of state hegemony (Jessop, 1990, 2016). The concept will be used in the rest of the thesis to examine the Thai state responses to fake news: criminal sanctions, content restrictions, fact-checking, and public communication, in terms of their structural determination of hegemony and how the state seeks to establish hegemonic visions on the Internet and social media.

Before proceeding to the analysis, Chapter 3 provides the necessary context by tracing Thailand's political and economic trajectory over the past two decades and assessing the impact of the COVID-19 pandemic, illustrating the state's hegemonic crisis and its opportunity to rebuild a hegemonic vision.

## Chapter 3

# Thailand and the Crisis of Hegemony

### Introduction

The Internet has been a domain of ongoing contestation over information control in Thailand. On 30 July 2015, one year following the 2014 Thai coup d'état by the military junta, the National Council for Peace and Order (NCPO), General Prayut Chan-o-cha—then Prime Minister and leader of the NCPO—issued a directive to establish a Single Gateway “to serve as a tool to control inappropriate websites and regulate the flow of information from abroad through the Internet. This directive was reaffirmed by subsequent cabinet resolutions in August 2015, which instructed the Ministry of Information and Communication Technology (MICT)<sup>8</sup> to accelerate its implementation and to provide a progress report to the Prime Minister” (ThaiPublica, 2015).

The Single Gateway proposal faced immediate backlash from Thai internet communities, as well as business sectors concerned about potential slowdowns in internet speed for the digital economy. Among the responses was a petition campaign on *Change.org* titled “Go against Thai govt to use a Single Internet Gateway” (ต่อต้านการตั้งซิงเกิลเกตเวย์), which garnered approximately 35,000 signatures within a day (Achavanuntakul, 2015). Additionally, on 30 September 2015, Thai internet users, led by the Thailand F5 Cyber Army, engaged in a form of ‘symbolic resistance’ by launching denial of service (DDoS) attacks on government websites. Through continuous browser refreshes, they overloaded the websites with traffic, ultimately causing at least eight sites, including those of the MICT and the Ministry of Defence, to crash (Tonsakulrungruang, 2015). Two weeks later, Uttama Saowanayon, the Minister of Information and Communication Technology at the time, announced that the plan had been dropped (Prachatai, 2015).

Although Thailand has consistently ranked as “Not Free” in internet freedom nearly every year since 2011, when Freedom House first included Thailand in its

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<sup>8</sup> Now reorganised and renamed as the Ministry of Digital Economy and Society (MDES)

*Freedom on the Net* report (see Table 3.1), this evidence highlights the Thai state's ongoing struggle to broaden and consolidate its control over the Internet in the access contested phase. This chapter contends that the Thai state's sustained efforts to intensify control over the Internet and social media are primarily motivated by its struggle to secure state hegemony. Since hegemony is "the successful mobilisation and reproduction of the 'active consent' of the dominated groups by the ruling class" (Jessop, 2016, p. 105), a key task of political economy of communication is to "identify the sources of instability in the dominant hegemony" (Mosco, 2009, p. 208). The purpose of this chapter, too, is to examine the underlying factors contributing to the crisis of hegemony. It argues that political economy factors have challenged the Thai state's ability to maintain hegemony, contributing to instability in the dominant hegemony.

The structure of the chapter is as follows. First, it provides background on the Thai state's control over the Internet and social media, including the impact on freedom. Second, by exploring the political and economic context of the past two decades, it argues that the increased control over digital spaces is not solely a response to technological advancements but also a consequence of the crisis of hegemony within the country. Third, it examines the COVID-19 pandemic, positing that while the crisis was intensified by the onset of the pandemic in early 2020, it also presented an opportunity for the state to renew its hegemonic vision and secure hegemony. The final section presents the conclusion.

## **State's Control over the Internet and Social Media**

Like other countries, internet access and content regulation in Thailand have evolved from an open commons phase to the current access-contested phase. This shift marked a significant regression from a decade earlier when Thailand had no cyber laws or regulators, and Internet freedom was the norm. However, first Internet filtering policy began with the establishment of the Ministry of Information and Communication Technology (MICT) in 2002 and intensified with the 2007 Computer-Related Crime Act (CCA), enacted after the 2006 military coup (Ramasoota, 2011). This period also signified the beginning of the state's efforts to build hegemony over a contested digital domain.

In response to advances in communication technology, the Thai state has, for decades, consistently sought to control media and communication, particularly through laws and regulations. For example, newspapers were initially controlled under the Printing Act BE 2484 (1941), which has since been replaced by the Printing Recordation Act BE 2550 (2007). Similarly, radio and television broadcasters were regulated by the Broadcasting Act BE 2498 (1955), later replaced by the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services BE 2553 (2010). In the Internet and social media era, the state has shifted its focus to controlling content rather than the channels of communication, utilising measures such as the Computer-Related Crime Act BE 2550 (2007) and its amendment by the Computer-Related Crime Act (No 2) BE 2560 (2017) (henceforth, the CCA) and Section 112 of the Criminal Code (Lèse-Majesté provision) (Sinpeng & Hemtanon, 2019).

The shift in the media and communication control, with a growing focus on regulating content over communication channels, is driven by two main factors. First, in terms of ownership, traditional media—such as newspapers, radio, and television—are typified by unified control over both content and channels of communication by the same owners. In this sense, if the channel of communication is controlled, there is no need to control the content. However, the situation is markedly different when examining Internet sites, particularly social media platforms like Facebook, Twitter, and YouTube. As discussed in Chapter 2, a defining feature of social media is user-generated content (Carr & Hayes, 2015). This characteristic allows content creation by a wide array of actors—individuals, social media influencers, media outlets, NGOs, politicians, political parties, and even state apparatuses—while the platforms themselves are entirely owned by large transnational ICT corporations (Fuchs, 2021). In other words, the content owner is not the same as the channel owner. As a result, the Thai state faces limitations in regulating communication on the Internet and social media in a comparable with the manner in which they once controlled traditional media.

Second, the Internet and social media, as ‘space-biased media’, can surpass the spatial limitations of traditional media and challenge the state’s ability to monopolise knowledge. In his influential works, *Empire and Communication* and *The*

*Bias of Communication*, Harold Innis (1950, 1951) developed a medium theory, emphasising the influence of communication media on knowledge dissemination across time and space. He classified media into ‘time-biased’ (e.g., parchment, clay, stone), which are durable and preserve information over time, and ‘space-biased’ (e.g., papyrus, paper), which are lightweight and facilitate long-distance transmission. Innis argued that time-biased media enabled elites to monopolise knowledge, but space-biased media could disrupt this dominance, leading to shifts in societal control (Heyer & Crowley, 1991; Mullen, 2009). In this regard, the Internet and social media facilitate the global flow of information, disseminating content that might contradict state narratives and challenging the state’s ability to monopolise knowledge. This may explain why the Thai state proposed the Single Gateway to manage cross-border Internet traffic.

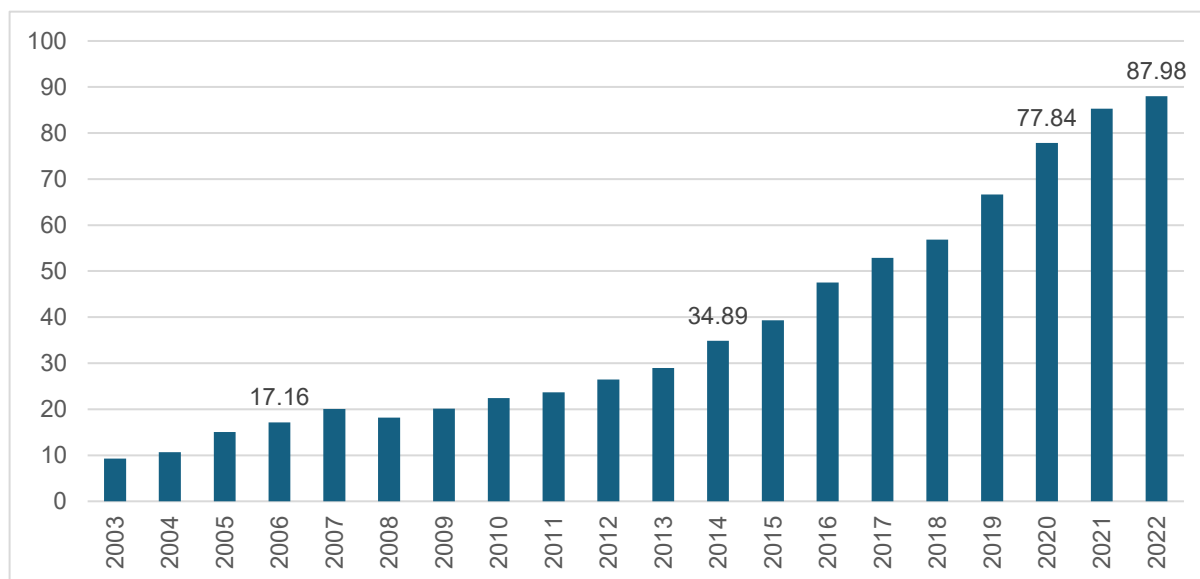
Jessop (2015, 2016) suggests that the state seeks a relative monopoly on knowledge, which has, for millennia, been central to state power through various forms of information gathering, political calculation, and surveillance. With the emergence of the knowledge-based economy, knowledge plays an increasingly prominent role in addressing new challenges faced by the state. To understand the impact on the state’s power to monopolise knowledge, there is a need to explore the widespread and rapid adoption of the Internet and social media. Over the past two decades, the percentage of Internet users in Thailand has risen sharply, from below 10% of the population in 2003 to 78% at the onset of the COVID-19 pandemic in 2020, and further to 88% by 2022 as the pandemic concluded (see Figure 3.1). Similarly, statistical data indicate a sustained increase in social media usage over the past decade. In 2011, social network penetration in Thailand was limited to 19%; however, by early 2020, 75% of the population were active social media users<sup>9</sup>, dedicating an average of nearly three hours per day to these platforms. The most prominent social media platforms in Thailand include Facebook, with approximately 47 million users, as well as YouTube and LINE (Kemp, 2011, 2020). This trend significantly affects the state’s ability to monopolise information, as every single social media user functions as a prosumer—

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<sup>9</sup> Kemp (2020) notes that changes in data sources and reporting methodologies make figures in the report incomparable. Accordingly, this chapter presents only two figures over a ten-year period to provide a general indication of the change, rather than offering time series data.

simultaneously producing and consuming content (Fuchs, 2021), which may or may not align with state narratives.

Figure 3.1 Percentage of Internet users in Thailand, 2003-2022



Source: World Bank (n.d.)

With the growing user base—and consequently a greater volume of information flowing—the state faces mounting challenges in effectively controlling the flow of information. For instance, in 2006, when the coup d'état took place, Internet penetration was at 17%, but by 2014, during another coup, that figure had doubled (see Figure 3.1). As a result, the state has resorted to increasingly intrusive measures to manage information flow. Notably, the CCA was first enacted in 2007, a year after the 2006 coup, and was later amended in 2017 under the military junta administration (see Chapter 4). Moreover, as the number of Internet and social media users continues to grow, the state has upheld restrictions on online freedom to curb the unwanted influence of user-generated content. According to Freedom House's *Freedom on the Net* report, Thailand has regularly received low scores and been ranked as "Not Free" since the country was first included in the report in 2011 (see Table 3.1). This encompassed the situation observed during the 2019 general election. In the 2019 report, Freedom house strongly criticises that "[t]he internet is severely restricted in Thailand. Ahead of the general elections in March 2019, the first to be

held since the 2014 coup d'état, the ruling junta moved aggressively to squelch support for the opposition and imposed an onerous regime of restrictions on social media" (Freedom House, n.d.-a).

Table 3.1 Thailand's Freedom on the Net scores and status, 2011-2022

Year	Score	Status
2011	39	Not Free
2012	39	Not Free
2013	40	Partly Free
2014	38	Not Free
2015	37	Not Free
2016	34	Not Free
2017	33	Not Free
2018	35	Not Free
2019	35	Not Free
2020	35	Not Free
2021	36	Not Free
2022	39	Not Free

Source: Freedom House (2024)

Against this backdrop, this chapter challenges the notion that the state's efforts to control online spaces are predominantly due to technological changes in communication, such as the emergence of social media and Web 2.0—a perspective known as technological determinism. Instead, it argues that political economy factors are also the core drivers behind the increasing control of digital domain. The next subsection examines the political and economic context of the past two decades, suggesting that the increased control over the Internet and social media is not merely a response to technological developments but also a consequence of the ongoing hegemonic crisis within the country.

## The Crisis of Hegemony

A period of substantial transformation in communication, driven by the widespread adoption of the Internet and social media, has coincided with decades of political turmoil, including the two coups d'état mentioned above. Then the state's increasing control over the Internet and social media reflects not only a transformation in communication but also the ongoing crisis within the country. Referring to the works of Nicos Poulantzas, Jessop (2016, p. 220) argues that “only one type of political crisis produces an exceptional political regime, namely a crisis of hegemony within the power bloc”, which is “typically related to a general crisis of hegemony over the whole society”. As this section argues, Thailand's hegemonic crisis has emerged due to significant shifts in the social bases that historically provided stable support for the state through modes of representation. Consequently, the state struggles to maintain hegemony, leading to oscillations between periods of normal regimes and exceptional regimes<sup>10</sup>.

Jessop (1990) suggests that successful hegemony requires both ‘structural determination of hegemony’ and the development of ‘hegemonic visions’. The structural determination of hegemony involves inherent structural privileges embedded within a given state form, including modes of representation. Building on the concept of a ‘dual crisis of the state’ (Jessop, Bonnett, Bromley, & Ling, 1984, 1985)<sup>11</sup>, this section provides background on the underlying factors driving the Thai state's attempts to control the Internet and social media. It examines the crisis of representation, namely the crisis of ‘black’ parliamentarism and the crisis of

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<sup>10</sup> Exceptional regimes differ from normal states in several ways: (1) they lack free and competitive elections, (2) power transfers are unstable or not conducted in accordance with the rule of law, (3) ideological apparatuses are integrated to legitimise coercion, and (4) the separation of powers is significantly weakened (Jessop, 2016)

<sup>11</sup> In the debate between Stuart Hall and Bob Jessop regarding the hegemony of Thatcherism in the UK, Jessop et al. (1984, 1985) introduce the concept of a ‘dual crisis of the state’, characterising concurrent crises in both parliamentary and corporatist modes of representation—which “give social forces access to state apparatus and to its capacities” (Jessop, 2016, p. 58)—within the post-war state. Because of this dual crisis, Thatcherism turned to other ways to connect with and influence the public, mainly using the mass media and spreading ideological messaging directly. For a detailed account of the Hall-Jessop debate, see Gallas (2015).

clientelism, linked to the pivotal turning points of 1997: the new Constitution at the time and the Asian financial crisis.

### ***The Crisis of 'Black' Parliamentarism***

Over the past two decades, Thailand has faced substantial political instability and upheaval, marked by two coups d'état in 2006 and 2014, two interim and three permanent constitutions, as well as numerous protests. This has caused Thailand to oscillate between periods of normal regimes and 'exceptional regimes', known as a 'vicious cycle'—a repeated pattern of military coups, new constitutions, and general elections (Winichakul, 2019). In contemporary Thai politics, this cycle persists as competing forces have vied for control of state apparatuses (Connors, 2009), particularly through parliamentary mode of representation. Then, understanding these patterns of instability requires an examination of the crisis of 'black' parliamentarism, a term Jessop (2016) uses to describe a situation in which normal party politics is banned<sup>12</sup>. This crisis of black parliamentarism can be traced back to the implementation of the Constitution of the Kingdom of Thailand BE 2540 (1997).

The 1997 Constitution, often called the 'People's Constitution', was viewed with optimism as a transformative milestone in advancing democracy, introducing structural reforms to the House of Representatives elections and establishing a fully elected Senate. It further sought to enhance transparency, reduce corruption, and foster political stability through the establishment of semi-autonomous bodies like the Electoral Commission and National Counter Corruption Commission, intended to function as checks on executive power. These reforms, however, inadvertently enabled Thaksin Shinawatra's rise and control (Hicken, 2007). The following subsections provide background on Thai politics before and after the 2006 coup, examining developments as a consequence of the 1997 Constitution.

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<sup>12</sup> Antonio Gramsci introduced the term 'black parliamentarism' to describe an implicit form of parliamentarism with "unelected, often corrupt, but real power holders" (Fonseca, 2024, p. 140), drawing an analogy with 'black market' while analysing fascist Italy and the USSR (Antonini, 2020; Dal Maso, 2021). This thesis, however, adopts the term as interpreted by Jessop (2016).

### *The Thai Politics before the 2006 Coup*

Thailand's progress toward liberalism and democracy since the 1980s was based on a fragile transition, characterised by a balance of liberal and security interests that kept the monarchy at the centre of national power. For instance, prior to the 1997 Constitution, particularly in the 1990s, Thai politics was dominated by a liberal–conservative force that combined liberal political institutions with conservative social elements, notably through the monarchy and cultural frameworks—a model of ‘democracy with the king as head of state’. This liberal–conservative force contributed to the expansion of parliamentary and executive powers within key state legal centres, supported by business interests seeking a more responsive state structure (Connors, 2009).

However, this balance shifted following Thaksin Shinawatra's victory in the 2001 general elections, when he became the first Prime Minister under the 1997 Constitution. Thaksin, a former telecommunications tycoon, and the Thai Rak Thai (TRT) party transformed Thai politics by adopting political marketing, such as market research and branding, to appeal to rural and lower-income urban voters. This marked a departure from traditional practices, creating a new social contract that strengthened political loyalty and reshaped expectations among voters. In February 2005, he and his party were re-elected in a landslide victory. Immediately afterward, his first-ever single-party government faced growing opposition, partly due to its majority in the House of Representatives, allowing the party to dominate parliament independently. This dominance weakened opposition forces and enabled Thaksin to pass legislation with minimal scrutiny (Hewison, 2010). Despite his strong electoral mandate, critics argued that this concentration of power resembled a form of “parliamentary dictatorship” (Pongsudhirak, 2006).

This may represent the crisis of parliamentarism, defines as a mode of representation that is “based on the indirect participation in policymaking of formally equal individual ‘citizens’, through their exercise of voting and accompanying rights, in relation to an elected legislature or political executive” (Jessop, 2016, p. 62, emphasis in original). The election outcomes of the 1997 Constitution, however, underscored that “[t]he extent of substantive equality can be quite different, depending on the role and sources of money in campaigning” (Jessop, 2016, p. 62). Although Thaksin

mobilised voter support, this occurred within a context of substantial power imbalances, such as class and regional disparities, and a political structure that relied heavily on influential local figures across the regions (Connors, 2009; Tejapira, 2006). Concurrently, the parliament no longer functioned as anticipated by the liberal-conservative force to support its efforts in consolidating inclusive political, intellectual, and moral leadership. Nonetheless, rather than addressing the crisis through liberal means, the establishment—particularly the royal-military alliance—opted for judicial and military interventions, actions that have further intensified Thailand’s political crisis (Kongkirati, 2019a).

### *The (Re)Emergence of ‘Black’ Parliamentarism*

The royalist establishment viewed Thaksin as a threat due to his popularity among rural voters and social mobility policies, challenging Thailand’s hierarchical order. Critics from NGOs, academia, the urban middle class, and trade unions condemned his promotion of global capitalism and populist spending, joining in 2005 as the People’s Alliance for Democracy (PAD), or the Yellow Shirts, which used royal symbolism to gain support. In April 2006, Thaksin called and won snap elections, but an opposition boycott undermined his victory’s legitimacy, leading the Constitutional Court to annul the results. Amid rising tensions, the Council for Democratic Reform (CDR), led by General Sonthi Boonyaratglin, staged a coup d’état in September 2006, seen by many Thais as a ‘good coup’ (Sombatpoonsiri, 2020). Thailand once again entered a vicious cycle of military coups, new constitutions, and general elections—this time with the added element of judicial intervention.

Following the coup, the military sought to prevent Thaksin’s return to power or the emergence of any strong future prime minister. To achieve this, the military junta’s constitutional drafting committee designed the new constitution to weaken political parties, the executive branch, individual politicians, and parliament itself (Hewison, 2010; Hicken, 2007). Subsequently, TRT was dissolved by the Constitutional Court in May 2007. However, the successor party, People’s Power Party (PPP), won the general election under the new 2007 Constitution by the end of the same year (Sombatpoonsiri, 2020). This led to renewed PAD protests, now allied with the leading members of Democrat Party, claiming that the PPP-led government’s effort to amend

the 2007 Constitution was a “national crisis”. After nearly 200 days of protest, in December 2008, the PAD declared its victory as the Constitutional Court, once again, dissolved the PPP, allowing the Democrat Party to form a coalition government (Sinpeng, 2020).

This sparked prolonged and disruptive street protests led by the United Front for Democracy Against Dictatorship (UDD), or the Red Shirts, which formed after the 2006 coup, adopting a “peasants” identity to oppose the royalist establishment (Sombatpoonsiri, 2020). The Red Shirts believed unelected actors had illegitimately removed their elected government. The government at the time, led by Democrat Party leader Abhisit Vejjajiva, responded to protests with violent crackdowns. The military’s suppression of UDD-led demonstrations in Bangkok in April and May 2010 resulted in ninety-four deaths and thousands wounded, marking it as the most violent episode of political suppression in modern Thai history (Kongkirati, 2019b).

In the 2011 general election, the Thaksin-backed Pheu Thai Party won a majority, but its proposed amnesty law, potentially allowing Thaksin’s return, sparked protests. In 2013, the People’s Democratic Reform Committee (PDRC), a reformation of the PAD, broadened its opposition to target not only Thaksin and Pheu Thai but also democracy itself through the ‘Reform before Election’ campaign, demanding an indefinite halt to electoral democracy to eliminate ‘corrupt politicians’ (Sinpeng, 2020). In the early general election of February 2014, the PDRC organised a nationwide blockade of polling stations, prompting the Constitutional Court to void the election results. Violent clashes erupted between PDRC guards and red shirt activists, with over thirty bombings or attacks reported. The PDRC blamed the red shirts for the violence, and fears of civil war increased (Sombatpoonsiri, 2020). In May 2014, Thailand faced its second coup d’état within a span of just eight years, this time led by a military junta known as the National Council for Peace and Order (NCPO). The NCPO had realised, however, that it could not simply intervene and hand over power to a puppet civilian regime to uproot the ‘Thaksin Regime’ (Kanchoochat & Hewison, 2016). Then, unlike in 2006, it took nearly five years before another general election was held.

The two coups d’état were arguably efforts by royalists to secure influence over the royal succession. Given the monarchy’s central role in Thai politics, these

attempts were crucial for sustaining what is termed as the ‘Royal democracy’, where real power remains with the monarchy and limits the substantive authority of the electorate and elected officials. This was exemplified by King Vajiralongkorn’s demand to revise the 2017 constitution (Winichakul, 2019). Although elections and party politics may be permitted in the future, the new constitution has been crafted to entrench military and traditional elite power over electoral forces—for instance, by granting the NCPO-appointed Senate authority to jointly select the Prime Minister with the House of Representatives and by establishing the National Strategy Committee to oversee and control the policies of future elected governments (Kongkirati & Kanchoochat, 2018). In other words, the 2017 Constitution has created a version of parliament that limits party politics—a form Jessop (2016) describes as ‘black’ parliamentarism.

In summary, this subsection argues that the vicious cycle in Thai politics after the 1997 Constitution—including judicial intervention and street protests—relates to the crisis of parliamentarism as a mode of representation. While the 1997 Constitution was arguably seen as embracing parliamentarism, its election outcomes suggest that substantive equality between citizens may not have been achieved. However, it fundamentally altered the social forces that previously aligned with the old hegemonic vision. Conversely, the powerful bloc often resists new formal political rules, seeking to bypass parties and directly influence the state, including through a parliamentary form described as black parliamentarism. Ultimately, with transformed social bases, a new hegemonic vision that legitimises the state remains essential.

### ***The Crisis of Clientelism***

The crisis of parliamentarism is not the only challenge facing Thailand. Prior to the Asian economic crisis of 1997, Thailand was regarded as one of the nations with significant GDP growth, often considered a potential next Asian Tiger (McCargo, 2000). The economic crisis was argued to have contributed to the adoption of a new constitution. Some academics believe that “[t]he economic crisis has underscored the importance of democratic reforms and good governance”, and “[t]hese developments have advanced the consolidation process in Thailand and make a reversal of the democratic trend increasingly unlikely” (Bunbongkarn, 1999, p. 68). However, this

outcome has, unfortunately, not come to pass, and the new economic order appears unable to address issues like slow growth and inequality.

Unlike the UK during Thatcher's era, which confronted a corporatism crisis, Thailand has faced a crisis rooted in clientelism. According to Jessop (2016, p. 62), while corporatism is political representation based on roles in the division of labour, with equivalent corporations representing distinct economic functions, clientelism is a mode of representation which is "based on the exchange of political support in return for a favourable allocation of politically mediated resources". Clientelism thrives across autocracies, democracies, and intermediate regimes, adapting to diverse cultural contexts and often persisting despite economic development. It diverts scarce resources away from potential economic progress and incentivises the maintenance of poverty and dependency among constituents (Hicken, 2011).

From the 1970s to 1997, Thai state–business relations reflected competitive clientelism, where political fragmentation allowed multiple agencies to supply public goods, expanding opportunities for clients. Following the 1997 financial crisis, this shifted to monopolistic clientelism under Thaksin Shinawatra, who aligned with leading Sino-Thai corporations to form the TRT party. After his 2001 electoral victory, Thaksin centralised power, strengthening big business over bureaucrats, non-business politicians, and civil society (Kanchoochat, Aiyara, & Ngamarunchot, 2021). This subsection examines the background of the Thai economy since Thaksin became the Prime Minister, highlighting developments that have contributed to a hegemonic crisis of the state

### *The Thai Economy before the 2006 Coup*

In terms of economic policy, the Thaksin administration implemented what was perceived as a 'dual-track strategy'. On one hand, the Thai government under Thaksin continued with an outward-oriented approach, as exports remained the primary driver of economic growth, resulting in the signing of at least six free trade agreements. On the other hand, populist policies aimed at stimulating domestic demand, including debt relief for farmers, village funds and universal health care coverage scheme, were introduced as part of his electoral promises (Siamwalla, 2011). As a result, annual GDP growth rose from 3.4% in 2001 to between 4.2% and

7.2% over the next five years. Simultaneously, household consumption gradually recovered, and the healthcare scheme provided crucial safety nets for poor families. In this regard, Thaksin was seen as “the saviour of the [financial] crisis” (Kanchoochat et al., 2021).

Despite the apparent success of Thaksin’s economic policies, Thaksin’s electoral popularity and parliamentary dominance were viewed by his opposition as fostering nepotism and corruption (Kanchoochat & Hewison, 2016). This was partly because the party list system made it easier for the business elite to enter politics. Both Thaksin’s 2001 and 2005 cabinets included several prominent business leaders, including Thaksin himself. The Thaksin administration, unsurprisingly, also supported economic policies aimed at protecting and restructuring domestic businesses, for example, by slowing down the process of privatisation and liberalisation (Hewison, 2005). The most remarkable instance of the accusation of ‘policy corruption’ occurred in January 2005. Just days after the amendment of a telecom law increasing foreign ownership from 25% to 49%, Thaksin’s family members sold their entire shares in Shin Corporation. The sale, worth nearly two billion US dollars, was completed without paying taxes. This partly sparked protests by the PAD, calling for Thaksin’s removal as Prime Minister, and eventually culminated in a coup d’état in September 2006 (Pongsudhirak, 2006; Uwanno, 2009).

### *Economic Setbacks after the 2006 Coup*

Following the 2006 coup d’état, the Thai economy has worsened until recently, with Thailand’s GDP growing at a slower rate compared to other Southeast Asian economies, except Brunei (see Table 3.2). This points to underlying structural weaknesses, which became more apparent in the years following his administration. The economic slowdown began before the 2006 coup, as Warr (2009) indicates that GDP growth during Thaksin’s era was, in fact, not markedly stronger than that of neighbouring countries. This was primarily due to long-standing issues like low productivity, outdated industries, aging population, inadequate education system, and high inequality. Political turmoil and the global economic downturn further intensified these challenges (Samphantharak, 2019).

This trend persisted in the five years leading up to the COVID-19 pandemic. Between the 2014 coup d'état and the onset of the pandemic in 2020, Thailand's average GDP growth was only 3.4%, compared to the Southeast Asian average of 5.3% (see Table 3.2). This highlights the need for structural economic transformation. Moreover, Satitniramai (2020) argues that, based on the recent growth rate, Thailand remains stuck in the in the so-called middle-income trap, a situation where a country experiences rapid growth, reaching middle-income status, but then experiences stagnation, preventing its shift to a high-income economy. This is due to the Thai state's ineffectiveness and inefficiency as a mechanism for development, with no government, either civilian or military, after the 2006 coup prioritising meaningful bureaucratic reform.

Table 3.2 ASEAN countries GDP growth, 2001-2019

	Before 2006 coup (2001-2006)	After 2006 coup (2007-2014)	After 2014 coup (2015-2019)
Brunei Darussalam	2.5	-0.1	0.5
Indonesia	4.9	5.7	5.0
Cambodia	9.6	6.5	7.1
Lao PDR	6.6	7.9	6.6
Myanmar	12.9	9.0	6.4
Malaysia	4.9	4.8	4.9
Philippines	4.8	5.4	6.6
Singapore	5.6	5.6	3.2
Viet Nam	6.9	6.1	7.1
Average (excl. Thailand)	6.5	5.7	5.3
Thailand	5.4	3.2	3.4

Source: calculated from World Bank (n.d.)

Slow economic growth is not the only economic challenge Thailand faces. Inequality has also persisted as a major issue in Thailand, dating back to before the 1997 financial crisis. After the 2006, coup, a study by Jenmana (2018) estimates that income inequality improved modestly between 2006 and 2016. The bottom 50% of

Thais' share of national income increased from 12.1% to 15.3%, while the top 1% of the richest individuals saw their share decrease from 22.4% to 18.7%. Indeed, at the top of the wealth pyramid, the richest business groups and families experienced a significantly faster accumulation of wealth between 2006 and 2019, outpacing both the national economy and even others within the upper tiers of the wealthy class (Hewison, 2021).

The beginning of the so-called Prayuth regime following the 2014 coup has exacerbated this issue, further intensifying wealth concentration and reinforcing the dominance of large business conglomerates—expansive corporate entities comprising multiple subsidiary companies operating across diverse industries. The military junta collaborated with Sino-Thai conglomerates to establish the Pracharath scheme, designed to distinguish its grassroots development approach from Thaksin's populist policies. However, this initiative has largely enabled large conglomerates to dominate smaller businesses, promoting hierarchical structures over competitive markets and limiting opportunities for local firms to grow (Kongkirati & Kanchoochat, 2018). Additionally, mega-projects like the high-speed railway, with concessions for profitable routes awarded to large firms. In summary, the junta replaced Thaksin at the top of the hierarchy and restructured its clientelistic networks, which have further reinforced Thailand's increasingly top-down and unequal economic structure (Kanchoochat et al., 2021).

Predictably, instead of pursuing structural economic transformation or bureaucratic reform, the Prayuth government sought popularity by relying on populist policies, most notably the State Welfare Card Scheme (โครงการบัตรสวัสดิการแห่งรัฐ), initially introduced in 2017. This initiative targeted low-income earners, offering them monthly support of 200-300 baht, alongside allowances for public transportation and cooking gas (Busbarat, 2018). Although well-designed populist policies can support long-term growth (Phumma & Vechsuruck, 2022), this was probably not the objective of the military junta, which was preparing for an upcoming election.

Prior to the 1997 economic crisis, authoritarian leaders in the region, including Thailand, leveraged economic success to reinforce the legitimacy of their political regimes and to justify repression (Hewison & Rodan, 2012). However, this subsection demonstrates that, since the 2006 coup, the Thai economy has shown limited progress

in both growth and equality, primarily due to clientelism that has neglected meaningful structural economic transformation. This has also contributed to a tendency of hegemonic crisis.

In summary, this section argues that the crisis of representation—specifically the crises of black parliamentarism and clientelism—constitutes a primary source of instability within the dominant hegemony, ultimately contributing to a hegemonic crisis. Although the dual crisis differed, this is similar to post-war UK, when Thatcherism turned to mass media to connect with and influence the public in order to secure hegemony. In Thailand, these modes of representation are structurally selective, privileging elite interests over others through inequitable representation. With the transformation of social bases, these modes of representation, which limit equal access to the state, have lost public consent. Since securing hegemony also requires a hegemonic vision—one that defines the nature and purposes of the state within the broader social formation (Jessop, 2016)—the state struggles to maintain hegemony.

## **State Hegemony to (Re)Build**

The previous section argues that the Thai state has struggled to maintain hegemony and thus requires a renewal of hegemonic visions. The subsequent question, therefore, concerns the form of hegemony the state has sought to rebuild and the means through which it has pursued this project. Addressing this requires an understanding of the crisis of hegemony within the power bloc, which arises when no class or fraction is able to impose its leadership over the others (Jessop, 2016).

In contemporary Thai political economy, the power bloc had been contained through the consolidation of the ideology of ‘Democracy with the King as Head of State’. This ideology embodied a consensus between the two social forces characterised as the ‘nativist’ and the ‘universal’ faces of democracy. The nativist face represents a conservative, guided, Thai-style democracy’, in which the monarchy–military–bureaucracy complex steers people’s sovereignty through hierarchy and moral order. The universal face, by contrast, reflects a more liberal vision grounded in rights, constitutionalism, and representative institutions. However, since the 2000s, the two social forces eventually “polarised and reformed as distinct political positions” (Connors, 2020, p. 64). The two coups of 2006 and 2014 exemplify these distinct

positions and underscore the inability of any class or fraction to impose its leadership over the others.

The two coups, followed by the subsequent drafting of new constitutions, also demonstrated that the nativist face of democracy has sought to dominate the universal face and, through the concept of Thai-style or guided democracy, rebuild hegemony. Hegemony is tied to class domination, particularly ideological class domination, and is essential for maintaining social order. According to Gramsci, the hegemonic bloc “has proved capable of exercising leadership over subaltern groups as well as among the dominant classes (Jessop, 2016, p. 106). Historically, the Thai Monarchy has functioned as the centre of ideological class domination and has occupied the central position within the hegemonic bloc. For example, the concept of royal nationalism emerged in the 1970s as an ideological tool to counter communist movements. Its central premise was that “a Thai must naturally be a royalist; therefore, a non-royalist must not be a Thai” (Winichakul 2014, p. 80). From the 1980s onwards, the ideology of ‘Democracy with the King as Head of State’ held the hegemonic position within the Thai polity. However, this consensus fractured with the emergence of a new political settlement in the 2000s, particularly following Thaksin Shinawatra’s electoral victories (Connors, 2019). In this sense, the crisis of representation discussed in the previous section also reflects the struggle between the two faces, each seeking to assert its leadership over the other. As noted earlier, the two coups d’état were arguably undertaken by the nativist face to secure its influence during the royal succession. The 2014 coup, in particular, occurred amid the decline of royal hegemony (Tejapira, 2016). The royal succession was completed in 2019, but a general election was inevitable sooner or later. Nonetheless, the NCPO had already established structural and organisational mechanisms—including the 2017 Constitution, the Senate, the Election Commission, and the Palang Pracharath Party (PPRP)—to secure General Prayut Chan-o-cha’s candidacy for prime minister in the forthcoming election.

The PPRP’s campaign for the 2019 general election once again affirmed the nativist face’s attempt to rebuild hegemony. Its slogan during the final stretch of the campaign, “Choose Peace, Choose Prayut” (เลือกความสงบ จบที่ลุงตู่) (Jatusripitak, 2022), encapsulated what the post-dictatorial Prayut regime sought public consent for: a conservative, guided, Thai-style democracy. In other words, to stop prolonged political

conflict and street protests, the public was induced to accept to a hierarchical and moral order led by the military and conservative elites. This was the hegemonic vision the state sought for. This constituted the hegemonic vision the state sought to rebuild. Although the PPRP did not win the election, it ultimately succeeded in forming the government, thanks to the structural and organisational mechanisms established under the NCPO. The election outcome was determined by an electoral formula favourable to the PPRP, legitimised by an Election Commission, and reinforced by a Senate—both appointed by the military junta (Chambers, 2022). The Constitutional Court also played a key role in the dissolution of the Thai Raksa Chart Party, a strategic political ally of Pheu Thai. The dissolution occurred during the election campaign, following a royal announcement that criticised the party's nomination of former princess Ubolratana as its prime ministerial candidate (McCargo & Alexander, 2019).

From viewing the state as a social relation, we can now move to elaborate on the concrete form of the Thai state under the post-dictatorial regime. Following the 2019 election, the Thai state has been dominated by nativist forces operating through state apparatuses. In the SRA, Jessop (1990, p. 341) suggests:

“The core of the state apparatus comprises a distinct ensemble of institutions and organizations whose socially accepted function is to define and enforce collectively binding decisions on the members of a society in the name of their common interest or general will”.

The ensemble of institutions and organisations, of course, illustrates the resurgence of the monarchy–military–bureaucracy complex. The 2017 Constitution, drafted by the NCPO and subsequently revised at the request of King Vajiralongkorn, stood as the central institutional pillar of this resurgence. The government was led by the PPRP, together with pro-establishment parties such as Bhumjaithai and the Democrat Party, each supported by its social base of voters. While the universal face—represented by Pheu Thai and the Future Forward Party (FFP)—was confined to the opposition. The Senate, appointed by the NCPO, included 104 retired or serving military and police officers (McCargo & Alexander, 2019). This ensemble, however, still required public consent through a hegemonic vision—one that framed peace as a general will and was grounded in a conservative, guided, Thai-style democracy. As

will be discussed later in this dissertation, a prominent example of this effort was the state's amplification of the perceived negative effects of fake news to legitimise expanded state control over the flow of information on social media under the pretext of combating it. This was materialised through key state institutions and organisations, namely the Computer-Related Crime Act (CCA) (Chapter 4), the Anti-Fake News Centre (AFNC) (Chapter 5), the Centre for COVID-19 Situation Administration (CCSA) (Chapter 6).

Securing consent was not easy, and as 2020 began, the Thai state faced another crisis with the outbreak of the coronavirus pandemic. However, crises are “moments of *danger* and *opportunity*” (Jessop, 2015, emphasis in original). The next section illustrates that while the crisis was intensified by the onset of the COVID-19 pandemic in early 2020, it also presented an opportunity for the state to renew its hegemonic vision and strive to secure hegemony<sup>13</sup>.

## The Pandemic

In emergency situations such as a pandemic, the state becomes increasingly indispensable. Such moments provide an opportunity for the state to reconstruct a hegemonic vision, defining its nature and proposes within broader society and providing legitimacy for the state itself. In Thailand, this was particularly significant as the pandemic coincided with the transition from an exceptional regime to a relatively normal one.

Thailand was governed by a military junta, the National Council for Peace and Order (NCPO), until March 2019, when a general election took place. General Prayut Chan-o-cha, the leader of the NCPO, extended his tenure as Prime Minister for another four years. This was facilitated by interim provisions in the 2017 Constitution (BE 2560), which allowed NCPO-appointed senators to participate in the prime ministerial vote, effectively supporting his continued leadership as the candidate for Palang Pracharath Party (PPRP) (McCargo & Alexander, 2019).

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<sup>13</sup> Certainly, this also created an opportunity for competing hegemonic visions that emerged from academics, opposition politicians and parties, the press, and civil society. However, this lies beyond the scope of this chapter's focus.

Before the 2019 election, the Future Forward Party (FFP) was seen as a fringe party. However, its leader, Thanathorn Juangroongruangkit, gained strong support both online and offline, especially among young voters, challenging pro-establishment supporters of Prime Minister Prayut (Goldstein et al., 2020). The dissolution of the FFP in early 2020 subsequently angered many Thais, especially youth, sparking protests that began with flash mobs on campuses and moved to the streets as COVID-19 closed universities. Social media, particularly Twitter (now X), played a crucial role in mobilising protestors (Sinpeng, 2021). Key demands included ending intimidation, dissolving parliament, and drafting a new constitution. The military-backed administration responded with force, including arrests and tear gas (Lertchoosakul, 2021). According to Mob Data Thailand, a database developed by Amnesty International Thailand, a human rights NGO, and iLaw, a legal watchdog, over 3,000 protests occurred between July 2020 and 2022, taking place in almost every province in the country, with more than 80 ending in violent dispersals (Mob Data Thailand, n.d.).

### ***Prolonged Political Unrest and the Pandemic***

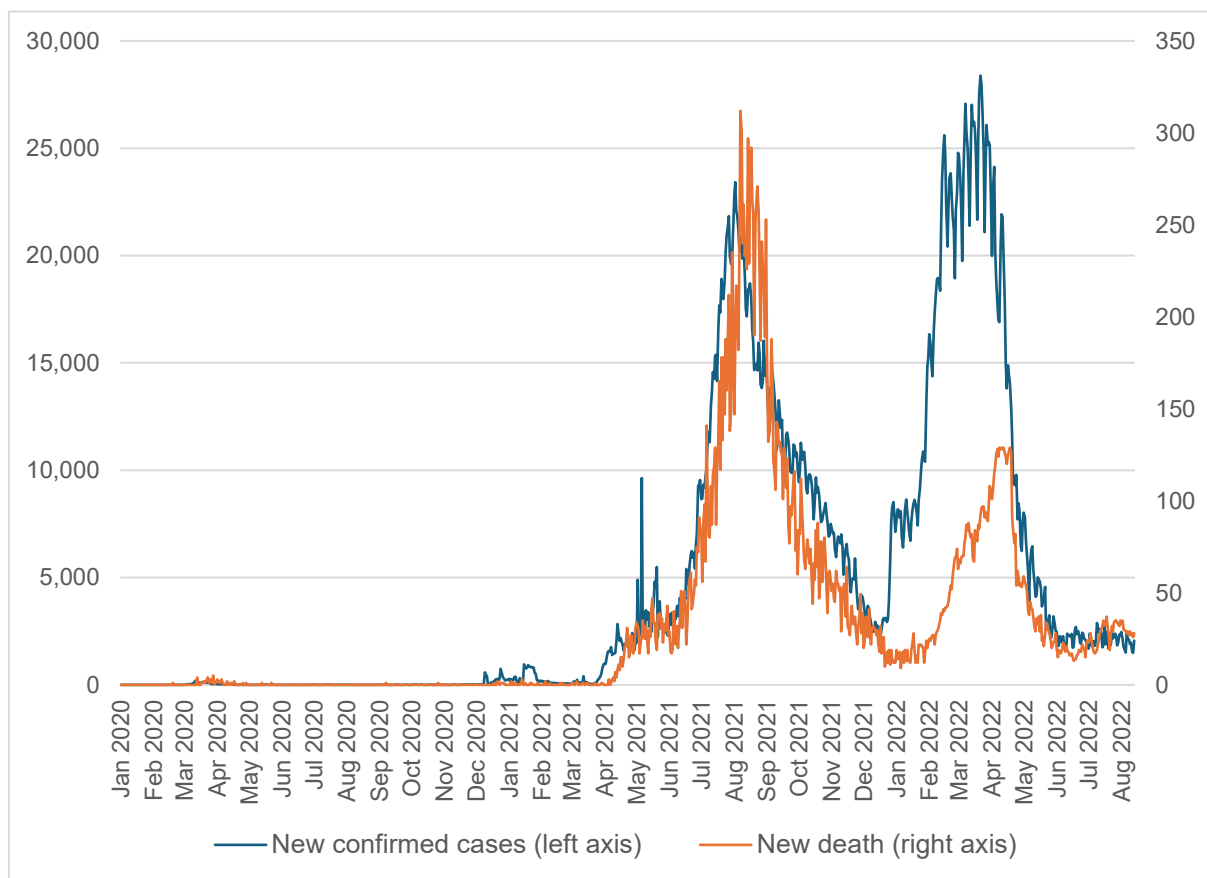
This political unrest happened at the same time of the COVID-19 pandemic. On 8 January 2020, seven months after Prayuth began his second term as Prime Minister, the Coronavirus pandemic reached Thailand when a Chinese tourist tested positive. Later, on 31 January, the first Thai case—a taxi driver who had transported the tourist—marked the beginning of domestic transmission (Wun’Gaeo & Wun’Gaeo, 2021). A month later, on 29 February 2020, the Ministry of Public Health (MOPH) declared the coronavirus disease a dangerous contagious disease under the Communicable Diseases Act BE 2558 (2015), signifying the official start of the pandemic in Thailand.

The number of daily new confirmed cases rose slowly, averaging 1.25 cases from the day of first case until 12 March 2020, when the Centre for COVID-19 Situation Administration (CCSA) was established in response to super-spreader clusters, including an outbreak of 35 infections linked to a major Muay Thai event at Lumpini Boxing Stadium. Following this, the number of new confirmed cases increased eightfold in just eight days, prompting measures to close businesses, entertainment

venues, sports facilities, educational institutions, and various other activities (Na Ranong et al., 2021). On 25 March 2020, General Prayut Chan-o-cha, then Prime Minister, issued the Declaration of an Emergency Situation under the Emergency Decree on Public Administration in Emergency Situations BE 2548 (2005), stating that the pandemic was “a situation that threatens public order and the safety of the people which necessitates stringent and urgent measures to prevent the widespread transmission of the disease” (“Declaration of an Emergency Situation in All Areas of the Kingdom of Thailand,” 2020, p. 1). This marked the first time it was used in response to a pandemic, even though the nature of a pandemic did not align well with the definition of an Emergency Situation (see Chapter 6).

Over the nearly three-year official pandemic period, Thailand experienced five COVID-19 waves (see Figure 3.2), each driven by distinct clusters and variants, necessitating varying responses. The first wave in March 2020 originated from clusters at boxing stadiums and nightclubs. The second wave in late 2020 was sparked by returning workers and undocumented migrant clusters, spreading to nearly all provinces. The third wave in April 2021, linked to entertainment venues, saw rapid nationwide spread during the Thai New Year. The fourth wave, triggered by the highly infectious Delta variant, overwhelmed healthcare resources, with strategies focused on impact mitigation rather than containment. The fifth wave began with the Omicron variant in December 2021, resulting in high case numbers but lower mortality rates. By the last quarter of 2022, cases had significantly declined, prompting the MOPH to remove COVID-19 from the list of dangerous contagious diseases and leading to the revocation of the Declaration of an Emergency Situation. (Tuangratananon et al., 2024).

Figure 3.2 Daily new confirmed COVID-19 cases and death, January 2020 - August 2022



Source: data visualised by the author, based on Department of Disease Control (n.d.)

Public health policies and social measures to curb virus spread, including lockdowns, social distancing, and workplace closures, were implemented throughout these pandemic waves. However, these measures led to significant economic disruptions, limiting access to essential services, food, and livelihoods, while increasing the risks of firm defaults and job losses. Reflecting the combined impact of the pandemic and related policies, Thailand’s economy contracted sharply, with GDP growth dropping from 1.3% at the end of 2019 to -12.2% by mid-2020. Furthermore, the unemployment rate, despite remaining low doubled from 1.1% in the first quarter of 2020 to 1.9% by the third quarter. In response, the Thai government swiftly launched economic relief and stimulus measures totalling 2.5 trillion baht, an intervention considered considerably larger than typical for emerging market economies. To fund these measures, Thailand raised loans totalling 1.5 trillion baht—1 trillion baht in April

2020 and an additional 0.5 trillion baht in May 2021 (Kohpaiboon, Jongwanich, & Boonyarat, 2025).

### ***The Return of the Exceptional Regime***

While the loans appeared necessary, two points are noteworthy. First, the loans were allocated for specific purposes: healthcare expenses, economic relief, and stimulus packages. Logically, healthcare expenses, particularly vaccine rollouts, should have been prioritised as essential to ending the pandemic. If the pandemic remains unresolved, expenditures on economic relief will inevitably require continuous expansion. Meanwhile, stimulus packages will provide limited benefit, effectively functioning as an extension of the economic relief measures. However, only 75 billion baht, or 5% of the total loans, was designated for healthcare. Simultaneously, the government at the time chose not to join the COVID-19 Vaccines Global Access (COVAX) initiative, as Thailand did not qualify for free or subsidised vaccines under certain programmes (see Chapter 6). On the other hand, nearly two-thirds of the loans were directed toward economic relief, which, although justifiable, included top-ups to the existing populist project, the State Welfare Card Scheme<sup>14</sup>. This allocation served both immediate economic needs and political interests by reinforcing support among targeted voting blocs, potentially killing two birds with one stone. Thus, it is plausible that the loans were not exclusively intended for pandemic-related purposes.

Second, typically, government budgets are approved through the enactment of an Annual Appropriations Act or a Supplementary Appropriations Act. However, the 1.5 trillion baht in loans—amounting to exactly half of the total government annual budget for the 2019 fiscal year—bypassed the normal parliamentary process. Instead, the government issued two Emergency Decrees authorising the Ministry of Finance to

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<sup>14</sup> In 2017, the State Welfare Card Scheme was introduced as part of a targeted social welfare initiative named Pracharath Welfare (ประชารัฐสวัสดิการ). Subsequently, the term “Pracharath” was adopted by the Palang Pracharath Party, which nominated Prime Minister Prayut Chan-o-cha as its sole candidate for the 2019 general election.

secure the loans<sup>15</sup>. According to these Emergency Decrees, any project utilising the funds required only cabinet approval. These Emergency Decrees, along with the Declaration, reinstated an exceptional regime similar to that under the military junta following the two coups, suspending the formal channels of representation to enable change deemed necessary for solving hegemonic crisis.

However, as Jessop (2016, p. 90) suggests, “[e]ven when the state acts in the name of *raison d’état* or invokes states of emergency that suspend normal representative mechanisms, its legitimacy depends on linking state interests and actions to those of ‘society’ and on a credible commitment to ‘restore normal regime service’ as soon as possible”<sup>16</sup>. Since the pandemic presented an opportunity for the state to renew its hegemonic vision and strive to secure hegemony, for the Prayuth administration, this involved aligning the nature and purposes of the state with common interest or general will—specifically public order and safety. This ‘illusory’ interest facilitated the pursuit of a renewed hegemonic vision, which required strengthened control over the Internet and social media. The issue of fake news—the main focus of this dissertation—served as one of the ostensibly stated reasons for this control.

## Conclusion

In February 2022, the idea of the Single Gateway was reintroduced. Chaiwut Thanakamanusorn, then Minister of Digital Economy and Society (MDES), stated during a parliamentary debate that the government was considering amendments to the CCA because it could not block illegal information or websites promptly, especially in cases of online scams. He claimed that a method under study, the Single Gateway, was necessary to ensure public safety on the Internet and had been adopted by many

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<sup>15</sup> Emergency Decree Authorising the Ministry of Finance to Raise Loans to Solve Problems, to Remedy and Restore the Economy and Society as Affected by the Coronavirus Disease Pandemic BE 2563 (2020) and BE 2564 (2021)

<sup>16</sup> Following the 2014 coup, the NCPO released a propaganda song titled “Returning Happiness to Thailand”, reportedly composed by General Prayut Chan-o-cha himself. In a rather absurd attempt to justify the coup, the lyrics include the line, “[w]e will do as promised, it will not take long”, reinforcing the junta’s narrative of a swift return to stability.

countries. This instance highlights the Thai state's ongoing struggle to broaden and consolidate its control over the Internet, aiming to align the nature and purposes of the state with 'illusory' interest—same tune, different lyrics.

This chapter argues that the dual crisis, stemming from political economy factors, has challenged the Thai state's ability to secure hegemony—a hegemonic crisis. As this thesis argues, in response, the state has sought to renew its hegemonic vision by intensifying control over the Internet and social media. This effort continues regardless of ostensibly stated rationales, such as combating fake news. Although concerns about fake news were already present, the pandemic heightened the urgency of tackling this issue. Building on Morozov (2011)'s concept of the 'trinity of authoritarianism', the next three chapters explore how the Thai state leveraged the negative framing of fake news during the pandemic to legitimise censorship through the interpretation and implementation of CCA (Chapter 4), surveillance by the Anti-Fake News Centre (AFNC) (Chapter 5), and propaganda disseminated via the Centre for COVID-19 Situation Administration (CCSA) (Chapter 6).

## Chapter 4

# Computer-Related Crime Act and State Censorship

### Introduction

Two weeks before the implementation of the Emergency Decree in March 2020, Matthew Deane Chanthavanij, a Thai-Australian singer and actor, publicly announced on his Instagram account that he had tested positive for the coronavirus—the first Thai celebrity case. It was believed that he contracted the virus while he was acting as the MC during a major Muay Thai bout at Lumpini Boxing Stadium (Matchon Online, 2020a). During the press conference, Dr Opas Karnkawinpong, the Director General of the Department of Medical Sciences (DMSC) at the time, commented that if the Instagram post by Matthew Chanthavanij turned out to be false, it might violate the Computer-Related Crime Act BE 2550 (2007) and its amendment by the Computer-Related Crime Act (No 2) BE 2560 (2017) (henceforth, the CCA)<sup>17</sup>. This is because “entering false computer data into a computer system” constitutes an offence under the Act. A day later, Dr Opas clarified to the press that his previous answer to a journalist’s question was not meant as a threat to utilise the CCA against anyone (Matchon Online, 2020b).

This evidence was only one example of how Thai state apparatuses attempt to link the dissemination of seemingly fake news with offences under the CCA. The CCA is an illustration of how and why the state in an authoritarian regime utilises laws and regulations to address seemingly fake news. In authoritarian regimes, the state tends to enact and implement laws and regulations as a pretext to exert control over social media rather than tackle the problem (Neo, 2021c), which results in censorship, curtailing freedom of expression, and repression of the opposition. However, in the context of the pandemic, these legal responses may be deemed justifiable in the light

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<sup>17</sup> There is no official English translation of the CCA. The legal texts of the CCA used in this dissertation are the unofficial translation available on the website of the Ministry of Digital Economy and Society (MDES). An alternative unofficial translation can be found on the website of the Office of the Council of State (OCS). I prefer the former option because (1) it is translated more accurately and (2) the Minister of the MDES has charge and control of the execution of this act.

of the potential harm posed by health-related fake news. The objective of this chapter is to examine more closely the reason behind the use of the CCA by the Thai state in response to the dissemination of fake news.

This chapter argues that the use of CCA by the Thai state to control the spread of fake news is strategically selective, prioritising its own interests—such as the credibility of state-implemented measures—over those of the public. It focuses on the interpretation and implementation of the CCA in response to fake news during the COVID-19 pandemic. The Act is highly relevant in controlling Internet content as it provides formal responses to content-related offences, including entering false computer data into a computer system: criminal sanctions and content restrictions. The main reason for using the CCA as a response to fake news is in fact to legitimise the CCA with the aim to exert control over the Internet and social media through censorship and surveillance.

The structure of the chapter is as follows. First, it provides brief background on legal responses to fake news in authoritarian context. Second, it discusses the overall picture of the CCA, which determines criminal sanctions and content restrictions. The following two sections use empirical evidence to examine the interpretation and implementation of criminal sanctions and content restrictions under the CCA in relation to fake news during the COVID-19 pandemic. Next, it analyses the CCA using the strategic–relational approach (SRA). The final section is the conclusion.

## **Legal Responses to Fake News in Authoritarian Context**

Legal responses to fake news fall into two categories: criminal sanctions and content restrictions. In terms of criminal sanctions, it is uncommon for a democratic country to regulate Internet content by criminalising the dissemination of fake news. For example, under Swedish law, illegal speeches are those that offend people, such as defamation, insults, threats, and hate speech. Furthermore, in countries where the dissemination of fake news is punishable, laws and regulations are very specific and clear. In Japan, for instance, the purveyor of fake news is considered illegal and faces imprisonment or a fine if the information obstructs business. In contrast, evidence suggests that many authoritarian countries, including Algeria, Botswana, Burkina Faso, China, Egypt, Ethiopia, India, Indonesia, Kenya, Malaysia, Mauritius, Nepal,

Nicaragua, the Philippines, Russia, Singapore, South Africa, Thailand, and Vietnam, have recently implemented, passed, or amended laws with criminal penalties to combat fake news. There are two major issues with states' responses. First, these rulings contain harsh criminal sentences, specifically imprisonment, which raises the issue of proportionality. Second, the criminal offences specified in these laws are frequently ambiguous or overly broad. This has the potential to be abused (Centre for Law and Democracy, 2021; Law Library of Congress, 2019; Neo, 2021c; Siwakoti et al., 2021; Smith, Perry, & Smith, 2021; Vese, 2022).

Moreover, democratic and authoritarian countries also differ in their responses to fake news by applying content restrictions. On one hand, many European countries, including France and the United Kingdom, use content removal or blocking. Germany's Network Enforcement Act or NetzDG, is a notable example. The law requires social media platforms with over two million users in Germany to remove or block obvious illegal content, such as defamation and hate speech, but not fake news. Authoritarian states, on the other hand, use this response in their own unique ways. Despite being referred to as NetzDG, Malaysia's Anti-Fake News Act and Singapore's Protection from Online Falsehoods and Manipulation Act (POFMA), for example, are dedicated to cracking down fake news. In the absence of a clear definition of fake news, Malaysian law imposes criminal penalties on individuals or entities who are the source of such information, rather than intermediaries. Simultaneously, the Singaporean government has the authority to request social media platforms to restrict access to users or block websites containing fake news (Centre for Law and Democracy, 2021; Law Library of Congress, 2019; Neo, 2021c; Siwakoti et al., 2021; Smith, Perry, & Smith, 2021; Vese, 2022).

### **The Computer-Related Crime Act (CCA)**

The CCA has served as a crucial instrument for the Thai state to exert control over content disseminated on Internet and social media platforms, including fake news during the pandemic. In July 2021, Chaiwut Thanakamanusorn, the Minister of the MDES at the time, stated in an online conference on fake news awareness that "[t]he public is reminded that disseminating fake news on social media may constitute an offence under the CCA and the Emergency Decree enforced during the COVID-19

pandemic. Legal action against violators is coordinated by the MDES in collaboration with the Royal Thai Police” (Ministry of Digital Economy and Society, 2021a).

While the Emergency Decree was declared in March 2020 because of the pandemic, the CCA has been enforced since 2007. The origin of the CCA can be traced back to 1998, when the Thai state sought to develop the Computer Crime Bill, among other information technology-related bills. In 2003, the Thaksin Cabinet approved the rationale of the draft Computer Crime Bill, which aimed to “adopt criminal sanctions for individuals who cause damage to computer systems, information systems, and network systems” (Secretariat of the National Information Technology Committee, 2001, p. 9, emphasis added). Subsequently, in 2005, the Office of the Council of State (OCS) completed the revision of the Bill and concurrently changed its name to the Computer-Related Crime Bill (Office of the Council of State, 2005). The Council of State’s decision to change the name of the Bill is noteworthy, as it indicates a substantial revision of what the Cabinet had approved. The initial objective of the Bill was to address the so-called ‘pure cybercrime’, which refers to criminal activities causing damage to computer systems, information systems, and network systems. The objective is justifiable because, at that time, there were no explicit laws or regulations. The Council of State, however, made the decision to incorporate content-related offences, including entering false data into a computer system, into the Bill (Suksri, Kusonsinwut, & Yingyongpathana, 2012). This subsequently results in the implementation of intrusive legal responses to fake news. In 2007, a year after the 2006 coup, the CCA was eventually enacted during the junta government led by General Surayud Chulanont. The amendment was made in 2017, too, following another coup that occurred in 2014, under the General Prayut Chan-o-cha administration. It might be a coincidence but the enactment and amendment of the CCA occurred during the periods when the National Legislative Assembly (NLA) was unelected —the periods when the people’s participation and political transparency were at their lowest.

The enactment and the amendment of the CCA reflect different phases of Internet access and content regulation. The CCA was enacted in 2007 during the access-controlled phase and was undoubtedly intended as a tool for controlling online information from the beginning. After a decade in the legislative process, it was

eventually enacted as one of the first laws passed by the NLA within nine months following the 2007 coup. The law appeared to be a response by the Thai state after its failure to request YouTube to remove video clips deemed insulting to the Monarchy (Ramasoota, 2011). During the first five years of its enforcement, more than 80,000 websites were blocked, with over 60,000 of them containing contents related to offences against the Monarchy. Offenders in 64 cases were prosecuted for entering computer data related to national security and the monarchy (Suksri et al., 2012). This raised widespread concerns, including among international human rights bodies. The Human Rights Committee of the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a party, criticized restrictions on freedom of opinion and expression under the CCA and urged Thailand to refrain from using criminal provisions to suppress dissent (Neelapaichit & Puridej, 2022). The amendment of the CCA in 2017, by contrast, took place during the access-contested phase. One of its main objectives appeared to be increasing pressure on internet intermediaries, as seen in numerous cases, including self-censorship on online political forums such as the *Prachatai* web board. Chiranuch Premchaiporn, the web moderator facing intermediary liability charges, described the law as “a transfer of censorship from state agencies to webmasters, with the law as a choker” (Ramasoota, 2011, p. 91). Despite a petition signed by 350,000 Thai netizens and human rights NGOs calling for a review of the bill after it entered the NLA, the amendment was passed nonetheless (Neelapaichit & Puridej, 2022). The apparent objective of the amendment and the opposition petition reveal competing values and interests in Internet access and content regulation.

Regarding the two responses to fake news, the CCA outlines criminal sanctions in Section 14, while content restrictions, i.e., blocking and deleting, are stated in Section 15 and Section 20 of the same act. Both responses are components of a single procedure. If any computer data, including allegedly fake news, is found to be in violation of Section 14, the Ministry of Digital Economy and Society (MDES) has the authority to block the dissemination of such data or delete the data. This can be done by notifying the service provider in accordance with Section 15 or requesting the court to determine in accordance with Section 20 (“Computer-Related Crime Act BE

2550 and its amendment,” 2007). The following parts of this chapter provide analyses of how the state has implemented these Sections to respond to fake news.

## **Criminal Sanctions under the CCA**

Section 14 of the CCA determines criminal sanctions for offences related to entering computer data into a computer system:

“Section 14 Whoever commits the following offences shall be liable to an imprisonment for a term not exceeding five years, or a fine not exceeding One Hundred Thousand Baht or both.

- (1) Dishonestly or by deception, entering wholly or partially distorted or false computer data into a computer system in a manner likely to cause damage to the general public; which is not a defamation under the Criminal Code;
- (2) Entering false computer data into a computer system in a manner which is likely to cause damage to the protection of national security, public safety, economic safety of the Kingdom of Thailand, infrastructures which are for public benefit; or to cause panic to the general public<sup>18</sup>;
- (3) Entering into a computer system, any computer data which is an offence related to national security of the Kingdom of Thailand or related to terrorism under the Criminal Code;
- (4) Entering any obscene data into a computer system which could be accessed by the general public; or
- (5) Disseminating or forwarding computer data despite knowing of the fact that it is computer data under (1), (2), (3), or (4) above.

In case the offence under Paragraph (1) is not committed against the general public but rather against a certain person, the offender, the disseminator or the forwarder of such computer data shall be liable to an imprisonment for a term not exceeding three years, a fine not exceeding Sixty Thousand Baht or

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<sup>18</sup> The clause “public safety, economic safety of the Kingdom of Thailand, infrastructures which are for public benefit” was added by the amendment in 2017.

both; and such offence shall be deemed a compoundable offence” (“Computer-Related Crime Act BE 2550 and its amendment,” 2007).

Subsections that pertain to criminal sanctions on those who disseminate fake news are Subsections 14(1), 14(2), and 14(5). However, before proceeding to examine these Subsections, it is important to understand significant problems that arise from enacting and implementing the CCA, especially Section 14, as a whole. The problems mentioned stem from the Section’s tendency to blur the distinction between computer-related offences and content-related offences.

### ***Computer-Related vs Content-Related Offences***

Computer-related offences and content-related offences are different. The differences between the two categories are outlined in the Convention on Cybercrime, also known as the Budapest Convention. The Convention is the first international binding treaty aiming to combat cybercrime through the harmonisation of cybercrime laws (Clough, 2014). It entered into force in 2004 and currently has approximately one hundred parties and signatories (Council of Europe, n.d.).

The Budapest Convention categorises cybercrime as follows:

- (a) Offences against the confidentiality, integrity and availability of computer data and systems
- (b) Computer-related offences
- (c) Content-related offences

The provisions under the CCA exhibit three primary issues when compared to the Budapest Convention. First, the CCA deviates from the original rationale of the Bill and appears confusing as it includes (a) offences against computer data and systems, (b) computer-related offences, and (c) content-related offences, all of which are grouped together under Part 1 titled Computer-Related Offences of the CCA. When the draft Bill was initially approved by the Cabinet in 2003, its scope was limited to merely (a) offences against computer data and systems and (b) computer-related offences. Hence, the Council of the State’s decision to add in (c) content-related offences significantly changes the fundamental aspects of the Bill and eventually provides a tool for the state to control content on the Internet, including social media. Under the CCA, the scope of the illegal content goes beyond child pornography to

include seemingly false content and content related to national security under the Criminal Code, particularly Section 112 (Lèse-Majesté provision)<sup>19</sup> and Section 116<sup>20</sup>.

Second, Section 14 of the CCA is the result of combining (b) computer-related offences and (c) content-related offences into a single Section. This has caused a misconception regarding the differences between these two categories of offences. The initial intention of drafting this Section was to address computer-related offences, filling the void of the Criminal Code regarding the falsification of electronic documents, for example, phishing. It is not about whether the content is factual, but about the authority to create such documents. The lack of clarity in the wording employed in the provision, specifically regarding distorted or false data, resulted in incorrect interpretation and application of the Subsection 14(1). The Subsection was evidently used to pursue online defamation prosecutions, which accounted for around one-third of all cases prosecuted under the CCA between 2007 and 2011 (Suksri et al., 2012). In 2017, Subsection 14(1) was subsequently amended to exempt a defamation under the Criminal Code. However, it has still been interpreted and applied to ostensibly fake news. The following subsection will include additional information and elaboration on the interpretation and application of Subsection 14(1).

Lastly, Subsections 14(2) to 14(4) pertain to content-related offences. Subsection 14(4) regarding obscene computer data was added to the Section by a remark made by the Royal Thai Police. On the other hand, Subsections 14(2) and

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<sup>19</sup> Section 112 of the Penal Code “Whoever defames, insults, or expresses ill will towards the King, Queen, Heir to the Throne, or Regent, shall be punished with imprisonment not over seven years” (“Penal Code BE 2499 and Its Amendments,” 1956).

<sup>20</sup> Section 116 of the Penal Code “Whoever makes available to the public through speech, writing, or any other way [anything] which is not done within the purposes of the Constitution or is not an expression of an honest opinion or comment—

(1) in order to cause a change in the law of the State or [in] the Government through forcible coercion or forcible violence;

(2) in order to cause turbulence or disobedience amongst the public to the degree likely to bring about unrest within the Kingdom; or

(3) in order to cause the public to violate the law of the State;

shall be punished with imprisonment not over seven years” (“Penal Code BE 2499 and Its Amendments,” 1956).

14(3) were included to the Section by the Council of State (Office of the Council of State, 2005). These subsections are subject to redundancy as they replicate the offences described in the Criminal Code. In addition, Subsections 14(2) and 14(3) have been criticised for being utilised by the state to curtail freedom of expression. Regarding the scope of application, Subsection 14(2) appears to be more troublesome than Subsection 14(3) due to its vague terms, namely “national security”, “public safety”, “economic safety”, and “panic”. Subsection 14(3) is more explicit as it directly links to the Criminal Code. Nevertheless, a persisting issue arises due to the prosecution under Subsection 14(3) in conjunction with the relevant provisions outlined in the Criminal Code, specifically Section 112. This longstanding problem with the prosecution under Section 112 of the Criminal Code has been widely recognised (Suksri, 2023). However, this goes beyond the scope of this dissertation.

Table 4.1 Comparison of Offences under the Convention on Cybercrime and the CCA

Categories of Offences	The Convention on Cybercrime	The CCA
Offences against computer data and systems	Illegal access	Section 5 to Section 13
	Illegal interception	
	Data interference	
	System interference	
	Misuse of devices	
Computer-related offences	Computer-related fraud	Subsection 14(1) dishonestly distorted or false data likely to cause damage to the public
	Computer-related forgery	
Content-related offences	Offences related to child pornography	Subsection 14(2) false data likely to cause damage to security or panic to the public
		Subsection 14(3) data related to security under the Criminal Code
		Subsection 14(4) obscene data
		Subsection 14(5) disseminating or forwarding such data

Source: summary by the author based on the discussion in this section

To conclude this subsection, in terms of responses to fake news, the categorisation of offences under Section 14 of the CCA has significant problems as it deviates from the original rationale of the Bill and conflates computer-related offences with content-related offences (see Table 4.1 above). This has caused misconception regarding the differences between these two categories of offences. Subsection 14(1) serves as a notable example as it had been interpreted and applied to online defamation before the amendment in 2017. On the other hand, Subsection 14(2) is problematic as it contains excessively broad terms, which enables the state to interpret and exploit the Section for its own interests. The next subsection examines

prosecution under Section 14, with particular focus on Subsections 14(1) and 14(2), during the pandemic to support the argument.

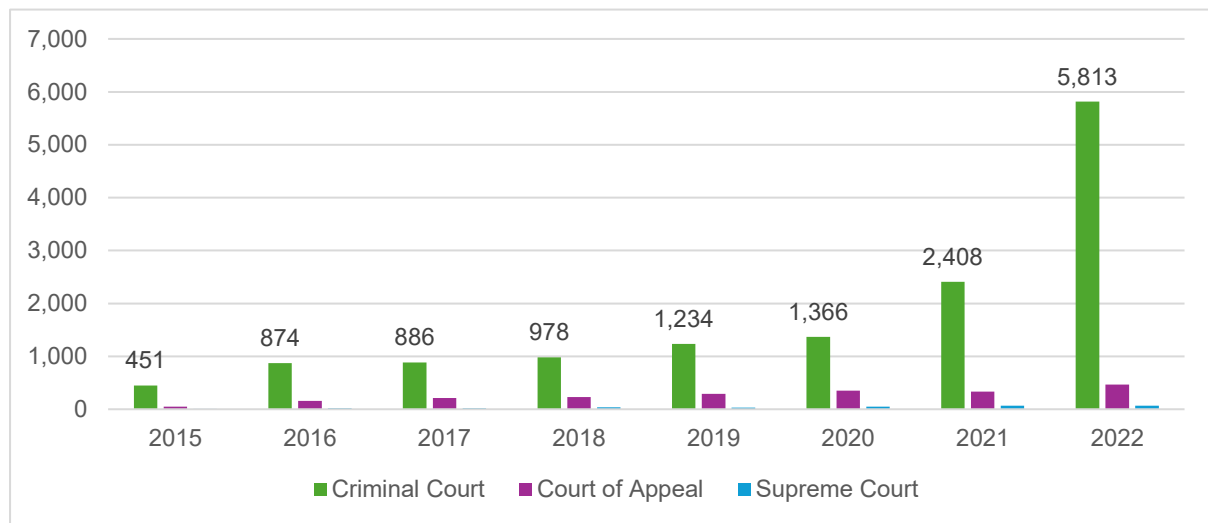
### ***Prosecution under Section 14 during the Pandemic***

Thailand lacks comprehensive and time series data regarding the number of cases pursued by the state under the CCA to prosecute those disseminating the so-called fake news. The MDES only discloses the number of cases prosecuted on occasion<sup>21</sup>. For example, in April 2021, the MDES announced that between November 2019 and March 2021, approximately two thousand individuals disseminated fake news, potentially violating the CCA (Ministry of Digital Economy and Society, 2021c). The Court of Justice's Annual Statistical Reports provide more consistent information. According to these reports, there was a substantial rise in the number of cases under the CCA presented to the criminal court throughout the pandemic, particularly in 2021 and 2022 (Office of Planning and Budget, n.d.) (see Figure 4.1). The exact number of prosecuted cases related to fake news during the period is uncertain, given they cover a range of offences including offences against computer data and systems, computer-related offences, and content-related offences. Nevertheless, although the Court of Justice has stopped providing case files unless they are directly involved in the case (O. Yingyongpathana, personal communication, 2 January 2024), it is reasonable to assume that the majority of the cases were content-related offences. From 2007 to 2011, offences involving computer data and systems represented only 19% of total cases prosecuted under the CCA (Suksri et al., 2012). Moreover, an interview with a higher-level government officer of the MDES has confirmed that over 80% of the cases which have been prosecuted are offences under Subsection 14 of the CCA (Anonymous interviewee, personal communication, 13 February 2024). Thus, it is fair to assert that, based on empirical evidence, the CCA has primarily been utilised to control content-related offences.

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<sup>21</sup> There is also very limited data on the number of fake news cases reported to police. According to a presentation by the Royal Thai Police to the Senate, the number of fake news cases was low. Only 35 pandemic-related incidents were reported to the police in 2020 and the first five months of 2021 (Technology Crime Suppression Division, 2021).

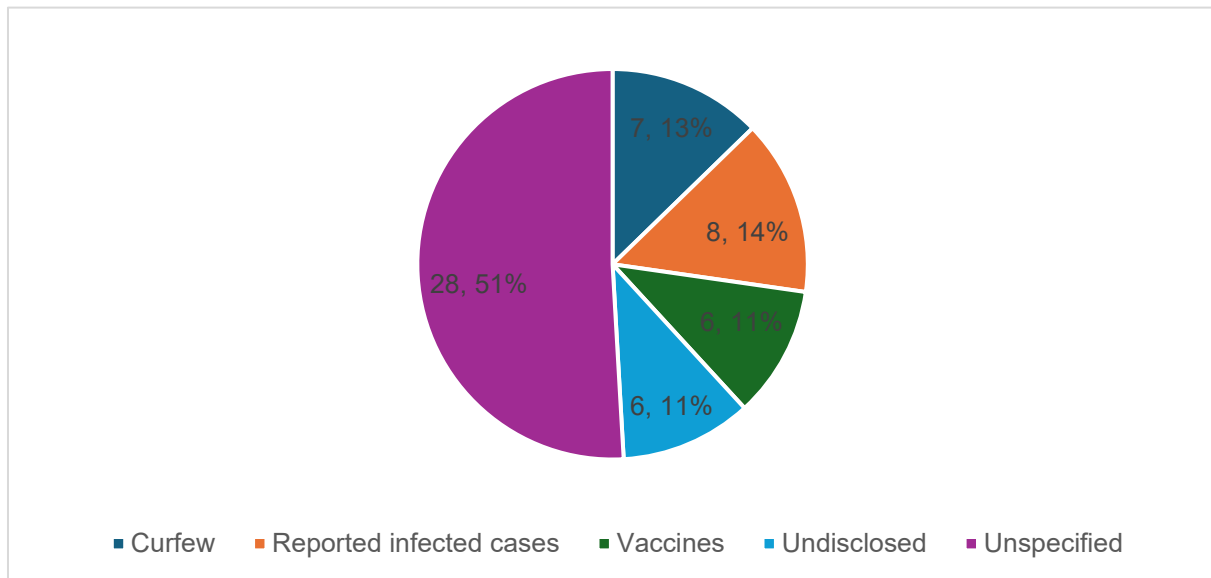
Figure 4.1 Number of cases under the CCA presented to the criminal court, 2015-2022



Source: data visualised by the author, based on Office of Planning and Budget (n.d.)

During the pandemic, the MDES sporadically disclosed a brief summary of prosecutions related to fake news. Based on news collected from the MDES website, only 55 cases were reported by the MDES as either prosecuted or in the process of being prosecuted under the CCA (see Figure 4.2). Although there could be numerous unreported cases, these reported cases represented less than 1% of the total number of cases under the CCA presented to the criminal court between 2020 and 2022. A notable case involved a journalist from Thai PBS, a public broadcasting service, who wrote a post about a woman who was allergic to Sinovac vaccine in May 2021. Chaiwut Thanakamanusorn, the Minister of the MDES at the time, insisted on prosecuting the journalist, even though she had erased the post and issued an apology. Chaiwut also questioned the credibility of her affiliation which was accused of providing false information to the public on two occasions within a month, one on cross-border measures and other on vaccine effectiveness (Ministry of Digital Economy and Society, 2021b).

Figure 4.2 Prosecution Cases Related to Fake News Released by the MDES, March 2020 – September 2022



Source: data visualised by the author, based on news collected from Ministry of Digital Economy and Society (n.d.)

Due to the absence of data regarding the numbers and details of cases falling under the CCA, there is only one existing research project that investigates cases related to the prosecution of fake news purveyors. The study divides fake news cases into two groups: *lèse-majesté* cases and miscellaneous cases (Smith & Perry, 2020). Data used in the study were collected between 2018 and 2020 in two separate ways. Information regarding *lèse-majesté* cases was obtained from the periodical report published by the Thai Lawyers for Human Rights (TLHR)<sup>22</sup>, and miscellaneous cases were gathered from English news reports in Thailand.

This dissertation, on the other hand, tries to collect data in a more systematic way by utilising a single source, the THLR's case files (Thai Lawyers for Human Rights, n.d.-b). All the same, relevant legal documents, including indictments and judgments, are utilised to obtain specific information, if necessary. One advantage of

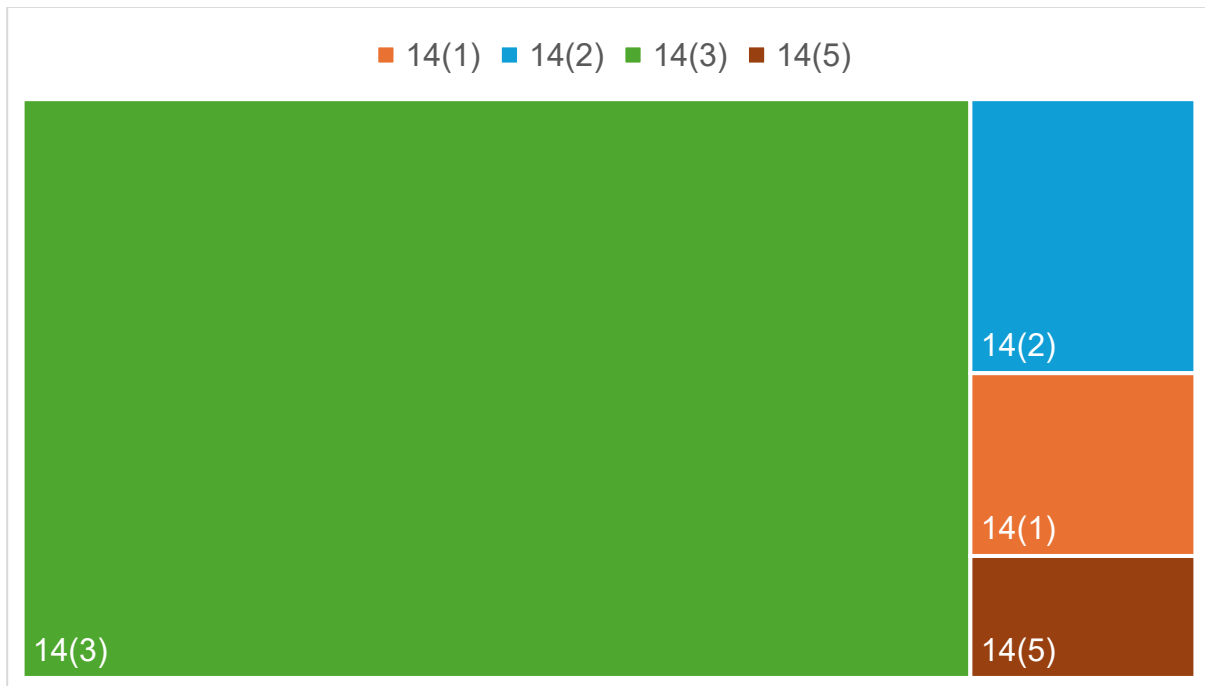
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<sup>22</sup> The THLR is a group of human rights lawyers and social activists in Thailand, established in response to the 2014 coup. The organisation's objective is to offer litigation assistance for cases involving violations of fundamental and political rights by law enforcement. Also, it observes and records human rights violations, which subsequently gathered into its database (Thai Lawyers for Human Rights, n.d.-a).

utilising the case files is that the TLHR involves cases pertaining to violations of basic and political rights, which are the main criticisms regarding the enforcement of the CCA. However, there is an anticipated limitation in using the database. While the TLHR's case files are highly comprehensive, it does not include every case prosecuted under the CCA.

During the time scope of this dissertation, which spans from March 2020 to September 2022, 115 cases were initially prosecuted under Section 14 of the CCA, though not necessarily concluded within this timeframe. Because a case could fall under more than one Subsection, a treemap is presented here rather than a pie chart. Undoubtedly, the majority of these cases were offences under Subsection 14(3), which were related to national security under the Criminal Code (see Figure 4.3). More specifically, ninety-eight percent of these eighty cases were prosecuted in conjunction with Section 112 of the Criminal Code. This chapter, however, focuses on Subsections 14(1) and 14(2) of the CCA as they are used in response to seemingly fake news. A total of fifteen cases were prosecuted, six of which fell under Subsection 14(1) and nine of which fell under Subsection 14(2). Tables 4.2-4.3 below contain summary of each case.

Figure 4.3 Prosecution Cases Related to Fake News according to the THLR’s case files, March 2020 – September 2022



Source: data visualised by the author, based on Thai Lawyers for Human Rights (n.d.-b)

Table 4.2 Prosecution Cases under Section 14(1) of the CCA

Subsection	Prosecutor	Cases	Defendant
14(1)	RTA Commander-in-Chief	Uploading pictures of soldiers doing non-military missions	A former FFP MP candidate
14(1) and (3)	A member of a royalist group	Posting sarcastic royal family cartoons	A cartoonist
14(1)	A major brewery company	Claiming the company helped the government disband a protest	Facebook page 'Beer People' admin
14(1)			A bookshop owner
14(1)		Claiming the company is a monopoly	An online music magazine columnist
14(1)	An individual	Criticising King Rama IX's idea of a "sufficient economy"	A university student

Source: summarise by the author, based on Thai Lawyers for Human Rights (n.d.-b)

Table 4.3 Prosecution Cases under Section 14(2) of the CCA

Subsection	Prosecutor	Cases	Defendant
14(2)	Airports of Thailand	Questioning COVID-19 screening measures at Suvarnabhumi Airport	A graffiti artist
14(2) and (5)	Public prosecutor	Sharing content about increasing VAT	Unnamed
		Sharing content about Gen Prawit tripping and falling in a bathroom	
		Sharing content about Gen Prayut possessing unusual wealth	
14(2)	Technology Crime Suppression Division	Claiming RTP Deputy Commissioner General for involving the physical assault of political activists	An online seller
14(2) and (5)	Public prosecutor	Posting and sharing parody photomontage of King Rama IX and King Rama X (x9)	A youth
14(2)	Ministry of Public Health	Posting about people with coronavirus from China arriving at Chiang Mai Airport	A shopkeeper in Nan province
14(2) and (3)	Public prosecutor	Undisclosed but related to anti-monarchy protest	Unnamed
14(2)		Undisclosed but related to anti-monarchy protest	Unnamed
14(2)		Uploading a photo of banner criticising royal budget	A university student

Source: summarise by the author, based on Thai Lawyers for Human Rights (n.d.-b)

Of the sixteen cases, only two are directly associated with the COVID-19 pandemic. These cases have been documented and reported on the TLHR website. The first case involved a Facebook post questioning COVID-19 screening measures at Suvarnabhumi Airport. On 17 March 2020, Danai Usama, a 42-year-old artist from Phuket, posted on the social media platform that upon his arrival at Suvarnabhumi Airport from Barcelona, he and approximately 500-600 other passengers were not subjected to any COVID-19 screening measures. A week later, he was arrested by police for “entering false computer data into a computer system” which “cause panic to the general public”, an offence under Section 14 of the CCA. The Airports of Thailand PCL (AOT), a state enterprise, reported the case to the police, asserting the presence of temperature scanning equipment and staffs responsible for directing passengers to pass through these scanners (Thai Lawyers for Human Rights, 2020). In May 2024, following a 4-year duration within the prosecution process, the Supreme Court finally exonerated the case and gave Danai the benefit of the doubt, finding that he may be unaware of this equipment and then may not had the intention to disseminate false information (Thai Lawyers for Human Rights, 2024).

The second case was a Facebook post about people with coronavirus from China arriving at Chiang Mai Airport. On January 25, 2020, Noppawan Suwan, a 37-year-old shopkeeper on a pedestrian street in Nan province, shared a post in the Facebook group ‘Khon Muang Nan Weekend Market’ to alert group members of new coronavirus cases. Her post stated that three people infected with the H3N2 virus, a deadly disease originating from Wuhan, China, arrived at Chiang Mai Airport and were later taken to a hospital. It also included the Ministry of Public Health’s (MOPH) warning regarding the spread of the virus. After receiving the incident from the MDES, the MOPH reported it to the police under Section 14 of the CCA, saying that Noppawan entered “false computer data into a computer system” causing “panic to the general public”. Dr Sophon Iamsirithavorn, the Deputy Director-General of the Department of Disease Control at the time, stated in the court that the H3N2 virus is not a coronavirus, but rather an influenza virus, and that the MOPH issued no warning about it. In April 2022, the court ruled that, while Noppawan, confused by the H3N2 virus and coronavirus, did not aim to disseminate false information, her Facebook post was incorrect and caused public panic. She was found guilty and would serve an 8-month

imprisonment without parole, plus a 40,000-baht fine (Thai Lawyers for Human Rights, 2022).

These two cases share certain findings. Firstly, they provide empirical evidence to support previous study about the ambiguity of Subsection 14(2) (Suksri, 2023), in terms of the offender's intention and the effect of their action. The first ambiguity relates to the intent of the offender and lies in the interpretation of the word "false information". Since the CCA includes criminal sanctions, the offender's intent is essential. Hence, Subsection 14(2) should exclusively pertain to disinformation, rather than misinformation. In other words, the term should be interpreted to mean that any offender must know that their posted content is untrue and has the intention of disseminating it, nonetheless. Danai and Noppawan cases, however, did not provide conclusive evidence that they were aware of the falseness of the content. The second ambiguity pertains to the effect of the offender's act, including the terms "likely to cause damage", "security", "safety", and "panic". These terms are all excessively broad and difficult to prove and enable the state to interpret and exploit the Section for its own interests. This ambiguity relates to the next finding.

The second finding is that the prosecutors in these two cases, as well as some other cases mentioned in the tables above, were state apparatuses. While it was alleged that the offences caused "panic to the general public", they were in fact connected to the measures implemented by the state apparatuses, specifically the AOT's screening measures and the MOPH's communication practice during the pandemic, rather than the public. There were no cases directly associated with people's health. This could be understood by drawing connections with other events. The first one of these was a cabinet resolution in January 2020. The resolution mandates government units and state agencies to actively collaborate with the Anti-Fake News Centre (AFNC), which is a fact-checking organisation operating under the MDES. The government units and state agencies are also required to pursue legal actions if they are "adversely impacted or possess information that is misleading and spread on social media platforms or the Internet" (Secretariat of the Cabinet, 2020). The second event involved the emphasis on the mandate. In April 2020, General Prawit Wongsuwan, the Deputy Prime Minister at the time, visited the AFNC and underlined that there should be serious and strict legal action taken against those who

spread fake news to “maintain peace” during the COVID-19 pandemic (Voice Online, 2020). He later repeated the message on at least two occasions in May and August 2021 (Bangkok Biz News, 2021; The Standard Team, 2021b). Similarly, This dissertation will thoroughly examine the roles of the AFNC in Chapter 5.

It is obvious that the Thai state intends to utilise the CCA as the main instrument to monitor and exert control over Internet and social media content. One clear example is the primary duty of a “competent official” as defined in Section 18 of the CCA. Under this Section, the primary duty of these competent officials is to “establish that the offence has been committed, and to find the whereabouts of the offender” (“Computer-Related Crime Act BE 2550 and its amendment,” 2007). According to data collected from Royal Gazette, the MDES has appointed 1,041 competent officials since the enforcement of the CCA in 2007 until the end of the pandemic. Almost half of these appointments were made between 2020 and 2022, with 232 officials being appointed in July 2022 (Ministry of Digital Economy and Society, 2016-2019, 2019-2022; Ministry of Information and Communication Technology, 2007-2016). This appointment of 232 officials, accounting for 20% of all competent officials, occurred when the pandemic was nearing its end, just two months prior to the removal of coronavirus disease from the list of dangerous communicable diseases under the Communicable Diseases Act BE 2558 (2015). The timing of the appointment implies that the escalation of prosecutions under Section 14 during the pandemic was rarely connected to the dissemination of pandemic-related fake news.

Thus far, this section presents empirical evidence on the prosecution under Section 14 of the CCA during the pandemic. It is evident that although the Section was framed as a necessary measure for combating fake news, its criminal sanction provisions were instead used to control other types of Internet and social media content, specifically those related to the monarchy. While a literal reading of Subsections 14(1) and (2) applies only to individuals who enter “false computer data”, their interpretation has been extended so broadly that they have been used to prosecute those who enter content indirectly related to the Monarchy—such as criticism of the royal budget—that is not covered by Subsection 14(3). Only a handful of cases in the TLHR’s case files falling under Subsection 14(2) involved false information. Moreover, these cases demonstrate that the Thai state strategically

employs CCA to regulate the dissemination of fake news, prioritising its own interests—such as the credibility of state-implemented measures—over those of the public. None of these cases have been proven to have caused “panic to the general public”, a claim that is difficult to establish with concrete proof. The next section will examine content restrictions under the CCA and will argue that, similar to criminal sanctions, the primary purpose of these restrictions is not to control fake news.

## **Content Restrictions under the CCA**

Under the CCA, while criminal sanctions are applied to those who commit an offence related to entering computer data into a computer system, content restriction provisions are applied to “service provider”. Section 3 of the CCA defines a service provider as:

“(1) a person who, either in his own name or in the name or for the benefit of another person, provides to other persons with access to the internet or the ability to communicate by other means through a computer system.

(2) a person who stores computer data for the benefit of other persons” (“Computer-Related Crime Act BE 2550 and its amendment,” 2007).

Accordingly, the CCA outlines two procedures to carry out content restrictions relating to the duty and responsibility of service provider. The first procedure is in accordance with Section 15. The Section determines “conditional intermediary liabilities” by imposing criminal penalties in respect of service providers and applies “notice-and-takedown” principle:

“Section 15 A service provider, who cooperates, consents or supports the perpetration of the offences under Section 14 by using a computer system under his/her control, shall be liable to the same penalty as the offender under Section 14.

The Minister shall issue a Notification specifying the process of warning<sup>23</sup>, as well as blocking the dissemination of such computer data and removal of such computer data from the computer system.

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<sup>23</sup> The term “warning” in this context should be translated as “notification” to align with notice-and-takedown principle. However, this dissertation retains its original translation by the MDES.

A service provider who can prove that he/she has complied with the Notification of the Ministry issued under Paragraph 2, shall not be subject to the penalty” (“Computer-Related Crime Act BE 2550 and its amendment,” 2007).

The second procedure is in accordance with Section 20, which authorises the MDES to seek a court order to restrict Internet content:

“Section 20 In case of dissemination of computer data in the following manner, the competent official may, with the approval of the Minister, file a petition together with evidence with the court having jurisdiction requesting for an order to block the dissemination, or delete the computer data from the computer system

(1) Computer data which constitutes an offence under this Act... (“Computer-Related Crime Act BE 2550 and its amendment,” 2007)”<sup>24</sup>

The proceedings of the court shall apply the Criminal Procedure Code and a court order can be executed in two ways, as stated in Paragraph 4 of the Section:

“The Criminal Procedure Code shall by implication apply to the proceedings of the court under Paragraphs 1 and 2. In case where the relevant court orders a block of the dissemination or deletion of the computer data under Paragraph 1 or Paragraph 2, the competent official may either block the dissemination or delete the computer data by himself/herself, or order the service provider to block the dissemination or delete such computer data (“Computer-Related Crime Act BE 2550 and its amendment,” 2007)”

In the event that the service provider fails to comply with the court order, it will be subject to a fine as outlined in Section 27.

“Section 27 Whoever fails to comply with an order of the court or the competent official pursuant to Section 18 or Section 20 or fails to comply with the court’s order pursuant to Section 21, shall be liable to a fine not exceeding

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<sup>24</sup> Section 20 contains two more Subsections. Subsection 20(2) pertains to computer data that is related to the security of the Kingdom or terrorism. Subsection 20(3) addresses computer data related to offences under intellectual property law or contrary to public order or good morals. These Subsections also pose a significant threat to freedom of expression. However, examining the consequences of these Subsections is beyond the scope of this dissertation.

Two Hundred Thousand Baht and a daily fine not exceeding Five Thousand Baht until the order is properly complied with” (“Computer-Related Crime Act BE 2550 and its amendment,” 2007).

Because dissemination of fake news may be considered an offence under Section 14 of the CCA, Sections 15 and 20 can be used to oblige Internet intermediaries, including social media platforms, to remove or block access to such content. The implementations of these two sections depend on the relation between the Thai state and social media companies. However, before we can examine these implementations, we must first comprehend the key concept used in them—intermediary liabilities.

### ***The CCA and Intermediary Liabilities***

Internet intermediaries are organisations, mostly private companies, that provide services and facilitate communication over the Internet. According to Organisation for Economic Co-operation and Development (OECD), they “give access to, host, transmit and index content originated by third parties or provide Internet-based services to third parties”. These Internet intermediaries include “Internet access and service providers (ISPs), data processing, and web hosting providers, Internet search engines and portals, e-commerce intermediaries, Internet payment systems, and participative networked platforms” (Perset, 2010, pp. 4, 6). However, for the purpose of this dissertation, this chapter specifically focuses on participative networked platforms, with a particular emphasis on social media.

Unlike mass media, social media is inherently dependent on the Internet (Carr & Hayes, 2015), as explained earlier in Chapter 2. Then, there are various approaches for the state to restrict communication on the Internet and social media: (1) network-level restrictions, e.g., telecommunication access shutdown and ISPs filtering, (2) platform-level restrictions, e.g., removal and blocking content, and (3) privacy-related chilling effects, e.g., users are less likely to express themselves freely if being under surveillance, which may occur at both network and platform levels (MacKinnon et al., 2014). In an authoritarian regime where the state has complete control over Internet infrastructure and intermediaries, its approach may be technologically advanced yet straightforward. A notable example is the so-called Great Firewall, by which the

Chinese government can monitor all domestic online communication by managing cross-border Internet traffic (Griffiths, 2019). For example, most international social media and messaging platforms, including Facebook, WhatsApp, Twitter, Instagram, Signal, Clubhouse, YouTube, Telegram, Snapchat, Line, and Pinterest, are blocked (Freedom House, n.d.-b). In other countries, whether hybrid or democratic ones, it seems to be more complicated as the states must compel Internet intermediaries, especially multinational social media companies, to impose such restrictions. One of the most common ways is to place a legal responsibility on these Internet intermediaries. This is known as intermediary liability.

### *Section 15 and Notice-and-takedown Principle*

Section 15 of the CCA outlines intermediary liabilities for service providers, including social media platforms. Although the definition of a “service provider” in Section 3 does not specifically state so, social media platforms have typically been assumed to be service providers under the CCA<sup>25</sup>. Service providers could be subject to the same criminal penalties as the person who committed the offence described in Section 14. The amendment in 2017 has shifted intermediary liability under the CCA from ‘strict liability’ to ‘conditional liability’ by adding Paragraph 2 and Paragraph 3 into Section 15. The difference between the two liabilities is that the former requires services providers “to monitor, filter, and remove content proactively” to avoid liability from illegal content, while the latter potentially exempts them from liability if certain conditions are met (MacKinnon et al., 2014). Notably, strict liability is employed by only a limited number of countries, for example, China. This indicates that the initial intention of enacting the CCA may be to oblige service providers to exercise strict control over Internet content on their platforms. Before the amendment in 2017, service providers seeking to avoid this strict liability tended to remove any content that

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<sup>25</sup> It should be noted that social media platforms are now specifically listed as one of the service providers under the subordinate legislation of the CCA, titled “Notification of the MDES on Specifying the Process of Warning, Blocking the Dissemination of Such Computer Data, and Removal of Such Computer Data from the Computer System BE 2566 (2022)”. However, the Notification was issued in October 2022, after the time frame covered by this dissertation.

might potentially violate Section 14 of the CCA, resulting in self-censorship that hinders freedom of expression (Suksri et al., 2012).

The widespread and rapid adoption of the Internet and social media in Thailand has made it difficult for Internet intermediaries to actively monitor content on their platforms. It is significantly more difficult for the Thai state to compel multinational platforms to act in accordance with its local laws, including the CCA. In 2017, Section 15 was amended by the National Legislative Assembly to “incentivise service providers to cooperate with the state to prevent and suppress such offences. It also increases service providers’ confidence in conducting business” (Secretariat of the National Legislative Assembly, 2016, p. 23). The core of the amendment of this Section was determining the condition for service providers’ liability. The condition known as “safe harbour” exempts service providers from liability for third-party content, provided they meet specific criteria, such as taking down content when notified (MacKinnon et al., 2014), in this case, complying with the subordinate legislation titled “Notification of the MDES on Specifying the Process of Warning, Blocking the Dissemination of Such Computer Data, and Removal of Such Computer Data from the Computer System” (henceforth, the Notification). The Notification was issued by the MDES in 2017 and then replaced by a new one in 2022. This section focuses on the 2017 Notification as the 2022 Notification was issued in October 2022, after the time frame covered by this dissertation.

The Notification applies ‘notice-and-takedown’ (NTD) principle, that is, the service provider must determine whether or not to remove content upon receiving notice. The most widely recognised notice-and-takedown system is under the US Digital Millennium Copyright Act (DMCA). While the DMCA and the majority of existing NTD mechanisms only apply to content that infringes on copyright, they have the potential to be abused and have a detrimental impact on freedom of expression. This is because intermediaries tend to remove such content rather than use their resources to assess the content or risk a lawsuit (MacKinnon et al., 2014). A notable example was in September 2020, when Facebook updated its Terms of Service (TOS) to remove content at its own discretion to prevent legal burden (Hamilton, 2020). The latest TOS states:

“We also can remove or restrict access to content features, services or information if we determine that doing so is reasonably necessary to avoid or mitigate misuse of our services or adverse legal or regulatory impacts to Meta” (Meta Platform Inc, 2025).

Similarly, Section 15 of the CCA and the Notification, applying the NTD approach, often leads intermediaries to engage in self-censorship to avoid liability, thereby undermining freedom of speech (Suksri, 2023). The conflation of computer-related and content-related offences, as explained in the previous section, presents a greater issue. While it may be reasonable to issue takedown notices for phishing content under Subsection 14(1), removing content merely accused of being fake news under Subsection 14(2) risks unduly restricting freedom of expression.

### *Section 20 and Court Orders*

According to the Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda, “[i]ntermediaries should never be liable for any third party content relating to those services unless they specifically intervene in that content or refuse to obey an order adopted in accordance with due process guarantees by an independent, impartial, authoritative oversight body (such as a court) to remove it and they have the technical capacity to do that” (United Nations Office of the High Commissioner for Human Rights (OHCHR), 2017). From this perspective, the content restrictions specified in Section 20 of the CCA, which entail court proceedings, appear to be preferable to those outlined in Section 15. However, it also poses problems.

Although content restrictions under Section 20 are enforced with the approval of the MDES as well as court decisions, at least three examples have demonstrated the issues involved in its implementation. Firstly, the court may be incapable of rendering a judicious conclusion. In 2009 and 2010, the court ordered restrictions on 28,705 URLs and 45,357 URLs, respectively. This was undertaken by 64 and 45 court orders. The length of time was certainly insufficient for a comprehensive assessment of these websites. In addition, within the first four and a half years of implementing the CCA, the court issued a total of 156 court orders, with 142 of them being granted on the same day as requested by the MDES (Ministry of Information Technology and

Communications (MICT), at that time). Notably, three-fourths of the blocked URLs contained content related to the monarchy (Suksri et al., 2012).

Second, the court orders may be controversial, particularly when they infringe upon the human and political rights of persons. In February 2022, the website *no112.org*, which advocated for a petition to repeal Section 112 of the Penal Code (Lèse-Majesté provision), was blocked. The ones who access the website would get a message stating “[t]he content has been suspended due to its illegal acts in accordance with the Computer-Related Crime Act 2007 (BE 2550) and its amendment” (Prachatai, 2022). According to Constitution of the Kingdom of Thailand, BE 2560 (2017), a joint petition requires the signatures of ten thousand persons in order to propose a draft bill. At that time, the website managed to gather over 240,000 signatures from individuals who shared the common belief that the Section is undemocratic and should be repealed. In March 2023, the Criminal Court upheld its blocking order, stating that the assertion “the monarchy as a political institution” in the draft bill’s rationale was distorted, thereby violating the CCA (Prachatai, 2023).

Last, despite the provision in Section 20 that mandates the application of the Criminal Procedure Code to the court proceedings, it is actually one-sided. The MDES files a request to the court without notifying the service provider or content owner. There were no examples of lodging an objection except the one commonly referred to as the ‘Royal Vaccine’ (BBC Thai, 2022). On 18 January 2021, Thanathorn Juangroongruangkit, the former leader of the dissolved Future Forward Party (FFP), streamed a Facebook Live to publicly criticise the government’s vaccine management. He asserted that the government solely relies on AstraZeneca vaccine manufactured by Siam Bioscience, a company owned by King Vajiralongkorn. Two days following the court-ordered blocking of the live video, he filed an objection with the court. Despite the Criminal Court’s decision to overturn its blocking order, the video remains restricted due to a Supreme Court order. The Supreme Court argues that while Thanathorn’s live streaming may not directly violate Section 112 of the Penal Code or Subsection 14(3) of the CCA, comments made by others on the video could potentially do so (Reuters, 2022; Thai Lawyers for Human Rights, 2023b).

To conclude this subsection, content restrictions under the CCA, namely the notice-and-takedown procedure under Section 15 and court orders under Section 20,

are related to intermediary liabilities. Internet intermediaries, including social media platforms, are obligated to block or remove content under their control in accordance with domestic laws and regulations. The first two examples above represent network-level restrictions imposed by domestic ISPs, whereas the last one illustrates platform-level restrictions. This undeniably affects their users' freedom of expression and, sometimes, political rights. The question here is what type of content does the Thai state want to restrict? And to what extent do social media companies comply with the CCA? The next subsection examines content restrictions under Section 15 and Section 20 during the Pandemic to answer these questions.

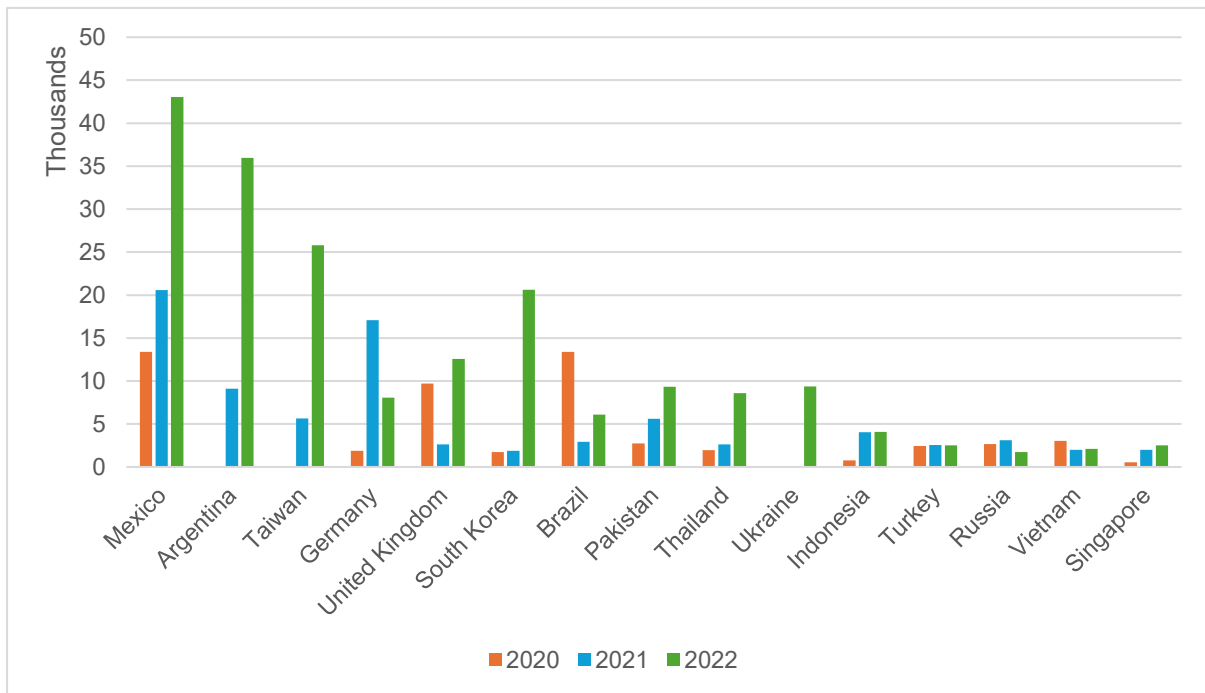
### ***Content Restrictions under Section 15 and Section 20 during the Pandemic***

Since social media platforms are usually multinational corporations, they may refer to their 'Community Standards' or 'Terms of Service (TOS)' to determine whether to remove content. Nevertheless, certain social media companies often remove content based on their own judgement in order to avoid legal liability, even if the content does not violate their policies. As an example, Meta Platforms Inc (henceforth, Meta) asserts that:

“When something on Facebook or Instagram is reported to us as going against local law, but doesn't go against our Community Standards, we may restrict the content's availability in the country where it is alleged to be unlawful” (Meta Platform Inc, n.d.).

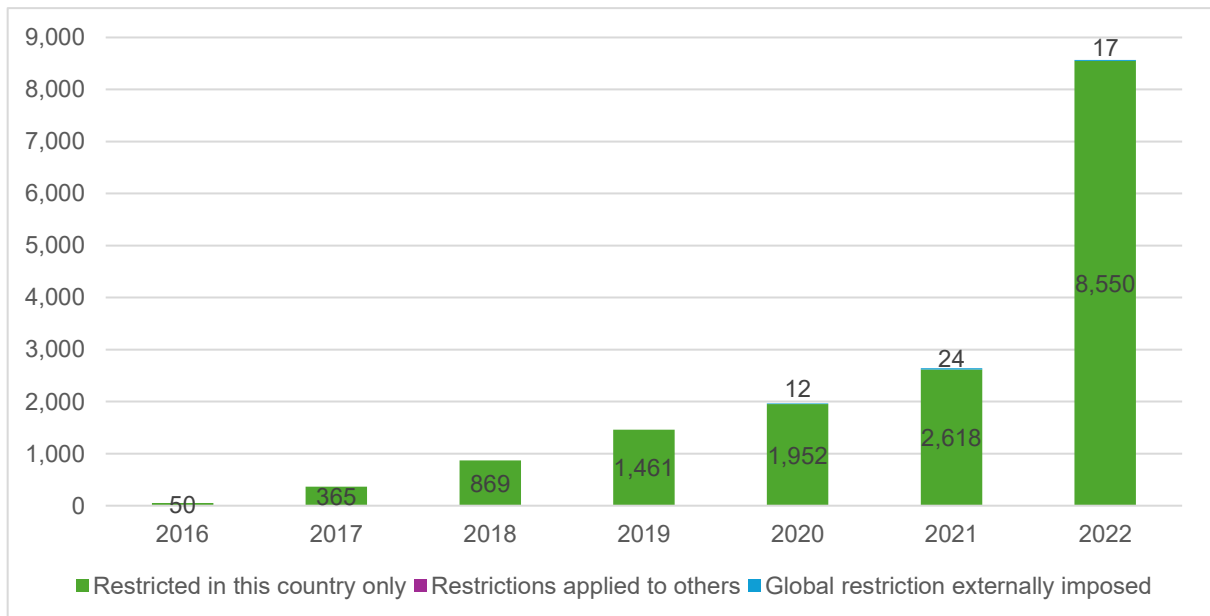
During the COVID-19 pandemic between 2020 and 2022, Thailand was among the top countries in which Meta restricted content based on local law (see Figure 4.4). The number of contents restricted by Meta increased continuously from only fifty in 2016 to nearly nine thousand in 2022 (see Figure 4.5).

Figure 4.4 Top countries where Meta restricted content based on local law, 2020-2022



Source: data visualised by the author, based on Meta Platform Inc (n.d.)

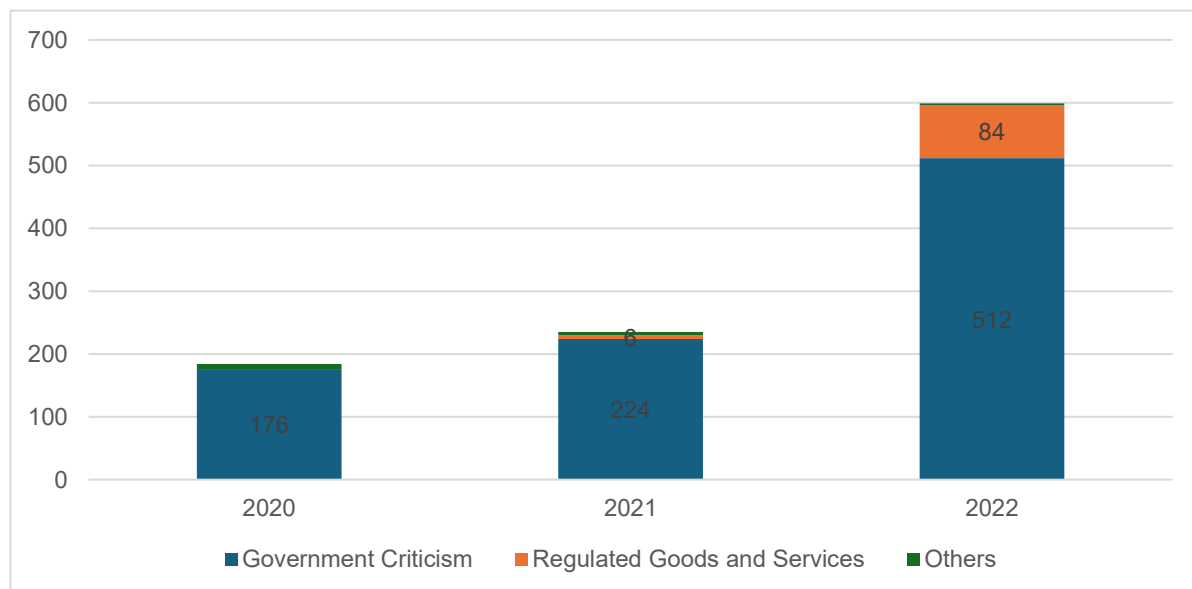
Figure 4.5 Number of content restrictions in Thailand by Meta based on local law, 2016-2022



Source: data visualised by the author, based on Meta Platform Inc (n.d.)

The reasons why a country requested Meta for content restrictions were varied. For example, Meta stated that it restricted items in Mexico in the first half of 2022 due to alleged violation of local laws related to advertising of regulated goods, such as cosmetic products, dietary supplements, and medical devices. Both Argentina and Taiwan were subject to similar considerations. However, in Germany, content was limited due to several reasons, such as the infringement of the Youth Protection Law and the presence of hate speech and insults as outlined by the NetzDG. In the case of Thailand, the main reason for content restrictions is, unsurprisingly, the Lèse-Majesté provision. The total number of contents that were prohibited for this reason exceeded three thousand between 2020 and 2022 (Meta Platform Inc, n.d.). Similarly, Google, reported that most of the content requested for removal by the Thai government, mostly on YouTube, were related to government criticism. The total number was approximately a thousand in the period of three years (Google, n.d.) (see Figure 4.6). Transparency reports from both Meta and Google indicate that the Thai state aims to regulate content pertaining to the Monarchy and the government, rather than focusing on fake news.

Figure 4.6 Reasons for government content removal requests in Thailand, 2020-2022



Source: data visualised by the author, based on Google (n.d.)

The extent to which social media companies comply with the CCA in terms of content restrictions remains a clouded matter. Meta does not provide this type of information. However, data from Twitter suggests that the outcome varies depending on the origin of the request. According to its transparency report in 2020 and 2021, Twitter received 235 requests from the Thai government to remove content on its platform. There were 146 court orders and an additional 89 requests classified as other legal demands (X Corp, n.d.). The report does not explicitly mention what other legal demands are, but it is reasonable to infer that they were notice made under Section 15 of the CCA. Calculations based on these reports indicate that Over the two years, Twitter complied with up to one-third of court orders and less than 10% of other legal demands. Nevertheless, these compliance rates may differ for other social media platforms.

Notably, the number of requests that Twitter classified as other legal demands, or those made under Section 15 seem to be underreported. Interestingly, there are no official data or statistics publicly available. But there is an explanation. In an interview, an informant who is an executive at a transnational social media company said that the applications of content restrictions under Section 15 are “on a daily basis”. Sometimes, the notice from the MDES does not even specifically mention the CCA but instead asks for cooperation from the platform (Anonymous interviewee, personal communication, 14 June 2024). This is not a new tactic, as it has been employed by the Ministry of Information Technology and Communications (MICT) since at least the Yingluck Shinawatra government (Suksri et al., 2012).

Indeed, content restriction requests may cause tensions between the Thai state and social media companies. A notable example is the Facebook group known as the *Royalists Marketplace*. The group was established in April 2020 as a forum for open discussion on the monarchy (Chachavalpongpun, 2020). After reaching a membership of one million, Facebook restricted access to the group in Thailand following the Thai government’s request due to its violation of the CCA. Nevertheless, the company stated that “[r]equests like this are severe, contravene international human rights law, and have a chilling effect on people’s ability to express themselves” (Tanakasempipat, 2020). In a span of 24 hours, a new Facebook group was created, drawing in a significantly greater quantity of participants. This time, Facebook did not

take any further action. In August 2020, Buddhipongse Punnakanta, the Minister of the MDES at the time, posted on his Facebook page accusing the platform of failing to remove content that he deemed “inappropriate and insulting to the [monarchy] institution”, as well as “false and incorrect”. He stated that as Facebook operates in Thailand, it is obligated to comply with Thai laws. He also indicated his intention to pursue a legal action against the company (Punnakanta, 2020). This is possibly the reason why the platform continues to restrict content related to the monarchy in response to the requests made by the MDES.

This section has examined content restrictions under the CCA, namely the notice-and-takedown procedure under Section 15 and court orders under Section 20, during the pandemic. It is evident that the primary purpose of these restrictions is not to control fake news. Data collected from social media platforms indicates that the Thai state aims to utilise the CCA to regulate content pertaining to the Monarchy and the government and put pressure on social media companies.

## **A Strategic–Relational Analysis of the CCA**

Within the strategic–relational approach (SRA), law is understood as a form of state intervention. The interpretation and enforcement of the CCA illustrate Jessop’s argument that, as a mode of intervention, law “can no longer be confined to general, formal, and universal norms” (Jessop, 2016, p. 228). Both the use of criminal sanctions and the requests for content restrictions to ostensibly control the spread of fake news demonstrate the state’s strategic selectivity, privileging particular interests—especially those of the monarchy and the government—over the public interest.

Moreover, from a historical perspective, this form of state intervention also reflects the Thai state’s long-standing tendency to use its power for censorship. As Jessop (2016, p. 56) suggests, “[c]urrent statal biases are in part the result of interactions between past patterns of strategic selectivity and the strategies (successful or not) adopted for its transformation [of the state]”. The CCA was, from the outset, designed to regulate and control online content. Its later amendment intensified the use in response to the growing role of internet intermediaries. Both the enactment and enforcement of the CCA took place under military junta governments, illustrating how the ‘nativist’ face of democracy (Connors, 2020) sought to dominate

the universal face. The CCA thus exemplifies not only the path-dependence but also the path-shaping logic of the Thai state.

This, however, requires a state project—a set of political imaginaries, projects, and practices that provide the state apparatuses with unity around a socially accepted task. The CCA reflects such unity through its stated purpose of safeguarding public order and national security against online threats. Its enactment and amendment involved not only the government of the day but also the Council of State and the National Legislative Assembly (NLA), while its enforcement engaged legal apparatuses, particularly the criminal court. The continued use of the CCA demonstrates that this state project extends beyond the policies of military governments. Even under more ‘universal’ administrations, such as the period between the two coups, this coercive instrument remained intact. While the balance of social forces in the state has shifted over time, the CCA has persisted as a structural determination of hegemony.

The construction of hegemonic visions is therefore necessary. The discourse of fake news now plays a central role in justifying the interpretation and enforcement of the CCA. By conflating content-related offences such as fake news with computer-related crimes like fraud and forgery, the Thai state has effectively legitimised the CCA in the name of an illusory common interest. In fact, this had nothing to do with fake news, but rather with consolidating state control over information—thus serving as a stepping stone toward a conservative, guided, Thai-style democracy.

## **Conclusion**

After Dr Opas Karnkawinpong reiterated to the press that his interview on the Instagram post by Matthew Chanthavanij was not intended to utilise the CCA as an intimidation, two social media influencer accounts, *Drama-addict* and *Ejeab*, issued apologies to the Director General of the DMSC. They admitted that Dr Opas’ statement, suggesting legal action against those who propagate fake news, was in line with the rationale of the CCA (Manager Online, 2020). This chapter, however, argues that the use of CCA by the Thai state to control the spread of fake news is strategically selective, prioritising its own interests—such as the credibility of state-implemented measures—over those of the public. Only a small number of prosecuted cases could

be considered fake news. The majority of the cases that violated Section 14 were related to the Monarchy. Similarly, content restricted under Section 15 and Section 20 were not false information but rather related to criticism of the monarchy and government.

This evidence illustrates that the that the CCA is eventually widely regarded as a legitimate and reasonable mechanism for addressing fake news, despite its primary purpose being to exert control over the Internet and social media through censorship. This raises the question of how the Thai state legitimises the use of the CCA in this context. This chapter argues that the Thai state has framed fake news as analogous to fraud and forgery, justifying the application of criminal sanctions and content restrictions under the CCA. However, the CCA is not the sole instrument for exerting control over social media. The following chapter examines the role of the Anti-Fake News Centre (AFNC), arguing that one of its functions is to reinforce the interpretation and enforcement of the CCA and, more importantly, as a tool for surveillance—a function often overlooked in prior research.

## Chapter 5

# Anti-Fake News Centre and State Surveillance

### Introduction

In November 2019, the Anti-Fake News Centre (AFNC), a fact-checking body under the MDES, was established. Its mandate includes monitoring online content, identifying fake news, coordinating verification, and disseminating accurate information through media and civil society networks. During the pandemic, the AFNC's close collaboration with police departments raised "serious concerns about its impact on freedom of expression" (Centre for Law and Democracy, 2021, p. 2). This concern is, indeed, linked to the interpretation and implementation of the Computer-Related Crime Act (CCA), as discussed in Chapter 4.

However, in September 2019, two months before the establishment of the AFNC, the Ministry of Digital Economy and Society (MDES) and the Royal Thai Police (RTP) had launched 'Operation to Dismantle Fake News' (ปฏิบัติการหลายล้างข่าวปลอม). This operation involved raids on individuals and groups involved in the propagation of 'fake news' that caused public distress. Although the operation was said to target 'fake news', its targets were involved in a variety of criminal activities under the CCA, including disinformation dissemination, fraud, and scams. This operation demonstrates that the Thai state was both capable of and did attempt to utilise the CCA to address alleged fake news even prior to the establishment of the AFNC. Thus, the objective of this chapter is to examine the rationale behind the establishment of the AFNC—exploring why the Thai state seeks to control ostensibly fake news through this agency.

This chapter compares patterns in fact-checking reports produced by state-controlled and independent fact-checkers—represented by the AFNC and AFP Fact Check (Thailand), respectively. Additionally, document analysis is conducted to examine the operational processes of the AFNC to determine its roles in addressing allegedly fake news. This chapter argues that the AFNC serves three primary functions: first, to operate as an entity resembling a fact-checker, which simultaneously legitimising the interpretation and enforcement of the Computer-Related Crime Act

(CCA); second, to act as a governmental spokesperson, akin to an online extension of the PRD; and third, as a tool for surveillance, a function often overlooked in prior research.

The structure of this chapter is as follows: First, it provides a brief background on fact-checking within an authoritarian context. Second, it introduces four fact-checking bodies in Thailand: the AFNC, AFP Fact Check (Thailand), The Sure and Share Centre (ศูนย์ชี้แจงก่อนแชร์), and Cofact. Third, the chapter narrows its focus to the AFNC and AFP Fact Check (Thailand), analysing the role of the AFNC in addressing allegedly fake news through a comparison of fact-checking patterns between the two entities. Fourth, it incorporates new data to offer a fresh perspective on whether the AFNC serves as a fact-checker or as a political tool of the state. Fifth, it argues that the AFNC also acts as a tool for surveillance, a role that has been largely overlooked in existing research. Next, it analyses the AFNC using the strategic–relational approach (SRA). The final section is the conclusion.

## **Fact-checking in Authoritarian Context**

Fact-checking is among the most common yet essential responses to fake news. It is defined as “the practice of systematically publishing assessments of the validity of claims made by public officials and institutions with an explicit attempt to identify whether a claim is factual” (Walter et al., 2020, p. 351). Although fact-checking and journalistic verification are conceptually related, they differ significantly in timing. Fact-checking takes place after a claim has been published, while verification is conducted prior to the claim’s release (Seet & Tandoc Jr, 2024). As arbiters of truth, fact-checkers are expected to maintain neutrality and non-partisanship. Furthermore, fairness and transparency are crucial, as they form essential components of the International Fact-Checking Network (IFCN)’s Code of Principles.

The IFCN, established in 2015 as a branch of the Poynter Institute for Media Studies, aims to facilitate global collaboration among fact-checking initiatives across media outlets and non-profit media organisations. As of March 2025, the IFCN has 151 active verified signatories to its Code of Principles, including *AFP Fact Check* (France), *The Australian Associated Press* (Australia), *Full Fact* (United Kingdom), and *PolitiFact* (United States) (International Fact-Checking Network, n.d.). These

principles outline commitments that signatory organizations must adhere to, promoting excellence in fact-checking. Social media platforms, such as Facebook, have partnered with IFCN signatories to identify and review potentially false information, flagging content with warning labels without removing it, unless it violates the platform's Community Standards (Meta Platform Inc, 2021).

Fact-checking organisations generally fall into three main models: newsroom-affiliated fact-checkers, and non-newsroom-affiliated fact-checkers, which include NGO and academic fact-checkers. State-run fact-checkers are also present in authoritarian countries, particularly in Southeast Asia (Seet & Tandoc Jr, 2024). Approaches to fact-checking differ between democratic and authoritarian regimes. In democratic countries, journalists or independent third-party fact-checkers usually fulfil this role, with states sometimes providing support through funding or coordination with independent bodies to avoid partisanship. For instance, the UK Rapid Response Unit is often viewed as a fact-checker, although its primary role is to track and communicate information trends to the public and the government (Centre for Law and Democracy, 2021; OECD, 2020). In contrast, authoritarian regimes often attempt to act as a 'Ministry of Truth' by establishing state-controlled fact-checking agencies, whose independence cannot be assured. While Helm and Nasu (2021, p. 315) optimistically suggest that this approach aligns with the ideology of a 'marketplace of ideas' by not directly intervening with false information, this assumption becomes questionable when the state itself operates the fact-checker. Examples include *The Press Information Bureau* in India, *Sebenarnya* in Malaysia, *Verificado* in Mexico, *The Fake News Buster* in Pakistan, *Factually* in Singapore, and the Anti-Fake News Centre (AFNC) in Thailand (Centre for Law and Democracy, 2021; Law Library of Congress, 2019; Schuldt, 2021; Siwakoti et al., 2021).

In the case of Thailand, a debate has emerged over whether the AFNC functions as a fact-checker or serves as a political instrument of the state. For example, Schuldt (2021) contends that the AFNC provides factual information without overly defending the government or targeting opposition groups. On the other hand, Sombatpoonsiri (2022) argues that the AFNC operates as a political tool, often labelling government criticism as fake news. The following sections offer a fresh approach to this discussion by employing content analysis of the AFNC's fact-checked

reports and comparing them with those of a third-party fact-checker, AFP Fact Check (Thailand). Before proceeding with the analysis, the next section provides an overview of fact-checkers in Thailand.

## **Fact-checkers in Thailand**

This thesis categorises fact-checkers in Thailand into two main types: state and non-state. Alongside the state-controlled fact-checker, the AFNC, there are also newsroom-affiliated and NGO fact-checkers. The two newsroom-affiliated fact-checkers are *AFP Fact Check (Thailand)* (hereafter, AFP Thailand) and *The Sure and Share Centre* (ศูนย์ข่าวร์ก่อนแชร์) (hereafter, S&S), while the NGO-affiliated fact-checker is Cofact. Before proceeding to compare the AFNC and AFP Thailand, this section provides introductory information on these four main fact-checkers in Thailand.

### ***State-controlled Fact-Checker: The AFNC***

The Centre for Coordination and Resolution of Fake News Problems, also known as the Anti-Fake News Centre (AFNC), was established in November 2019 as a fact-checking unit under the Ministry of Digital Economy and Society (MDES). Its formation followed the general election that year and the establishment of a new government led by Gen Prayut Chan-o-cha and pro-junta parties, including the Palang Pracharath Party (PPRP). Buddhipongse Punnakanta, a PPRP MP and then-Minister of Digital Economy and Society, stated that the AFNC would be adjusted to meet standards set by the International Fact-Checking Network (IFCN). However, as this chapter will demonstrate, its operations diverge significantly from these standards.

Although numerous studies have examined the AFNC, little focus has been placed on its structure and budget. The AFNC is not directly operated by the MDES; rather, it is outsourced and managed through procurement contracts between the MDES and the National Telecom Public Company Limited (NT), a state-owned telecommunications firm. It should be noted that the division within the MDES responsible for the contracts is the Prevention and Suppression of Information

Technology Crimes Division<sup>26</sup>, suggesting that the MDES likely views fake news as a criminal offence and intends to utilise the AFNC in support of this mission. However, this arrangement means that the AFNC is not a permanent government entity with formal legal authority. Its primary role is to act as a coordinating body on behalf of the state to address ostensibly false information and engage with the public. It lacks legal powers to make binding decisions, such as removing content or prosecuting individuals for disseminating information. Nonetheless, the MDES oversees the Centre by appointing the Deputy Permanent Secretary for Digital Economy and Society as its director.

The AFNC is comparatively large for a fact-checking organisation, employing approximately sixty shift workers to monitor social media around the clock (S. Phoemmongkhonsap, personal communication, 20 February 2024), alongside over twenty additional staff responsible for content and graphic production, IT support, and legal evidence management (Prevention and Suppression of Information Technology Crimes Division, 2021). According to the 2022 budget documentation, the AFNC’s total budget is set at approximately 669 million baht for the period between 2020 and 2027, averaging around 83.6 million baht per year (Budget Bureau, 2021). Interestingly, in the 2020 budget year (October 2019-September 2020), which was the AFNC’s first operational year, there was no clear written record of its budget source, as the annual budget had already been approved prior to its establishment. That is, the AFNC was established hastily and without a planned budget. The MDES did not wish to delay the launch for another year and therefore sought alternative resources, such as “borrowing” assets from other government agencies under its authority, including the office of the TOT Public Company Limited (now NT) (B. Punnakanta, personal communication, 24 January 2024).

## **Non-state Fact-Checkers**

In addition to the AFNC, there are three non-state fact-checkers—two newsroom-affiliated fact-checkers: AFP Thailand and MCOT’s Sure and Share Centre

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<sup>26</sup> The division under the MDES is *not* the same as from the Technology Crime Suppression Division (TCSD) of the Royal Thai Police (RTP).

(henceforth, S&S), and an NGO fact-checker, Cofact. These organisations face significant resource and capacity limitations compared to the AFNC. For instance, during the COVID-19 pandemic, AFP Thailand published fewer than one report per day on average, whereas the AFNC released approximately three fact-checked reports daily. Given the apparent volume of misinformation during this period, relying solely on these fact-checkers may prove insufficient. This limitation provides justification for the existence of the state-controlled fact-checker, AFNC, in the context of Thailand.

AFP Thailand operates as a local branch of AFP Fact Check, a division within Agence France-Presse (AFP). AFP Fact Check initially collaborated with several social media platforms to investigate election-related disinformation, particularly in France and Brazil, through a project known as *CrossCheck*, supported by the Google News Initiative. According to AFP Fact Check's website, it has a team of over 100 journalists monitoring online content in twenty-six languages, including Thai. However, the staff capacity in Thailand is extremely limited, with only one editor and two reporters (AFP Fact Check, n.d.).

Despite its limited personnel, AFP Thailand has three notable advantages. First, as part of AFP Fact Check, it can access resources from AFP's global team, especially for international issues like the pandemic. Second, its IFCN accreditation and partnerships with social media companies, such as Meta and TikTok, provide it with additional tools to assist social media users in identifying misinformation without directly removing content, for example, by flagging false information. This approach reduces the potential impact on freedom of expression. Finally, with revenue from diverse sources, AFP Thailand operates as an independent third-party fact-checker, examining political content that other fact-checkers in Thailand may avoid or hesitate to address.

Another newsroom-affiliated fact-checker is the S&S, launched in 2015 as a TV programme by the Thai News Agency, under the MCOT Public Company Limited, a state-owned broadcaster overseen by the Office of the Prime Minister. The programme airs daily on Channel 9 MCOT HD and on five social media platforms: Facebook, Twitter (now X), Instagram, TikTok, and LINE. It encourages viewers to inquire about circulating content, rumours, or stories on the LINE application (Wardle

& Derakhshan, 2017). Despite being overseen by a government agency, the S&S is regarded as politically neutral, as it rarely fact-checks political content and instead focuses on preventive measures, such as promoting media literacy (Pankaew & Punthong, 2022). For this reason, this thesis considers it more aligned with a newsroom-affiliated fact-checker than a state-controlled entity.

Cofact, by contrast, is best classified as an NGO fact-checker. Established in 2019 and inspired by the Cofact initiative in Taiwan, it serves as a collaborative fact-checking platform aimed at empowering the public to combat misinformation on social media. By integrating civic technology with journalism, Cofact facilitates public verification of information via a chatbot service, with verified content disseminated across various media channels (CoFact, n.d.). As of April 2021, over 30,000 individuals have participated in Cofact's initiative (Bangkok Post, 2021). Due to limitations in personnel resources and budget, rather than allocating resources to fact-checking tasks, Cofact prioritises its role in promoting trusted media and fostering civic engagement (S. Klangnarong, personal communication, 16 January 2024).

In sum, this section argues that, unlike the AFNC, other fact-checkers in Thailand—whether linked to newsrooms or NGOs—do not have enough resources to operate at a large scale. Given the high volume of misinformation during the pandemic, relying only on these fact-checkers may not be enough. This helps justify a fully operational state-controlled fact-checker at least in the context of Thailand. However, while Buddhipongse claims that the AFNC would be adjusted to meet standards set by the IFCN, its operation is far from the standards. To illustrate this point, the following section compares the AFNC and AFP Thailand, as AFP Thailand is the only fact-checker in the country accredited by the IFCN<sup>27</sup>.

## **The AFNC's and AFP's Fact-checked Reports**

As a state-controlled fact-checker, the operation of the AFNC indeed differs from other models of fact-checkers. Its process consists of six steps. First, the Centre

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<sup>27</sup> There is also an India-based fact-checker, *Fact Crescendo*, which is also accredited by the IFCN. However, Fact Crescendo only began reporting fact-checks in Thailand in December 2022, following the repeal of the Declaration of an Emergency Situation. Consequently, its activities fall outside the scope of this thesis.

receives claims for verification from three sources: its own social media monitoring tools, the public through many channels such as its official website, Facebook, LINE, and Twitter (now X), and government agencies. Then, the AFNC will determine whether the claim has an impact on the general public. Second, the claim will be classified into four broad categories: Disaster, Economy (encompassing financial/banking and stock market), Health (with a particular focus on health-related products), and Government Policy (including matters of public order and security). Third, once the information is categorised, the AFNC coordinates with relevant organisations to verify the facts, and forth, the organisations then investigate the news in question. Fifth and sixth steps, the fact-checked report is published on the AFNC website, and finally, the report is disseminated across the AFNC's social media channels, making it accessible to the public.

It is important to highlight that, in the event that the claim is confirmed to be untrue, the AFNC will inquire with the affected agency about their desire to pursue legal action and thereafter refer the issue to the police. The AFNC lacks the authority to decide on the initiation of legal action, and its fact-checking process does not engage directly with legal procedures. However, its findings undoubtedly represent the initial step in the state's efforts to enforce laws and regulations, particularly the CCA. Furthermore, as discussed in Chapter 4, the cabinet resolution in January 2020, alongside repeated statements from the then Deputy Prime Minister, underscored the intention for rigorous legal measures against those disseminating fake news to preserve public order during the pandemic. Consequently, the AFNC worked closely with police departments "in a manner that raises serious concerns about its impact on freedom of expression" (Centre for Law and Democracy, 2021, p. 2).

### ***Assessing the AFNC's Fact-Checking Practices***

Although the AFNC appears to operate systematically and has provided some information about its procedures, it exhibits significant shortcomings, and its reports are often inadequate, particularly concerning its criteria for verification and publication. Firstly, according to a report published in 2022, from 1 November 2019 to 20 July 2022, the AFNC received approximately 800 million messages for verification. Most of these messages originated from the social media monitoring tool, while public

submissions accounted for less than 1% of the total. However, there is no available record of the number of claims requested by other government agencies. Secondly, the same report indicates that out of 800 million messages submitted for verification, only sixteen thousand—equivalent to a mere 0.002%—met the criteria for verification. Lastly, during this period, the AFNC states that it published 3,650 reports, representing less than half of the claims already verified by the relevant government agencies (Anti-Fake News Center, n.d.-b). This raises a concern about the transparency of its decision-making process—what should be verified and published.

To assess whether the AFNC functions as a genuine fact-checker, its fact-checking process must be examined thoroughly. However, no study provides a comprehensive examination or detailed analysis of the operations of the AFNC through its fact-checked reports during the COVID-19 pandemic. Petsuwan and NaRanong (2023) analyse the AFNC as the primary organisation responsible for implementing anti-fake news policies. Drawing on documents from the MDES and the AFNC, their study employs in-depth interviews and surveys to explore how the AFNC and related agencies verify and manage fake news. However, it does not critically evaluate the AFNC's broader role, instead assuming its ostensibly objective mission of addressing fake news. Sombatpoonsiri (2022), on the other hand, collects the AFNC's fact-checked reports related to government policies during the pandemic, covering the period from October 2019 to January 2022, to investigate how the labelling of fake news becomes politicised. While the study focuses on outcomes—such as how stories are flagged as true, fake, or distorted—and traces these classifications to specific cases, it does not examine the entire process of the AFNC's fact-checking operations, such as how the claims are selected.

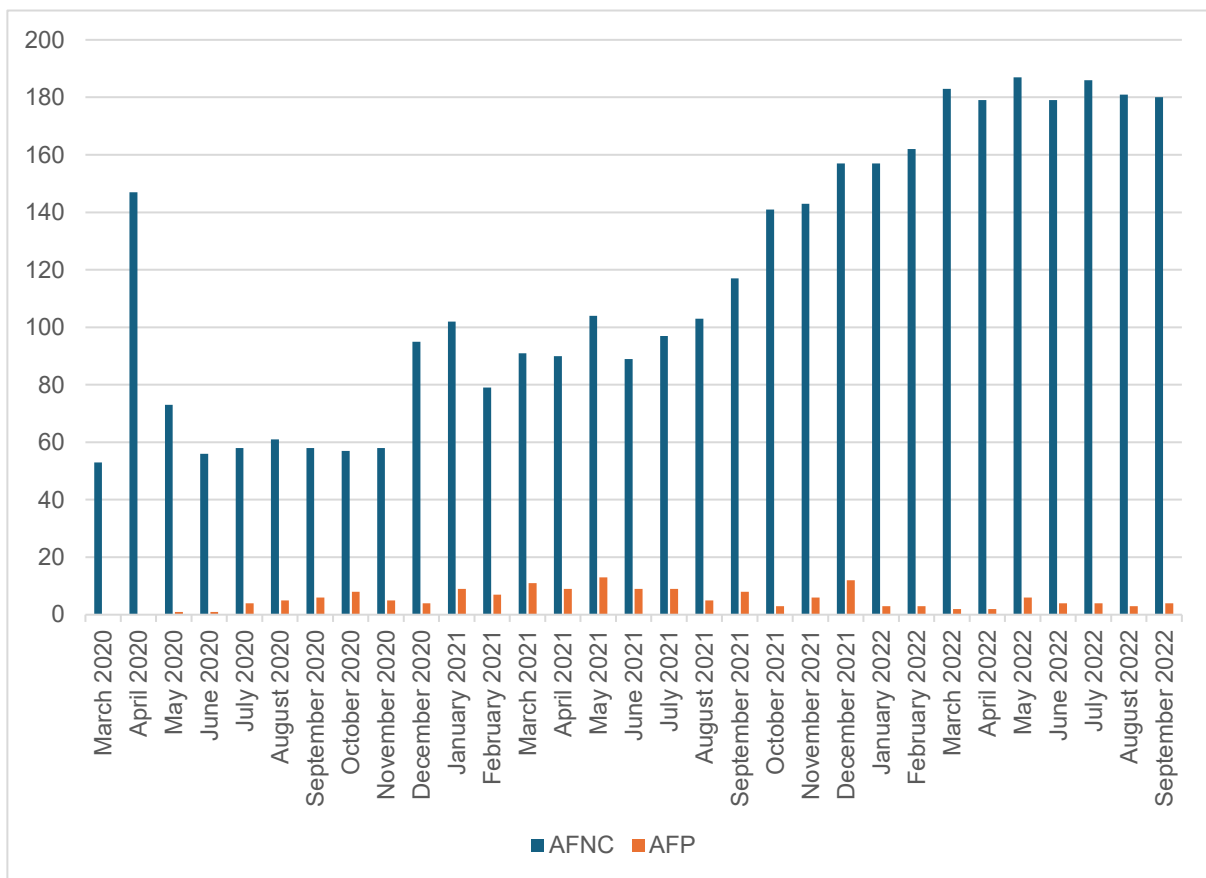
The only study to comprehensively analyse all categories of the AFNC's reports is Schuldt (2021), which focuses on reports published between November 2019 and April 2020. The study compares fact-checking practices among state-controlled organisations, including the AFNC, Malaysia's *Sebenarnya*, and Singapore's *Factually*, highlighting how these fact-checkers might help pave the way for restrictive laws. However, its persuasiveness would have been enhanced by adopting a standard of practice for fact-checkers, such as the IFCN's Code of Principles. Then, rather than comparing the AFNC's reports to those of other state-run

fact-checkers, this chapter adopts a fresh approach by comparing the AFNC's reports with those of a third-party fact-checker, AFP Thailand, which operates in accordance with the IFCN's Code of Principles. Additionally, this chapter adjusts the timeframe to encompass the COVID-19 pandemic period, officially declared by the Thai government as an Emergency Situation.

### ***Content Analysis of Fact-checked Reports***

This section examines the differences between the fact-checking reports produced by the state-controlled Anti-Fake News Centre (AFNC) and the independent fact-checking organisation AFP Thailand. The analysis focuses on *all* reports published in Thai between 25 March 2020 and 30 September 2022, corresponding to the period officially declared as the COVID-19 pandemic under the Declaration of an Emergency Decree. Every report during this timeframe was collected, resulting in a total of 3,623 reports retrieved from the AFNC's official website (Anti-Fake News Center, n.d.-a) and 166 from AFP Thailand's (AFP Fact Check (Thailand), n.d.). This highlights a significant disparity in the resources available to the two organisations (see Figure 5.1).

Figure 5.1 Number of fact-checked reports by the AFNC and AFP Thailand between 25 March 2020 and 30 September 2022



Source: data visualised by the author, based on fact-checked reports collected from AFP Fact Check (Thailand) (n.d.) and Anti-Fake News Center (n.d.-a)

The collected data was subsequently imported into NVivo, a qualitative data analysis software. Content analysis was conducted to identify patterns within the reports and to examine differences in the fact-checking practices of the two organisations. This method was chosen for its suitability in analysing communication, as it is “a method for the analysis of the communication message itself” (Harwood & Garry, 2003, p. 480) and “provides a systematic and objective means to make valid inferences” (Downe-Wamboldt, 1992, p. 314). For the coding process, directed content analysis was employed, wherein initial codes were defined prior to data analysis, following the approach outlined by Hsieh and Shannon (2005). To mitigate subjective bias during the coding process, the IFCN’s Code of Principles was used as a standard. Employing a standard is recommended in content analysis as it facilitates

object comparison through relative measurement, thereby enhancing the reliability and validity of the analysis (Harwood & Garry, 2003).

One key principle of the IFCN's Code of Principles concerns the integrity of fact-checking methodology, which must be transparent and non-partisan. Fact-checkers are required to justify both why and how they fact-check, such as explaining their selection of claims and the methods used to evaluate them. Accordingly, four codes aligned with the nature of fact-checked reports were developed to analyse their content:

1. Topics of claims: The subjects or issues addressed in the claims.
2. Sources of claims: Information about where the claim originated.
3. Sources of reference: The evidence or references used to verify the claims.
4. Outcomes of assessment: The final judgment made by the fact-checker regarding the accuracy of the claim.

### ***Differences between the AFNC's and AFP's Reports***

The four codes—Topics of claims, Sources of claims, Sources of reference, and Outcomes—provide a structured framework for systematically analysing and comparing the fact-checking practices of the AFNC and AFP. The analysis reveals notable differences in the patterns of their reports (see Table 5.1).

Table 5.1 Differences between the AFNC's and AFP's reports

	AFNC	AFP Thailand
Topics of the claims	Focusing on claims about government policy	Including certain issues that were not reported by the AFNC, e.g. politics
Sources of the claims	Unspecified sources and unclear phrases	Explicitly identify the source(s), e.g., link to (archives of) Facebook posts
Sources of reference	Mainly governmental agencies and officials	A variety of sources, more than one point of view
Outcomes of assessment	Many of the claims are true, possibly requests from governmental agencies	

Source: summary by the author based on the discussion in this section

### *Topics of the Claims*

The AFNC initially classifies claims into four broad topic categories: 'Disaster', 'Economy', 'Health', and 'Government Policy'. However, its fact-checked reports utilise more specific categories, such as 'Financial/Banking and Stock Market, as well as 'Public Order and Security', in addition to the original classifications. Each claim is assigned to one of these categories. By contrast, AFP Thailand employs a different set of topic categories, including 'Environment', 'Health', 'Politics', 'Science', and (international) 'Conflicts'.

Following a comprehensive review, this section reclassifies claims by coding them into more refined topic categories: 'Disaster and Environment', 'Economy', 'Financial/Banking and Stock Market', 'Health', 'Government Policy', 'Politics', 'Science', and 'Global Affairs', ensuring their classification better reflects their nature and addresses any misclassifications. Additional subcategories are introduced where

appropriate. Notably, a single claim may be assigned to multiple categories. For example, the claim, the claim “Alternative Vaccines<sup>28</sup> Priced Over 2,000 Baht Due to Double Taxation of 14%” was initially classified by the AFNC under ‘Financial/Banking and Stock Market’ but was reclassified under ‘Economy’. Given its clear relevance to ‘Government Policy’, it was also included in that category under ‘Health-Related’ subcategory.

Unsurprisingly, the topics of claims in fact-checked reports from both the AFNC and AFP Thailand were predominantly focused on health-related issues and government policy. However, the proportion of these topics varies significantly between the two fact-checkers. For the AFNC, claims in these categories are nearly evenly distributed, whereas for AFP Thailand, government policy claims constitute only half the number of health-related issues. This difference may be attributed to two key factors. First, as a state-controlled agency, the AFNC, understandably focuses on addressing fake news related to government matters. Second, under the guise of fact-checking, it often acts as a spokesperson for the government. The latter point will be examined in greater detail in the upcoming section on the AFNC’s functions.

Because AFP Thailand does not focus on government policy claims, its fact-checked reports cover a wider range of topics, many of which are either absent from or appear in relatively small numbers in the AFNC’s reports. First, ‘Politics’: as a third-party fact-checker, AFP Thailand is better positioned to address politically sensitive topics. In contrast, the AFNC maintains that it avoids fact-checking politically related claims to maintain an appearance of neutrality, as addressing such topics might seem partisan (B. Punnakanta, personal communication, 24 January 2024). However, this assertion of striving for neutrality is questionable, as many claims initially classified by the AFNC under categories such as government policy or social order and security inherently involve political issues. Notable examples include fact-checked reports on protests during the latter half of 2021.

Second, ‘Global Affairs’: AFP Thailand includes claims in regard to international events, particularly the 2021 Myanmar coup d’état, in its reports. In

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<sup>28</sup> At the time, mRNA vaccines such as Pfizer-BioNTech and Moderna were considered alternative options because the government prioritised the rollout of AstraZeneca and Sinovac as its primary vaccination strategy.

contrast, the AFNC typically avoids addressing international issues, except for COVID-19-related topics such as other countries' border measures and vaccine rollouts, likely due to its domestic focus and maintenance of neutrality in international conflicts. Last, 'Monarchy', a subcategory of 'Politics': Interestingly, despite the frequent use of Section 14 of the CCA to prosecute individuals accused of spreading alleged fake news about the monarchy, only a handful of claims related to the monarchy have been fact-checked and published by the AFNC, for example, "Queen Contracts COVID-19".

### *Sources of the Claims*

While AFP Thailand's fact-checked reports explicitly identify the sources of claims, the AFNC's reports take a markedly different approach. AFP Thailand consistently specifies the origin of claims, such as Facebook posts, often accompanied by hyperlinks to the original content. If the original post has been deleted, the reports instead provide a link to an archived version. Facebook accounted for more than half of the claims, with Twitter (now X) and YouTube emerging as the next most significant sources. Notably, a single claim may originate from multiple sources, either within a single platform or across different platforms.

In contrast, the AFNC's reports rely on vague and non-specific phrasing, such as "according to news circulated on social media platforms" or "according to the dissemination of news". Santiphap Permmongkolsub, the Deputy Director of the AFNC, explains that this approach stems from the AFNC's focus on "solving the problem rather than blaming anyone" (S. Phoemmongkhonsap, personal communication, 20 February 2024). The absence of specified sources in fact-checked reports, however, raises significant concerns, particularly regarding transparency. Without the ability to trace claims back to their original sources, it becomes challenging to evaluate their significance. At best, the AFNC's approach risks prioritising less critical claims, leading to ineffective fact-checking. At worst, it could enable the fabrication of claims or the use of the platform as a tool to advance state agendas.

### *Sources of reference*

The AFNC is designed to serve as a ‘coordinator’ among state apparatuses in addressing what it deems to be fake news. Consequently, governmental agencies and officials are almost exclusively the sources of reference in the AFNC’s publications, with the Ministry of Public Health (MOPH) being particularly prominent. This reliance appears reasonable given the prevalence of claims regarding health and wellness, as well as government health-related policies and measures, especially during the COVID-19 pandemic. However, certain cases raise significant concerns, particularly regarding the transparency of state apparatuses. For instance, the AFNC fact-checked the claim that “The MOPH Conceals the Amount of COVID-19 Test Waitlists” by consulting the Department of Disease Control under the MOPH. Regardless of the verification’s accuracy, it highlights the shortcomings of the AFNC’s fact-checking practices and exemplifies how the state might endeavour to construct a “Ministry of Truth”. This finding supports Sombatpoonsiri (2022)’s observation that the AFNC inevitably ties “true news” to official facts due to its mechanism, which links “truth” with government-endorsed narratives.

In contrast, AFP Thailand relies on a diverse range of sources, typically referencing multiple perspectives or pieces of evidence. For example, in cases involving claims about government policies, AFP Thailand consults non-governmental individuals to cross-check information provided by official sources, ensuring a more balanced and transparent approach.

### *Outcomes*

The outcomes of claims assessments in the AFNC and AFP Thailand’s fact-checked reports are categorised as ‘True’, ‘Distorted’, or ‘Fake’. While the AFNC consistently employs these terms, AFP Thailand avoids using the term ‘Fake’, opting instead for alternatives such as ‘False’ or ‘Deceived’. Similarly, unlike the AFNC, AFP Thailand typically uses the term ‘Misleading’ in place of ‘Distorted’. For the purpose of comparison, however, this analysis regards the pairs of terms as equivalent.

Significant differences emerge between the two fact-checkers. Approximately one-sixth of the claims in the AFNC’s reports are assessed as ‘True’, whereas *none*

of the claims in AFP Thailand's reports receive this classification. This likely reflects differences in the selection criteria and practices used to determine which claims to verify. According to its reports, over 99% of the claims the AFNC verifies are sourced from its automated system, the working of which remains largely opaque (Anti-Fake News Center, n.d.-b). In contrast, AFP Thailand employs journalistic practices to select claims, adhering to the typical standards of newsroom-affiliated fact-checkers (Committee on Political Development and People Participation, 2021).

It may be beneficial to investigate further for additional insights. Accordingly, the Public Relations Department (PRD) under the Office of the Prime Minister is examined, as it is a prominent source of reference in the AFNC's reports. The analysis reveals that when the PRD is the source of reference, half of the claims in the reports are categorised as 'True'. These claims predominantly concern government policies, particularly cabinet resolutions, such as "Cabinet Approves 27 July 2020 as a Substitute Holiday for Songkran" and "Cabinet Approves COVID-19 Relief: 3,500 Baht/Month and Two-Month Water and Electricity Discounts". Other claims pertain to the Emergency Decree, including "Curfew Violators Will Be Arrested Without Warning".

Such examples resemble government announcements more than fact-checked reports. Furthermore, due to the absence of specified sources, as discussed in the subsection on the sources of claims, it remains unclear where these claims originated or whether they really existed. It is plausible that these claims were requests initiated by the PRD itself. This aligns with an interview in which the Deputy Director of the AFNC explained that government agencies sometimes wish to "provide explanations" regarding information circulating online (S. Phoemmongkhonsap, personal communication, 20 February 2024). However, this should not be the role of a genuine fact-checker. Moreover, as previously discussed, there is no available record of the number of claims requested by other government agencies. This lack of transparency suggests that the AFNC may function as a governmental spokesperson, effectively serving as an online extension of the PRD.

In summary, this section uses content analysis to compare the patterns of AFNC reports with those of AFP Thailand. The findings reveal significant differences between the two fact-checkers' reports regarding the topics of claims, sources of

claims, sources of verification, and outcomes of the claims assessment. Ultimately, the AFNC falls short of the standards set by the IFCN Code of Principles and should be considered a failing fact-checker. As demonstrated in this section, the AFNC's operations are regrettably both non-transparent and biased.

## **Understanding the AFNC's Functions**

The AFNC's non-transparent and biased operations are unsurprising, given the concerns raised from the outset that it might be utilised as a tool for censorship and propaganda. While Buddhipongse Punnakanta, the Minister of Digital Economy and Society at the time, asserted that the AFNC "is not intended to be a tool to support the government or any individual" (Tanakasempipat, 2019), many scholars hold a contrary view. For example, Sombatpoonsiri (2022) investigates the politicisation of fake news labelling by focusing on claims categorised as government policy by the AFNC. The study suggests that the AFNC's fact-checking system is biased toward official interpretations of political events, often dismissing criticism of the government as fake news.

Although this chapter concurs that the AFNC exhibits political partisanship, the analysis presented in the previous section indicates that its role in addressing fake news is more complex than merely serving as a tool for government censorship. This chapter argues that the AFNC undertakes three primary functions: first, to operate as an entity resembling a fact-checker while simultaneously legitimising the interpretation and enforcement of the CCA; second, to operate as a governmental spokesperson, essentially functioning as an online extension of the Public Relations Department (PRD); and third, to serve as a tool for surveillance, a role often overlooked in existing research. The following subsections will integrate new data to examine the first two functions, which have been discussed in existing literature, including Schuldt (2021) and Sombatpoonsiri (2022). The third function, which is often overlooked, will be comprehensively analysed in the next section.

### ***AFNC as an Entity Resembling a Fact-Checker***

Despite its many shortcomings in operational practices, the AFNC performs effectively in fact-checking non-controversial claims that can be verified by a single

official source, particularly those in the health and disaster and environment categories. For claims related to health products, the AFNC's fact-check reports are notably useful and accessible. While Thailand's Food and Drug Administration (FDA) provides a website for public verification, the AFNC's reports, disseminated through its social media channels, are more readily accessible to the general public (S. Phoemmongkhonsap, personal communication, 20 February 2024). Similarly, claims about disasters are often scientifically verifiable by relevant governmental agencies, for example, claims about upcoming typhoons are verified by the Meteorological Department. The AFNC demonstrates its prioritisation of such claims by mandating that verified reports be published within 60 minutes, compared to 120 minutes for other types of claims. In this regard, the AFNC can be considered a genuine fact-checker.

However, not all claims fact-checked by the AFNC can be considered fake news; some involve frauds and scams or similar deceptive practices. This conflation leads to a mis-assessment of the AFNC's function. For example, Sombatpoonsiri (2022, p. 8) argues that the AFNC "seems to be neutral and accurate in flagging non-political content, especially when that affects public services and citizens' livelihood (e.g. the scam about the national post office giving away discount coupons to people to go shopping)". By excluding a thorough examination of the fact-checking of the aforementioned "non-political content", the study limits its ability to provide a comprehensive understanding of the AFNC's function. This operation, resembling that of a genuine fact-checker, may play a crucial role in shaping public consent for the interpretation and implementation of the CCA. For instance, the example provided in the quote is *not* disinformation but a case of fraud, which is a different type of offence. This underscores the AFNC's broader influence in shaping public perceptions of what constitutes fake news.

Schuldt (2021, p. 364) argues that, by framing the fake news threat through fact-checking, governmental discourse "provides an additional source of legitimacy for the fight against online falsehoods". This subsection concurs with this argument but shifts the focus to examine how the AFNC institutionally reinforces this legitimacy, building on the discussion about the CCA in Chapter 4. Section 14 of the CCA possesses significant problems as it conflates computer-related offences with content-related offences. This has led to widespread misconceptions regarding the differences

between these two types of offences. The AFNC, despite incorporating the term ‘fake news’ in its name, lacks a clear definition of what constitutes fake news and instead aligns the concept with offences under Section 14 of the CCA. Intentionally or not, this alignment reinforces the existing misconception. Notably, fraud and scams constitute nearly all the claims fact-checked by the AFNC under the Financial/Banking and Stock Market category (see examples in Table 5.2). In contrast, AFP Thailand has not produced any fact-checked reports addressing claims related to these deceptive practices. While this chapter acknowledges that the problem of fraud and scams in Thailand has worsened, addressing such issues requires distinct measures. By conflating computer-related offences with content-related offences, the AFNC’s plays a role in legitimising the interpretation and implementation of the CCA<sup>29</sup>.

Table 5.2 Conflation of fraud and scam content with fake news

Date Published	Claims	References	Outcomes
9 August 2020	Website Offering Investment Products on Behalf of OIC	Office Of Insurance Commission (OIC)	Fake
20 November 2020	Ministry of Finance Contacting Citizens for Personal Information to Distribute Economic Stimulus Funds	Ministry of Finance	Fake
31 January 2021	MEA Representatives Offering Air Conditioner Cleaning Services and Collecting Electricity Bills	Metropolitan Electricity Authority (MEA)	Fake

<sup>29</sup> Although these offences are conflated under the CCA and by the operation of the AFNC, the state seems aware that fraud and scams are distinct categories. This is evidenced by the 2023 enactment of the Emergency Decree on Measures for the Prevention and Suppression of Technological Crimes BE 2566 (2023), which specifically addresses these issues. Nonetheless, this matter lies beyond the scope of the present study.

Date Published	Claims	References	Outcomes
5 May 2021	Thailand Post Sending Emails Demanding Fees with Payment Links Attached	Thailand Post	Fake
12 June 2021	Bank of Thailand Sending SMS and Calling Citizens to Offer Loans	Bank of Thailand	Fake
7 July 2021	Famous Convenience Store Randomly Giving Away Mobile Phones to 100 Customers	The mentioned convenience store (unnamed)	Fake
30 August 2021	Krungthai Bank Offering 100,000 Baht Loans with 24-Month Repayment via LINE @349vxiidl	Krungthai Bank	Fake
22 November 2021	Ministry of Commerce Sending SMS Inviting Citizens to Take Up Part-Time Jobs and Add a LINE Contact to Apply	Ministry of Commerce	Fake
24 November 2021	SSO Launching Section 40 Government Program Offering Loans with Easy Instalments for Up to 36 Months	Social Security Office (SSO)	Fake
20 March 2022	Krungthai and Government Savings Bank Offering Instant Loans Up to 300,000 Baht with 2% Interest	Krungthai and Government Savings Bank	Fake

Source: data compiled by the author from Anti-Fake News Center (n.d.-a)

### ***AFNC as a Governmental Spokesperson***

While this chapter agrees with Schuldt (2021)'s argument that state-controlled fact-checkers, including the AFNC, may frame fake news as a threat to public interests to legitimise related restrictions on free speech, it challenges his assertion that the

AFNC neither disproportionately defends government actions nor targets political opponents. His conclusion may be influenced by the limitations of the scope of the study, specifically in being restricted to data up to April 2020.

From late 2020 onward, as the pandemic intensified, the AFNC's role in defending government policies and measures grew significantly. This included fact-checking claims about the efficacy of public health policies and social measures to curb the spread of the coronavirus, as well as vaccine rollouts. For instance, the claim regarding the "List of COVID-19 Risk Locations Recently Visited by Infected Individuals" in late December 2020 had the potential to impact New Year's Eve celebration plans, which were expected to boost economic activity. Similarly, the claim about a "29-Year-Old Woman Falls Into a Coma Allegedly Due to Sinovac Vaccine" in early June 2021 emerged when Sinovac was the only vaccine available at the time. It is noteworthy that these claims were categorised under 'Health' category rather than 'Government Policy' category by the AFNC, making it unlikely for them to be included in the "posts addressing governmental action or policies" category in Schuldt (2021). This pattern also extends to the methods employed by Sombatpoonsiri (2022), which focus specifically on claims categorised as 'Government Policy'.

More concrete evidence includes claims related to protests that began in early 2020 following the dissolution of the Future Forward Party (FFP). As discussed in Chapter 3, political unrest coincided with the pandemic, and this subsection argues that the AFNC was utilised to defend government actions, particularly those of the riot police. Between August and November 2021, the AFNC fact-checked at least 14 claims concerning violent operations conducted by the police. Of these, 13 relied solely on references from the Royal Thai Police (RTP), and unsurprisingly, all instances of alleged police violence were labelled as 'Fake' (see Table 5.3). In contrast, AFP Thailand avoided such one-sided fact-checking. For instance, in October 2020, AFP Thailand fact-checked a claim that "Thai Pro-Democracy Protesters Threw Shoes and Bottles at a Royal Motorcade". The claim was categorised as 'Distorted', as protesters were reported to have shown the three-finger salute to signal dissent rather than to have been throwing objects. Notably, this claim was not even addressed by the AFNC.

Table 5.3 Police violence allegations dismissed as fake news

Date Published	Claims	References	Outcomes
11 August 2021	Police Forcing Protesters to Hold Explosive Firecrackers Until They Detonate	RTP	Fake
11 August 2021	Vocational Student Shot Dead During 10 August Protest	RTP	Fake
13 August 2021	EXAT Closes Vibhavadi Rangsit Exit for Police to Use Expressway to Assault Protesters	Expressway Authority of Thailand (EXAT)	Fake
7 September 2021	Riot Police Cracking Protester's Skull at Din Daeng and Sending Them to Police Hospital Instead of Closer Facility	RTP	Fake
10 September 2021	Riot Police Running Over Protesters and Beating Them to Death	RTP	Fake
11 September 2021	Riot Police Dispersal Causes Civilian Vehicle to Overturn, Leading to an Accident	RTP	Fake
26 September 2021	Youth Allegedly Arrested by Police and Extorted for 10,000 Baht	RTP	Fake
3 October 2021	Riot Police Allegedly Used Live Ammunition on Protesters, Injuring One Person	RTP	Fake
8 October 2021	11-Year-Old Child Allegedly Detained by Riot Police at Din Daeng Community	RTP	Fake

Date Published	Claims	References	Outcomes
10 October 2021	Riot Police Officer Shot in the Head at Din Daeng Allegedly Hit by Misfire Intended for Protesters	RTP	Fake
10 October 2021	Police Assaulting and Stealing Over 3,000 Baht from Protesters Arrested	RTP	Fake
12 October 2021	Police Allegedly Detain 14-Year-Old at Din Daeng Station and Coerce Confession for Shooting Riot Police	RTP	Fake
2 November 2021	Police Allegedly Used Violence and Torture Against Protesters Detained	RTP	Fake
3 November 2021	The Shooter of a 15-Year-Old Protester Had Links to State Officials	RTP	Fake

Source: data compiled by the author from Anti-Fake News Center (n.d.-a)

In addition to defending government actions, the AFNC also acts as a governmental spokesperson, essentially serving as an online extension of the PRD. As previously discussed, when the PRD serves as the source of reference, approximately half of the claims in the AFNC’s reports are categorised as ‘True’. Numerous examples illustrate that these are not claims requiring fact-checking but are instead government announcements (see Table 5.4). This practice is not confined to the PRD but extends to other government agencies. Examples include claims such as “Department of Land Transport Allows Queue Booking for Licence Renewal Without a Written Test for Licences Expired Less Than 3 Years” and “Ministry of Labour Offers Over 20 Free Online Job Training Courses”. While such information may be valuable to the public, it clearly does not constitute claims that require fact-checking and is

therefore unrelated to the primary role of a genuine fact-checker. Nonetheless, the AFNC continues to include these types of claims in its reports.

Table 5.4 PRD announcements framed as fact-check claims

Date Published	Claims
9 April 2020	Curfew Violators Will Be Arrested Without Warning
28 May 2020	CCSA Adjusts Curfew to 11 PM–3 AM and Extends Mall Operating Hours
1 July 2020	Cabinet Approves 27 July 2020 as a Substitute Holiday for Songkran
21 November 2020	Cabinet Approves Draft to Enhance Benefits for State Enterprise Employees
2 January 2021	Cabinet Approves 8 Additional Special Holidays for 2021
12 January 2021	Cabinet Approves COVID-19 Relief: 3,500 Baht/Month and Two-Month Water and Electricity Discounts
31 August 2021	Cabinet Approve a Budget of 4,745 Million Baht to Purchase 9.9 Million Doses of Pfizer Vaccine
10 October 2021	Cabinet Approves Purchase of an Additional 400,000 Doses of AstraZeneca Vaccine
3 April 2022	Cabinet Approves 45 Billion Baht Budget for 10 Measures to Address Rising Energy Costs
17 June 2022	Cabinet Approves Visa Exemption for Saudi Tourists with 30-Day Stay Allowance

Source: data compiled by the author from Anti-Fake News Center (n.d.-a)

To conclude, this section incorporates new data to provide a fresh perspective on the debate regarding whether the AFNC functions as a fact-checker or as a political instrument of the state. The analysis contends that the AFNC fulfils both roles: first, it as an entity resembling a fact-checker while simultaneously legitimising the interpretation and enforcement of the CCA; second, it serves as a governmental spokesperson, essentially operating as an online extension of the PRD. However, as

will be explored in the next section, the AFNC also functions as a tool for surveillance, a role that has been largely overlooked in existing research.

## **The AFNC and State Surveillance**

According to a report published in 2022, between 1 November 2019 and 20 July 2022— a period overlapping with the COVID-19 pandemic—the AFNC received approximately 800 million messages for verification, with 99% originating from its social media monitoring tool. However, only 16,000 messages—equivalent to a mere 0.002%—met the criteria for verification (Anti-Fake News Center, n.d.-b). Meanwhile, the AFNC operated with an average annual budget of 83.6 million baht, amounting to a total of over 668 million baht over a period of eight years (Budget Bureau, 2021). This apparent inefficiency in fact-checking raises questions about the true function of the AFNC. This section argues that its role may extend beyond fact-checking to encompass state surveillance activities.

### ***State Surveillance Through Social Media Monitoring***

Although state surveillance takes various forms, this section focuses specifically on its use on the Internet and social media platforms. In the era of social media, many scholars focus on surveillance by private companies, particularly giant tech corporations, as highlighted by Zuboff (2019). However, the state continues to play a significant role. The need for surveillance has long been a cornerstone of state power—especially in authoritarian regimes—as a means to control the flow of information. Regardless of its effectiveness, such tools have an impact that goes beyond mere data collection. Morozov (2012, p. 145) argues:

“Knowing that they might be watched by government agents but not knowing how exactly such surveillance happens, many activists might lean toward self-censorship or even stop engaging in risky online behavior altogether. Thus, even if authoritarian governments cannot actually accomplish what the activists fear, the pervasive climate of uncertainty, anxiety, and fear only further entrenches their power”.

In categorising state surveillance strategies, Feldstein (2021b) identifies four broad strategies commonly utilised: surveillance laws and directives, passive

surveillance, targeted surveillance, and artificial intelligence (AI) and big data approaches. The last one referred to “automated techniques powered by algorithms designed to identify wider behavioural patterns through mass surveillance, as well as to monitor particular individuals”. These techniques include *social media monitoring*, defined as “machine-driven applications that monitor millions of online communications by detecting keywords or identifying more generalized sentiments or patterns” (Feldstein, 2021b, p. 353). Social media monitoring has long been a valuable tool for private companies seeking business insights. Unlike traditional advertisements in TV or magazines, social media facilitates real-time user engagement and feedback, enabling businesses to monitor activity and respond swiftly to threats or opportunities. For examples, keyword-triggered alerts allow private companies to address negative information early, mitigating potential crises. This shift has transformed how they collect and utilise information (Zhang & Vos, 2014).

The utilisation of social media monitoring tools for surveillance by the state is a foreseeable development. Morozov (2011, p. 73) cautions that although social media monitoring tools were originally developed for business contexts, “such tools may end up strengthening the surveillance apparatus of authoritarian states”. This is because social media monitoring tools have enabled the reversal of the surveillance process, shifting from first identifying a target and then searching for associated offences to detecting offences before identifying those disseminating the content on social media platforms (Morozov, 2012). While these tools can be utilised to monitor the spread of fake news on social media platforms, they also carry the potential for broader surveillance applications by the state. In the case of Thailand, as discussed in Chapter 4, although Section 14 of the CCA was framed as a necessary measure to combat fake news, its criminal sanction provisions were predominantly used to regulate other types of the content on the Internet and social media, particularly those involving the monarchy.

### ***Internet and Social Media Surveillance by the Thai State***

The Thai state employs all four broad strategies commonly utilised for state surveillance of the Internet and social media platforms. First, surveillance laws and directives: several laws and regulations empower the state to monitor communications

on the Internet and social media platforms, including the Cybersecurity Act BE 2562 (2019) and the National Intelligence Act BE 2562 (2019). For offences under CCA, such as allegedly fake news, Section 18 authorises competent officials to access various type of computer data. For instance, officials are empowered “[t]o demand traffic data from the service providers who provide the service of communication via computer systems or from any other related person.” This authority is further supported by the Notification of the MDES on Criteria on Storing Computer Traffic Data of Service Providers BE 2564 (2021), which replaced a similar Notification issued in 2007, when the original CCA was first enforced. This notification mandates service providers, including social media platforms, to store computer traffic data for at least 90 days, with the possibility of extending this period to up to two years. The stored data must include details such as user identification and their activities on the system. Chaiwut Thanakamanusorn, former Minister of the MDES, asserted that individuals must sacrifice certain aspects of their privacy or rights to safeguard the “rights of the public”, comparing this to the use of CCTV for public safety (C. Thanakamanusorn, personal communication, 26 February 2024).

Second, passive surveillance: the state also utilises communication surveillance tools to monitor and intercept data transmitted over networks. A notable example is the ‘Cyber Scout’, a group of young individuals organised under the Ministry of Information and Communication Technology (MICT) (now the MDES) since 2014, tasked with monitoring the Internet for false information and, in particular, content related to *lèse-majesté* (Ramasoota, 2016)<sup>30</sup>. For offences under the CCA, the MDES launched a Facebook page, *Volunteer Monitoring Online*, in August 2020. During the press conference, Buddhipongse Punnakanta, then Minister of Digital Economy and Society, stated, “I have always believed that the public serves as the best eyes and ears when it comes to identifying illegal social media content or websites” (Ministry of Digital Economy and Society, 2020). Similarly, regarding fake news, the AFNC has established multiple channels, including its official website,

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<sup>30</sup> There are also similar groups with the same function, but initiated by society rather than the state, including the “Garbage Collector of the Kingdom”, founded and led by General Rienthong Nanna, and various cyber-witch hunt accounts (Ramasoota, 2016).

Facebook page, LINE account, and Twitter (now X) account, to collect reports from the public about fake news they encounter.

Third, targeted surveillance: the state may exploit software, data, systems, or networks to gain unauthorised access to the data and devices of specific individuals. In Thailand, a notable example is the use of Pegasus spyware in surveillance of pro-democracy protesters and activists. The spyware is designed to be covertly and remotely installed on mobile phones through zero-click exploits. The Citizen Lab, an interdisciplinary laboratory at the University of Toronto that studies information controls affecting human rights, reported that at least 30 individuals in Thailand were infected with Pegasus spyware between October 2020 and November 2021. Among those targeted were lawyer Arnon Nampa and activist Jatupat Boonpattaraksa, both of whom faced multiple *lèse-majesté* law charges (Scott-Railton et al., 2022). Chaiwut Thanakamanusorn, the Minister of Digital Economy and Society at the time of the Citizen Lab's report release, stated during the motion of no confidence in July 2022 that while the existence of the spyware is recognised for use in significant cases involving national security or drug enforcement. It is, however, not managed by the MDES, as its use falls outside the scope of CCA. He later clarified that he had studied the spyware but did not confirm its use in Thailand.

Fourth and final, AI and big data tools represent an expanding area of surveillance on the Internet and social media platforms (Feldstein, 2021b). To date, no reports or studies have documented the use of AI and big data for state surveillance in Thailand. The closest example may be discussions surrounding the potential use of AI in facial recognition CCTV systems in the Deep South conflict. In 2020, the Internal Security Operations Command (ISOC) introduced phone registration using facial recognition technology in the Deep South, and the possibility of integrating facial recognition with state-operated CCTV systems was considered, although the military denied employing AI-enabled systems (McDermott, 2021).

Regarding big data, Sombatpoonsiri and Luong (2022) briefly highlight the AFNC's use of social monitoring tools to enforce state surveillance and prosecute individuals accused of spreading fake news. However, their analysis is limited. The following section will offer a more in-depth examination of how social media monitoring

tools are leveraged to enable state surveillance, albeit under the guise of fact-checking.

### ***Social Media Monitoring and the AFNC***

Social media monitoring tools represent a distinct category of state surveillance tools, which both complement and differ from other forms of surveillance. First, they supplement surveillance laws and directives by completing the reversal of the traditional surveillance process, as suggested by Morozov (2012)—detecting offences before identifying offenders. For instance, under the CCA, MDES officials must identify an offence before requesting traffic data from service providers. Second, the monitoring of social media differs from passive surveillance as it does not merely search for offences but instead “relies on scooping up as much information as possible and sorting out its usefulness later” (Andrejevic & Gates, 2014, p. 190). This ‘collect first, filter later’ practice likely accounts for the fact that only 0.002% of messages that the AFNC received from its social media tool meet the criteria for verification. Lastly, it diverges from targeted surveillance because social media monitoring constitutes mass surveillance. This explains why the Thai state prioritises this tool, presenting its use as essential for detecting fake news in the public interest.

The intention to utilise the AFNC’s social media monitoring tools for surveillance is surprisingly evident. According to the 2022 budget documentation, the AFNC’s primary objective is not fact-checking but surveillance:

“To serve as a centre for collecting, storing, and analysing content, data, and information occurring on the internet and social networks that may negatively impact society, the economy, and public security, as well as to provide tools for addressing and disseminating accurate content to the public” (Budget Bureau, 2021).

The exact wording appears in the Budget Year Report of the Office of the Permanent Secretary of the MDES. Furthermore, two months before the launch of the AFNC, the Office announced a tender to hire seventy-five contract personnel to assist the Technology Crime Suppression Division (TCSD) of the Royal Thai Police (RTP). The tender was justified by the insufficient number of the TCSD personnel to manage an increasing workload. Of these, thirty personnel were assigned to examine and

monitor illegal websites, including those involving *lèse-majesté*, and to investigate offenders on social networks for prosecution. Similar tenders were issued in each of the following three years. The timing of these tenders, combined with the fact that they were announced by the Office rather than the TCSD itself, suggests a potential link to the surveillance objectives of the AFNC.

This surveillance objective becomes even clearer when considering the Terms of Reference (TOR) of the AFNC itself (Prevention and Suppression of Information Technology Crimes Division, 2021). As previously discussed, the AFNC is outsourced and managed through procurement contracts between the MDES and the National Telecom Public Company Limited (NT). The required system specifications in the TOR include: (1) a system for collecting content, data, and information from websites, discussion boards, and social networks that publish publicly accessible content, including images, videos, sound clips, and text; (2) a system for filtering and prioritising content, data, and information based on factors such as source, frequency, and designated keywords; and (3) an analytical system capable of recognising both positive and negative sentiment. While these specifications might be necessary for the AFNC's fact-checking operations, they appear both flawed and excessive.

First, the system is restricted to collecting publicly accessible content. While this approach may be justified by the potential widespread impact of such content, in the Thai context, fake news is primarily shared privately within close-knit circles, such as among family and friends. Supinya Klangnarong, co-founder of Cofact, asserts that the LINE application is a primary conduit for the dissemination of fake news. This is partly attributed to Thai cultural norms, where individuals often share news or knowledge with close acquaintances to gain acceptance and express gratitude (S. Klangnarong, personal communication, 16 January 2024).

Given that LINE primarily functions as an instant messaging platform with end-to-end encryption, it is challenging to access data from encrypted messages, rendering social media monitoring tools ineffective in this context (S. Klangnarong, personal communication, 16 January 2024). Santiphap Permmongkolsub, the Deputy Director of the AFNC, confirms that the AFNC is unable to detect fake news on the LINE application unless it is encountered and reported by an individual. (S. Phoemmongkhonsap, personal communication, 20 February 2024). This is not to

imply that social media monitoring tools are entirely ineffective in detecting fake news. However, given their inefficiency, the development of alternative tools would be expected, yet this has not occurred. This suggests that the primary purpose of the AFNC, particularly the use of these tools, may serve other objectives.

Second, the use of sources, frequency, and designated keywords for filtering and prioritising content suggests that the AFNC's fact-checking practice "relies on scooping up as much information as possible and sorting out its usefulness later" (Andrejevic & Gates, 2014, p. 190). In essence, this approach aligns more closely with surveillance than with genuine fact-checking. Moreover, beyond detecting fake news, these social media monitoring tools can be adapted for various purposes by utilising different sources and keywords.

Third, recognising public sentiment may not be directly related to fact-checking, which is specifically aimed at "identify whether a claim is factual" (Walter et al., 2020, p. 351). Since opinions, which cannot be assessed for falsity, fall outside the scope of fact-checking, a fact-checker has no need for an analytical system capable of recognising positive and negative sentiment. However, detecting public sentiment enables the state to pre-empt potential unrest or dissent, much like private companies do to protect their brands or products.

In summary, this section argues that the AFNC's social media monitoring tools, under the guise of fact-checking, are utilised as big data tools for surveillance. While complementing and differing from other forms of surveillance, the Thai state prioritises these tools, presenting their use as essential for detecting fake news in the public interest. Furthermore, the documented objectives of the AFNC and the system specifications of these tools align more closely with surveillance than with genuine fact-checking.

## **A Strategic–Relational Analysis of the AFNC**

Considered from the standpoint of the strategic–relational approach (SRA), the AFNC exemplifies what Jessop (2016) describes as an institutionalised social compromise. This compromise relates to the configuration of social bases which is shaped by the competing projects and demands of different social forces both within and beyond the state. Compared with the management of fake news in more

democratic contexts—where direct censorship is generally unacceptable—the creation of a state-controlled fact-checking body such as the AFNC can be seen as the Thai state’s attempt to compromise with other social forces. In practice, content is not directly censored but ‘facts’ are nonetheless subject to state control.

The AFNC’s roles are clearly strategically selective. It operates both as an entity resembling a fact-checker and as a governmental spokesperson. This chapter argues that it legitimised the use of the CCA and sometimes justified government actions during the pandemic, thereby illustrating the uneven access to state power. However, this does not mean that it functioned purely as a coercive tool of the state; it also reflected the expectations of the social bases that supported such control. These include supporters of the Palang Pracharath Party (PPRP), who “choose peace, choose Prayut” and prioritise hierarchical social order over the right to information, as during the period under military junta rule.

The social basis of the state becomes more visible when the AFNC is viewed as a surveillance tool. This perspective may also explain why both Buddhipongse Punnakanta and Chaiwut Thanakamanusorn, former ministers of Digital Economy and Society, were drawn from the PPRP. The operation of the AFNC under the MDES played a central role in monitoring the Internet and social media, as the new government sought to keep a close watch on what happens in these digital spaces. At the time, fake news was becoming an increasingly prominent public concern, providing further justification for expanded state monitoring. This also provided the new PPRP-led government with an opportunity to demonstrate responsiveness to the issue among its supporters. The AFNC thus became central to the state’s ostensibly serious campaign against fake news. On the one hand, its establishment signalled that the government appeared to take the issue seriously, at least in the eyes of its electorate. On the other hand, it amplified the perceived severity of the problem and legitimised the creation of a social monitoring tool to collect publicly accessible online content in the name of the public interest.

After a five-year period during which information control was relatively straightforward, the state required a new form of socially accepted control—particularly in the realm of surveillance. The modus operandi of the AFNC led citizens, whether consciously or not, to sacrifice personal privacy for the sake of ‘public safety’—the same logic that Chaiwut drew on when analogising other online surveillance practices to the use of CCTV (C. Thanakamanusorn, personal communication, 26 February

2024). This logic was also reinforced by pro-regime citizens who participated in digital surveillance, for example, through the Facebook page *Volunteer Monitoring Online*, created by the MDES. In sum, while the AFNC operates as a coercive instrument of the state, its effectiveness depends on the social bases that sustain and reinforce its logic and practices.

## Conclusion

In December 2020, following a full year of operation of the AFNC, the MDES reported that the AFNC, in collaboration with the RTP, had prosecuted 165 individuals for disseminating fake news. Although the AFNC's fact-checked reports contribute to enforcing the CCA, this chapter contends that the AFNC's operation goes beyond coordinating among government agencies and facilitating prosecutions under the CCA, fulfilling additional independent functions. By exploring patterns in fact-checking reports and examining its operations, this chapter suggests that the AFNC serves three primary functions: first, to operate as an entity resembling a fact-checker while simultaneously legitimising the interpretation and enforcement of the CCA; second, to act as a governmental spokesperson, akin to an online extension of the PRD; and third, as a tool for surveillance.

The state, particularly in authoritarian contexts, seeks to control information through censorship, surveillance, and propaganda. The previous chapter examined how the Thai state has utilised the CCA for censorship, while this chapter argues that surveillance is one of the primary functions of the AFNC. The next chapter will discuss the Centre for COVID-19 Situation Administration (CCSA), highlighting its significant role in disseminating propaganda under the guise of maintaining public order and ensuring the safety of the people amid the pandemic.

## **Chapter 6**

### **The CCSA and State Propaganda**

#### **Introduction**

Public communication supports free expression and offers a better way to counter fake news, but it can also be misused to serve state interests. In February 2021, during a period when Thailand had not yet received any vaccines, Dr Taweetilp Visanuyothin, the spokesman of the Centre for COVID-19 Situation Administration (CCSA), stated that “the speed at which vaccines arrive does not significantly impact the people of Thailand” and “This [the use of cloth masks and surgical masks for personal protection] is exactly what we need right now” (Thai PBS, 2021c). Taweetilp’s assertion would not be controversial if Thai people were not facing vaccination challenges, particularly due to a lack of vaccine variety—only a limited supply of AstraZeneca and Sinovac vaccines were accessible at that time. Then, the CCSA may be utilised as a state’s tool to disseminate propaganda under the guise of public communication.

The CCSA spokesman’s assertion contradicts conventional wisdom about public communication as a state’s response to fake news. In contrast to censorship, public communication that offers information or viewpoints does not impede freedom of expression and is therefore regarded as a more appropriate approach to addressing the problem of fake news. However, public communication can also be abused to disseminate false or misleading information that serves the state’s own interests. In other words, the state may seek to use public communication to disseminate propaganda rather than providing information in order to minimise the spread of fake news. The objective of this chapter is to examine the reason behind the use of public communication to respond to fake news.

This chapter focuses on the functions of the CCSA, the centralised administrative body established under the Emergency Decree on Public Administration in Emergency Situations BE 2548 (2005) (henceforth, the Emergency Decree), in countering fake news while also disseminating propaganda during the pandemic. This chapter argues that public communication during the pandemic in a

state in an authoritarian regime, like Thailand, served as an opportunity for the state to maintain order and ensure the safety of the people, but it was ultimately conditioned by the institutional structures and procedures of the state apparatus embedded in broader political and social relations. While the Computer-Related Crime Act BE 2550 (2007) (the CCA) and the Anti-Fake News Centre (AFNC), explained in the previous two chapters, serve state censorship and state surveillance respectively, the CCSA serves state propaganda. To elaborate on this, the structure of the chapter is as follows: First, it provides a brief background on public communication as a response to fake news in an authoritarian context. The second section explains the origin and powers of the CCSA, which was created under the Emergency Decree. Third, it examines how the CCSA communicated with the public during the pandemic, focusing on its approach to addressing fake news. Next, it explores how the CCSA may utilise public communication to disseminate propaganda, rather than solely providing information to reduce the spread of fake news. Fifth, it analyses the CCSA using the strategic–relational approach (SRA). The final section is the conclusion.

## **Public Communication as a Response to Fake News in Authoritarian Context**

Public communication refers to activities occurring in the public sphere, typically concerning matters of public interest (Macnamara, 2017). It is crucial not only during the pandemic but also considered as the best way to address misinformation in regular circumstances. In January 2018, the European Commission established the independent High-Level Group (HLEG) on fake news and online disinformation to advise the Commission on policy actions to combat fake news and disinformation distributed online. According to its final report, responses to fake news must be “fully compliant with freedom of expression, free press and pluralism” (European Commission, 2018, p. 5). As a result, rather than censoring content directly or indirectly, many studies agree that responses to fake news content should focus on “diluting disinformation with quality information” (European Commission, 2018), or “swamping fake news with the truth” (Alemanno, 2018), or “fight[ing] fiction with fact”

(Wittenberg & Berinsky, 2020), that is, providing audiences with more context and alternative viewpoints.

During the pandemic, states employed different ways to communicate with their citizens about COVID-19-related fake news. First, in order to keep the public informed, most governments had daily briefings. In Korea, this occurred twice a day. Second, to better meet the needs of people, governments can set up two-way communication channels, such as messaging platforms like WhatsApp and Telegram in France, Italy, Australia, and Latvia, or more traditional channels like telephone info lines in Greece and Finland. Finally, open government data enables people to visualise data and share factual information, as seen in Korea and Canada (OECD, 2020).

On the other hand, there have been numerous reports of authoritarian governments creating and disseminating fake news. Türkiye exemplifies this point. President Tayyip Erdoğan and a far-right party leader attacked opposition political parties and non-governmental organisations (NGOs) over official coronavirus statistics that appeared to be underreported. The Turkish Minister of Health then admitted that asymptomatic cases were not included in the statistics. In this case, “the government became a source of misinformation and uncertainty rather than part of the solution to the issue of misinformation” (Siwakoti et al., 2021, p. 51).

State-backed disinformation campaigns have become a popular tool for states to manage growing dissent (Shahbaz, Brody, Baker, Barak, & Modi, 2023). Undoubtedly, the state’s dissemination of false information did not just occur during the pandemic. Several states, particularly those with authoritarian regimes, have sought to disseminate false or misleading information as a means to manipulate public opinion for their own interests—an act commonly known as spreading propaganda. In 2019, the Oxford Internet Institute reported on the use of social media for the manipulation of public opinion had taken place in 70 countries and that the creation of fake news is the most common strategy (Bradshaw & Howard, 2019). Its subsequent report indicates that, instead of controlling fake news, states conversely disseminated it themselves. For instance, government agencies, like communication or digital ministries, the military, the police force, and state-funded media, may be employed to spread the so-called ‘computational propaganda’ and disinformation in 62 countries

(Bradshaw et al., 2021). In the case of Thailand, there was evidence that state actors, particularly the Royal Thai Army (RTA), have engaged in operating computational propaganda (Goldstein et al., 2020). There were no reports indicating that any of their operations were met with legal actions or subjected to fact-checking.

While there is much academic attention on computational propaganda, there is a scarcity of studies investigating how the state may propagandise its agenda in the midst of a pandemic. The gap is important because the two forms of propaganda operate differently. For instance, computational propaganda—such as that conducted by the RTA—is typically covert and consistently denied by the military. In contrast, state propaganda during the pandemic needed to be openly disseminated as part of official public communication. This chapter aims to address the research gap by examining the functions of the Centre for COVID-19 Situation Administration (CCSA), which is a centralised administrative body established by the Thai government under the Emergency Decree. The focus will be on how the CCSA communicated with the public during the pandemic, particularly in addressing fake news and disseminating propaganda. The next section begins with explaining the origin and powers of the CCSA, as outlined under the Emergency Decree.

## **The Centre for COVID-19 Situation Administration (CCSA)**

The Centre for COVID-19 Situation Administration (CCSA) was a centralised administrative body tasked with executing functions outlined under the Emergency Decree on Public Administration in Emergency Situations BE 2548 (2005) (henceforth, the Emergency Decree), including public communication. It was first established on 12 March 2020, approximately two weeks prior to the Declaration of an Emergency Situation, in response to a series of coronavirus super spreader clusters, including 35 individuals infected at a major Muay Thai bout at Lumpini Boxing Stadium (Wun’Gaeo & Wun’Gaeo, 2021), as mentioned earlier in Chapter 4. Initially, its primary responsibilities were in formulating policies and procedures in accordance with the Communicable Diseases Act BE 2558 (2015), Public Disaster Prevention and Mitigation Act BE 2550 (2007), and Organisation of State Administration Act BE 2534 (1991). However, these responsibilities changed following the proclamation of an Emergency Situation.

On 25 March 2020, General Prayut Chan-o-cha, the Prime Minister at the time, declared a nationwide Emergency Situation under the Emergency Decree (henceforth, the Emergency Situation) stating that the pandemic was “a situation that threatens public order and the safety of the people which necessitates stringent and urgent measures to prevent the widespread transmission of the disease” (“Declaration of an Emergency Situation in All Areas of the Kingdom of Thailand,” 2020). On the same day, he delivered an official statement broadcast on all live television channels nationwide to explain the rationale behind the Declaration. He additionally requested the public to “trust the country’s public health system”, while asking them to “follow up on information through official channels such as radio, television and printed media indicating reliable and referable sources, and not through fake news or news without apparent sources”. Indeed, in his view, the CCSA was expected to be the “reliable and referable source” (Office of the Prime Minister, 2020).

Following the Declaration, the Prime Minister temporarily consolidated the power of all ministries in accordance with Section 7 of the Emergency Decree. He then designated the CCSA as a Special Task Force to exercise functions under the Emergency Decree. The CCSA was composed of the Prime Minister, who served as the Director, along with 28 other ministers and high-ranking officials. One of the responsibilities of the CCSA is the focus of this chapter—public communication. Subclause 4(1) of the Order of the Prime Minister No 5/2563, issued on 25 March 2020 alongside the Declaration of an Emergency Situation, states that the CCSA has duties and powers “to conduct public relations and disseminate accurate and factual information and news in order to enhance good understanding between the government and the public, including any related *psychological operations*” (emphasis added).

It is noteworthy that the term “psychological operations”, which is clearly a military term, appears in the Order. This term was employed by the Thai military’s Internal Security Operations Command (ISOC) during the communist insurgency between 1960s and 1980s (Pawakapan, 2017), as well as during the more recent Deep South conflict since 2004 (Chambers & Waitoolkiat, 2020). Like the pandemic, the Deep South conflict has been administered under the Emergency Decree. Hence, the use of the Emergency Decree and the choice of language, such as psychological

operations, in the Order likely influenced, or at least reflected, how the CCSA communicated with the public. Therefore, before examining the CCSA's roles in public communication during the pandemic, it is essential to first understand the characteristics of the Emergency Decree, which is not originally intended for use in a pandemic.

### ***The Emergency Decree***

The Emergency Decree was initially intended for use in the South Thailand insurgency. It was enacted on 15 July 2005 by the administration of Thaksin Shinawatra. Shortly thereafter, on 19 July 2005, Thaksin declared an Emergency Situation under the Emergency Decree in the three southern provinces of Yala, Pattani, and Narathiwat. The rationale of the Decree is that:

“...the increasing seriousness of national security situations and problems that may affect the country's sovereignty and integrity, resulting in domestic unrest and danger or distress to the peaceful livelihood of the people. These problems cannot be solved by normal public administrative procedures” (“Emergency Decree on Public Administration in Emergency Situations BE 2548 (2005),” 2005)

The Emergency Decree faced criticism from the outset for its vague language, which granted excessive authority to the Prime Minister, allowing them to override the powers of any government ministry or agency, whether civilian or military, in normal public administrative procedures. At the same time, it diminished the government's accountability to both the parliament and the courts (International Commission of Jurists, 2005). After it was first invoked, the Declaration of an Emergency Situation under the Emergency Decree was repeatedly made in various locations. The longest instance, aside from its use in the Deep South<sup>31</sup>, occurred in 2010 during the anti-government protests led by the United Front for Democracy Against Dictatorship (UDD), commonly known as the Red Shirts, and endured for nearly 7 months (iLaw, 2020b).

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<sup>31</sup> As of March 2025, the Emergency Situation in the Deep South has remained in effect after its 79<sup>th</sup> extensions.

The Declaration of an Emergency Situation on 25 March 2020 marked the first time it was used in response to a pandemic. This introduced a new challenge, as the nature of a pandemic did not align well with the definition of an Emergency Situation. According to the Emergency Decree, an Emergency Situation means:

“...a situation which affects or may affect public peace and order or poses a threat to the national security or may put the entire country or certain parts of the country in a critical situation or a situation where an act of terrorism under the Criminal Code has been committed, or a military conflict or war has developed, making it necessary to introduce urgent measures to safeguard the democratic regime of government with the King as Head of the State under the Constitution of the Kingdom of Thailand as well as the country’s independence, territorial integrity, national interests, lawfulness, public safety, peaceful livelihood, rights and liberties, public peace and order or the public interest or to avert, mitigate or remedy losses from urgent and critical public disasters” (“Emergency Decree on Public Administration in Emergency Situations BE 2548 (2005),” 2005).

Tonsakulrungruang and Leelapatana (2022, p. 180) suggests that the reason behind the Declaration of an Emergency Situation was the government’s instinct “to prioritise the use of emergency powers over the art of persuasion and incentive”. While the implementation of emergency powers was broad, covering actions such as the imposition of a curfew, this chapter concentrates specifically on their use in regulating the flow of information. To illustrate this point, a report by iLaw, a Thai human rights and legal watchdog, compares the authorities granted under the Emergency Decree with those outlined in the Communicable Diseases Act BE 2558 (2015), which are specifically designed for and more appropriately suited to managing a pandemic<sup>32</sup>. The report indicates that one key difference between the two laws is that the Emergency Decree authorises the Prime Minister to control the flow of information (iLaw, 2020a). Section 9(3) of the Emergency Decree allows the Prime Minister to issue a Regulation:

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<sup>32</sup> In fact, the MOPH had already declared COVID-19 a dangerous contagious disease under Communicable Diseases Act prior to the Declaration of an Emergency Situation

“to prohibit the press release, distribution, or dissemination of letters, publications or any means of communication containing texts which may instigate fear amongst the people or is intended to distort information which misleads understanding of the emergency situation to the extent of affecting the security of state or public order or good moral of the people both in the area or locality where an emergency situation has been declared or the entire Kingdom.”

A violation of this Section is considered a criminal offence. Section 18 of the Emergency Decree determines criminal sanctions for such an offence:

“Any person who violates a Regulation, Notification or order issued under Section 9, Section 10, Section 11 or Section 13 shall be liable to imprisonment for a term not exceeding two years or to a fine not more than forty thousand baht, or to both.”

Indeed, the Thai state can utilise the Computer-Related Crime Act BE 2550 (2007) and its amendment by the Computer-Related Crime Act (No 2) BE 2560 (2017) (henceforth, the CCA), to control information flow, as detailed earlier in Chapter 4. However, it appears that the Thai state sought to further increase and expand its control over information during the pandemic through Section 9(3) of the Emergency Decree.

### ***Censorship under the Emergency Decree***

On 25 March 2020, the day the Prime Minister declared an Emergency Situation under the Emergency decree, the Regulation under Section 9 of the Emergency Decree (No 1) was also issued. Clause 6 of the Regulation emphasised the provisions outlined in Section 9(3) of the Emergency Decree:

“Presentation of News: It is prohibited to present or disseminate news through any media featuring content on the communicable disease Coronavirus 2019 (COVID-19) which is false and<sup>33</sup> may instigate fear among the people, or to intentionally distort information which causes misunderstanding of the

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<sup>33</sup> The original text in the unofficial translation by the Ministry of Foreign Affairs (MFA) erroneously uses “or” instead of “and”. I have corrected it, as the two terms carry different legal implications.

emergency situation to the extent of affecting the public order or good moral of the people.”

Moreover, the Regulation also addressed the consequences of violations of its provisions:

“In such cases, officials shall issue warnings to cease such acts or order to correct such news, or in cases where there are severe impacts, shall instigate a proceeding in accordance with the Computer-Related Crime Act BE 2550 (2007)<sup>34</sup> or the Emergency Decree on Public Administration in Emergency Situations BE 2548 (2005).”

In July 2021, the Emergency Situation remained in effect after continuous extensions, and the Prime Minister sought to broaden the scope of censorship. On 10 July 2021, the Regulation under Section 9 of the Emergency Decree (No 27) was enacted. Clause 11 of the Regulation explicitly outlines actions that constitute an offence under the Emergency Decree:

“The press release or dissemination of letters, publications, or any means of communication containing texts which may instigate fear amongst the people or is intended to distort information which misleads understanding of the emergency situation to the extent of affecting the security of state or public order or good moral of the people both in the entire Kingdom constitutes a violation of Section 9(3) of the Emergency Decree.”

There are substantial differences between the Regulation (No 1) and the Regulation (No 27). Firstly, the latter broadened its scope to encompass all forms of content, not merely information related to COVID-19. Secondly, under Regulation (No 27), the prohibited information does not need to be false; it may simply cause fear among the public. Thirdly, the ambiguous term “the security of the state” was added in the latter regulation. Lastly, Regulation (No 27) omits any mention of warnings, meaning that offences are directly subject to criminal sanctions under Section 18 of the Emergency Decree.

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<sup>34</sup> The original text in the unofficial translation by the MFA uses the title “Acts on Commission of Offences Relating to Computer Act B.E. 2550 (2007)”, I have changed it to “Computer-Related Crime Act BE 2550 (2007)” for consistency.

The effort to broaden the scope of censorship by the state culminated in the enactment of the Regulation under Section 9 of the Emergency Decree (No 29) on 29 July 2021. The Regulation comprised two provisions. First, it prohibited the dissemination of information that might cause fear among the public or is intentionally distorted in such a way as affect the security of the state or the good moral of the people. Second, it granted the National Broadcasting and Telecommunications Commission (NBTC) the authority to instruct licensed Internet access and service providers (ISPs) to investigate IP addresses and immediately suspend service if the offence is detected.

Undoubtedly, the Regulation (No 29) faced widespread condemnation. Just days after its enactment, seventeen international human rights organisations, including Human Rights Watch and the International Commission of Jurists, issued a statement denouncing the Regulation. They argued that it was “incompatible with Thailand’s Constitution and its obligations under the International Covenant on Civil and Political Rights (ICCPR) to respect and protect the right to freedom of expression and information” (ARTICLE 19, 2021). Simultaneously, nearly 400 academics, six media professional organisations, two political parties, and several NGOs signed a petition and released statements urging the government to immediately revoke the regulation in order to uphold freedom of expression and freedom of the press (iLaw, 2021b). These concerns eventually resulted in a legal case. Twelve online media outlets filed a lawsuit against the Prime Minister in the Civil Court, seeking to have the regulation annulled. On 9 August 2021, three days after the Civil Court issued a temporary injunction prohibiting the Prime Minister from enforcing the Regulation, a new Regulation under Section 9 of the Emergency Decree, the Regulation (No 31), was enacted to revoke the Regulation (No 29). The reason stated in the new Regulation was that Regulation (No 29) had not been applied to any cases and that its enforcement was subject to other legal measures that could be applied (BBC Thai, 2021c), clearly referring to the CCA.

This does not imply that the Emergency Decree was never used as a tool for censorship, as the Regulation (No 1) and (No 27) remained in effect. However, according to data collected from the Ministry of Digital Economy and Society (MDES) website, only 10 cases were reported as being prosecuted for disseminating false

information under the Emergency Decree—a relatively small number compared to the 55 cases prosecuted under the CCA. Also, the Thai Lawyers for Human Rights (TLHR) database indicates that most court cases involving violations of the Emergency Decree were linked to protests and demonstrations by political activists and ordinary citizens, rather than to false information. Therefore, it is reasonable to conclude that the CCA, rather than the Emergency Decree serves as the primary instrument for censoring internet and social media content, as discussed in Chapter 4<sup>35</sup>.

Returning briefly to the temporary injunction issued by the Civil Court, one of the reasons for the injunction was that, apart from the Regulation (No 29) being deemed illegal, “the state can use radio and television as tools to provide knowledge, promote awareness, and foster accurate understanding” (Thai PBS, 2021a). This was what the CCSA appeared to do through its situation briefings, but the underlying agenda will be examined in the following section.

## **The CCSA and Public Communication**

The rationale behind the establishment of a state-run communication centre is entirely justifiable. During a pandemic, individuals seek clear and authoritative information in the face of rapidly changing and uncertain circumstances. Thus, there is a need to disseminate more precise and definitive information through official channels. However, people may distrust official information if they see it as politicised, preferring to hear from scientists over politicians. In countries like Belgium and Spain, situation briefings during the pandemic were delivered by scientific experts (OECD, 2020).

According to the Regulation under Section 9 of the Emergency Decree (No 1), the CCSA was designated to be a key unit for public communication during the pandemic:

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<sup>35</sup> In Thailand, in cases when one act violates multiple laws, such as both the CCA and the Regulation (No 27), the court will impose the penalty solely under the CCA, as it is the more severe statute. Section 90 of the Penal Code states that “When any act is one and the same act violating several provisions of the law having the severest punishment shall be applied to inflict the punishment upon the offender” (“Penal Code BE 2499 and Its Amendments,” 1956).

“The Centre for the Administration of the Situation due to the Outbreak of the Communicable Disease Coronavirus 2019 (COVID-19)<sup>36</sup> shall be the focal point to organise press conferences and briefings at the Government House, in order to continually and regularly create awareness and understanding of the people. When necessary, the cooperation of the Television Pool of Thailand may also be requested.”

The CCSA and the Ministry of Public Health (MOPH) adopted a similar approach. Following the declaration of the Emergency Situation, the Prime Minister appointed Dr Taweasilp Visanuyothin as the CCSA spokesperson to lead press briefings. The frequency of press briefings, broadcast live via the state-owned National Broadcasting of Thailand (NBT), was adjusted depending on the situation but was initially held daily. These briefings utilised infographics, graphs, and charts to help the public understand the current situation, the rationale behind restrictions, and updates on infection rates, case numbers, recoveries, and deaths. High-level officials from the MOPH, mainly those with medical backgrounds, also conducted briefings following those of the CCSA, which were live-streamed on the Ministry’s official Facebook page (Chatratichart, Petcharanan, & Kularb, 2024)<sup>37</sup>.

Several studies have examined the roles of the CCSA and the MOPH in public communication. While these briefings, aiming “to continually and regularly create awareness and understanding of the people”<sup>38</sup>, were deemed necessary, they faced criticism for adopting a centralised, top-down, and one-way communication approach. Inconsistencies and confusion in the messaging contributed to a decline in public trust in the government (Chatratichart et al., 2024). This occurred as the control of information was rooted in an authoritarian model, with communications being

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<sup>36</sup> This is the full, official name of the CCSA.

<sup>37</sup> It should also be noted that the state utilised three Facebook pages to communicate with the public during the pandemic. These included (1) the Ministry of Public Health’s official Facebook page (กระทรวงสาธารณสุข), created in 2010, (2) “Thai Roo Soo COVID” (ไทยรัฐสู้โควิด), administered by the Ministry of Public Health, and (3) “COVID-19 Information Centre” (ศูนย์ข้อมูล COVID-19), administered by the Department of Public Relations. The latter two pages were created specifically in response to the pandemic. However, it was unclear which of these served as the state’s main communication channel.

<sup>38</sup> Regulation under Section 9 of the Emergency Decree (No 1)

monopolised by the CCSA, which sought to exploit the situation for its own benefit (Nethipo, 2022).

A research gap exists as no studies have specifically examined the roles of the CCSA and the MOPH in addressing fake news. Given that Section 9(3) of the Emergency Decree, as well as the Regulation (No 1) and the Regulation (No 27), all address false information, the CCSA is assumed to have played a significant role. The next section will analyse how the CCSA and the MOPH addressed fake news through their COVID-19 situation briefings.

### ***The Roles of the CCSA and the MOPH in Addressing Fake News***

To examine the roles of the CCSA and the MOPH in addressing fake news, this chapter analyses the content of their briefings on the COVID-19 situation. Disappointingly, neither the CCSA nor the MOPH issued press releases on their briefings. Therefore, this chapter has instead collected videos of these briefings from the Thai PBS YouTube channel<sup>39</sup>. The first video collected was the briefing from 26 March 2020, one day after the Declaration of an Emergency Situation, and the last was from 12 May 2022, approximately six months before the cancellation of the Declaration and the dissolution of the CCSA. In total, 690 videos were collected.

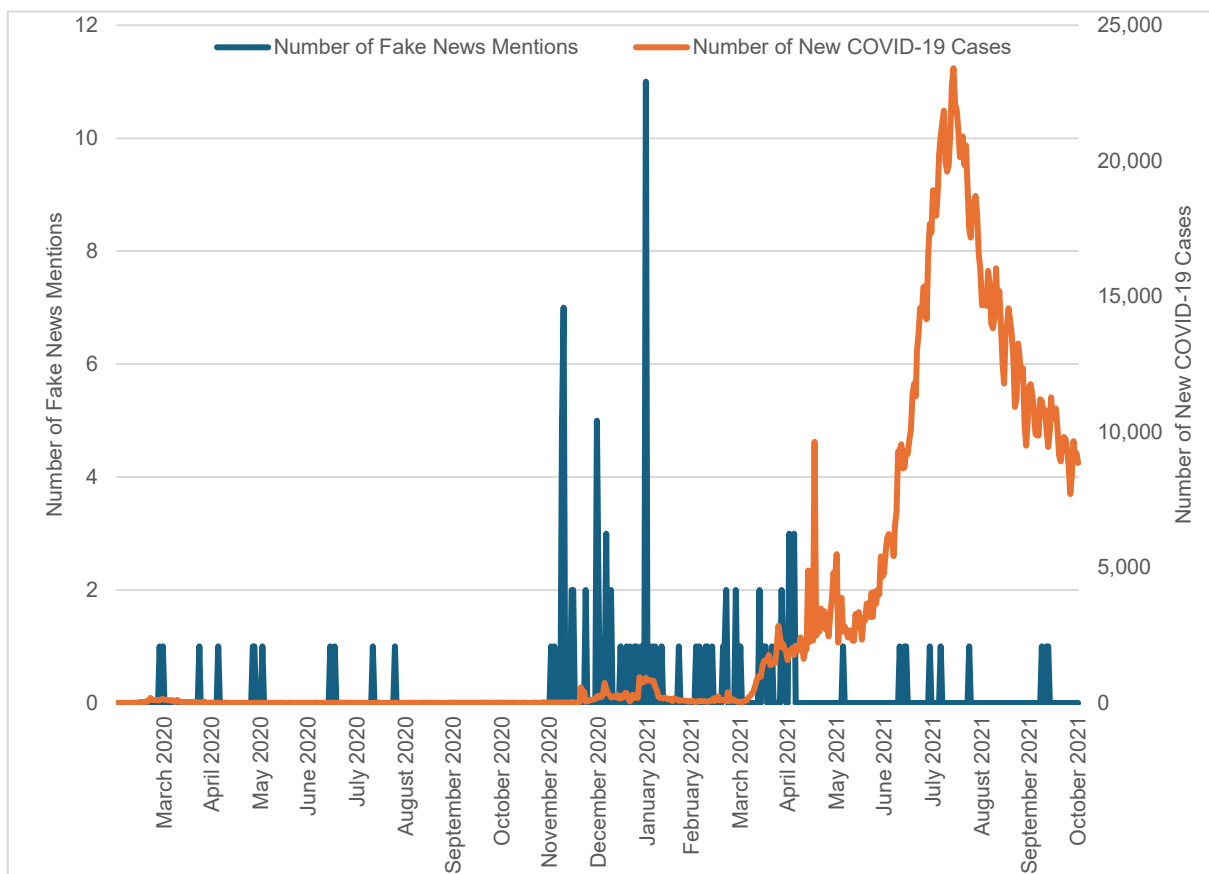
In regard to methods, the following should be noted: this chapter downloaded the videos, transcribed using an Automatic Speech Recognition (ASR) model, and employed summative content analysis, which is an approach that aims to identify and quantify specific words or content in the text in order to understand their contextual use (Hsieh & Shannon, 2005). The specific words or keywords used are “fake news” (ข่าวปลอม) and its Thai transliteration, “false news” (ข่าวเท็จ), “fake information” (ข้อมูลปลอม), “false information” (ข้อมูลเท็จ), “untrue information” (ข้อมูลไม่จริง), “distorted” (บิดเบือน), and “being deceived” (หลงเชื่อ). The texts of the transcribed videos are searched using these keywords using the Keyword Exploration Tool (Williams & Petpo, 2024) to examine their contextual use, specifically to identify the fake news stories to which the CCSA and the MOPH were referring.

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<sup>39</sup> Ironically, while the former Minister of Digital Economy and Society criticised Thai PBS for inaccurately reporting certain news (see Chapter 4), it is the only organisation that systematically archives videos of the COVID-19 situation briefings of the CCSA and the MOPH.

During the specified period, the CCSA and the MOPH addressed fake news 106 times, with the highest frequency occurring in late 2020 and early 2021. The last mention of fake news occurred in October 2021 (see Figure 6.1). Two important points should be noted: First, although this issue may be of public interest and the state may seek to protect the populace from misinformation, it is not feasible to determine whether the frequency with which the CCSA and the MOPH addressed fake news correlates with the actual prevalence of misinformation. The relevant organisation monitoring fake news, the Anti-Fake News Centre (AFNC), published its fact-checked reports at a relatively constant rate (see Chapter 5). Second, however, in comparison of these mentions with the number of new COVID-19 cases each day, it becomes evident that the frequency of addressing fake news does not correspond with the seriousness of the pandemic. While the highest frequency of mentions occurred in late 2020 and early 2021, during Phase II of the pandemic, this trend did not hold during Phase III in mid-2021, when the number of new cases surged.

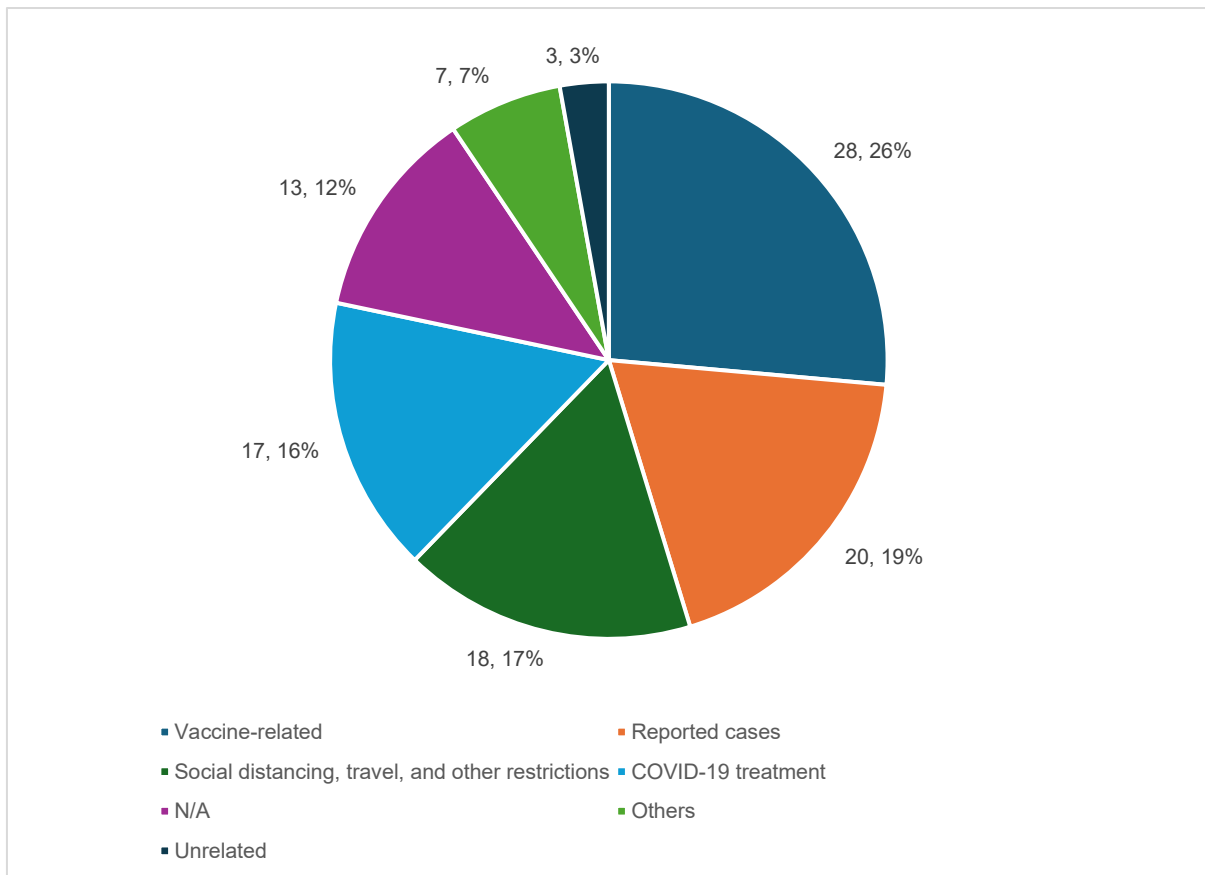
Figure 6.1 Number of fake news mentions by the CCSA/MOPH and number of new COVID-19 cases



Source: data visualised by the author, based on Williams and Petpo (2024) and Department of Disease Control (n.d.)

The fake news stories the CCSA and the MOPH referred to can be categorised into seven groups: (1) vaccine-related issues, including government management, mobile applications for vaccine registration, and vaccine efficacy and side effects; (2) reported infection cases; (3) social distancing, travel, and other restrictions; (4) COVID-19 treatments, particularly alternative treatments; (5) non-applicable, where no specific fake news story was mentioned by the CCSA or the MOPH; (6) others, which include topics that do not fit into the previous categories, such as other government policies and measures; and (7) unrelated, where the keywords were used in a context unrelated to fake news, for example, when individuals reported false information about their infection to the government (see Figure 6.2).

Figure 6.2 Number of fake news stories referenced by the CCSA and MOPH



Source: data visualised by the author, based on Williams and Petpo (2024)

Table 6.1 Examples of fake news stories referenced by the CCSA and MOPH

Date	Keyword(s)	Contextual Use
28 March 2020	fake news (Thai transliteration)	Applying criminal penalties for spreading fake news
22 April 2020	fake news (Thai transliteration)	Warning against fake news
04 May 2020	fake news	Asking people to take the MDES fake news survey
26 May 2020	fake news and its Thai transliteration	Describing prevalence of fake news, asking people to take the MDES fake news survey, and supporting the Emergency Decree
17 July 2020	fake news (Thai transliteration)	Describing prevalence of fake news
10 August 2020	fake news	Urging people to rely solely on information from official channels
24 August 2020	fake news	Urging people to rely solely on information from official channels
23 December 2020	Fake news (Thai transliteration) and distorted	Warning against fake news
03 February 2021	untrue information	Describing prevalence of fake news
13 March 2021	false information	Warning against fake news
16 April 2021	distorted	Warning against fake news
10 July 2021	false news and distorted	Explaining reasons for enacting the Regulation (No 27)
12 October 2021	fake news and being deceived	Urging people to rely solely on information from official channels

Source: data compiled by the author, based on Williams and Petpo (2024)

It seems reasonable that the CCSA and the MOPH addressed fake news in their situation briefings, though concerns remain about the criteria they used to select which stories to address and how they verified the facts. For example, the CCSA and MOPH helped the public by clarifying misunderstandings about alternative treatments and government measures. However, it is noteworthy that, in thirteen cases (approximately 12%) when the CCSA and the MOPH addressed fake news, no specific story was mentioned. A notable example is the CCSA's situation briefing on 10 July 2021, during which Dr Taweasilp stated that:

“We urge your cooperation, as there are currently many rumours, false news, and various forms of information being spread. Clause 11 [of the Regulation (No 27)], which was strongly emphasised in yesterday's CCSA meeting, is of utmost importance. While we need to press forward with our work, the presence of false information distracts us and wastes time that must be spent correcting it, resulting in delays and disrupting our intended outcomes. We therefore ask for your cooperation, and this law will be fully enforced” (Thai PBS, 2021d).

This statement, along with other instances when the CCSA and the MOPH addressed fake news without referencing a specific story, illustrates how these agencies attempted to use the prevalence of fake news to justify their centralised, top-down, one-way communication—similar to the communication strategy employed during military conflicts or wars. At the same time, although it is unclear whether they addressed fake news in proportion to the seriousness of the situation, this was an instance where the issue was used to legitimise broader, more far-reaching authoritarian laws, such as the Emergency Decree and the Regulation (No 27).

Moreover, while public communication is widely regarded as a way to address misinformation without impeding freedom of expression, it can also be a double-edged sword. The state, particularly that in an authoritarian regime, may exploit such opportunities to obscure or exaggerate critical information in order to manipulate public opinion for its own interest. This chapter will explore this issue further in the next section on the CCSA and propaganda.

## The CCSA and Propaganda

In their seminal book *Manufacturing Consent*, Edward S. Herman and Noam Chomsky advance the propaganda model, asserting that the state and corporations can manipulate public opinion by filtering the news to which individuals are exposed. One key filter they identify is sourcing, where mass media relies predominantly on official sources, including experts who are state-approved or funded, as these sources are often presumed to be accurate (Herman & Chomsky, 2002). Thus, while the establishment of a state-run communication centre and the information provided by experts during a pandemic may appear justifiable, it may also enable the state to disseminate propaganda, fostering compliance with or consent to “the economic, social, and political agenda of privileged groups that dominate the domestic society and the state” (Herman & Chomsky, 2002, p. 298).

Accordingly, this section explores how the CCSA, led by medical experts, may utilise public communication to disseminate propaganda, rather than solely providing information to reduce the spread of fake news. Prior to this analysis, the following subsection will discuss the definition of propaganda as used in this chapter.

### ***Propaganda***

The term “propaganda” has a long history, but no universally accepted definition. However, in contemporary usage, it generally encompasses five key features: it is (1) false or misleading, (2) aimed at a mass audience, (3) advantageous to the propagandist, (4) systematically crafted and disseminated, and (5) one-sided. To capture all these elements, Thomas Huckin defines propaganda as “false or misleading information or ideas addressed to a mass audience by parties who thereby gain advantage”, which is “created and disseminated systematically and does not invite critical analysis or response” (Huckin, 2016, p. 126). Although some scholars argue that propaganda is not necessarily false (Oddo, 2023), this chapter adopts Huckin’s definition. Since the thesis focuses on how the state responds to fake news, it is reasonable to explore the conflicting roles of the state in combating fake news while simultaneously disseminating false or misleading information.

The following two subsections illustrate how the CCSA and the MOPH disseminated propaganda through: first, COVID-19 data reporting, including figures

on deaths and confirmed cases; and second, information about vaccine rollouts, namely the Sinovac and AstraZeneca vaccines.

### **COVID-19 Data Reporting**

From the onset of the COVID-19 pandemic in Thailand in early 2020 until the termination of the Declaration of an Emergency Situation on 30 September 2022, approximately 4.68 million confirmed cases and 32.7 thousand deaths were officially reported by the CCSA (World Health Organization, 2022a). The question that arises here is whether these numbers are accurate or overreported or underreported as in an authoritarian regime, like Thailand, the state has strong incentives to engage in propaganda and manipulate data to hide domestic issues and present its policy responses favourably (Knutsen & Kolvani, 2024). During the pandemic, authoritarian states were more likely to underreport COVID-19-related figures compared to democratic states, despite having the ability to control traditional and social media through other means. This is because the severity of the pandemic was considered as a potential threat to the regime's legitimacy (Wigley, 2024).

To assess the extent of state information manipulation, a study suggests using the difference between officially reported COVID-19 deaths and 'excess mortality' as a proxy (Lamberova & Sonin, 2024). Excess mortality accounts for all causes of death, providing a more comprehensive measure of the pandemic's total impact on mortality (Beaney et al., 2020). This includes deaths from indirect causes such as patients with other diseases unable to access ICU care due to overcapacity or suicides resulting from economic pressures during the pandemic (Na Ranong et al., 2021). As expected, the study shows that the gap between officially reported COVID-19 deaths and excess mortality is wider in non-democratic countries compared to democratic ones (Lamberova & Sonin, 2024). In the case of Thailand, by the end of 2021, the officially reported COVID-19 deaths totalled 21,647 (World Health Organization, 2021). However, a study using mixed-effects modelling estimates that excess deaths from January 2020 to December 2021 amounted to around 30,000, which is approximately 1.4 times the officially reported COVID-19 deaths (De Padua Durante et al., 2024). Estimations by *The Economist* and the Thailand Development Research Institute

(TDRI), using different methods, produce comparable results, though with some variation (Na Ranong et al., 2021; The Economist, 2024).

The next question is how the Thai state manipulated COVID-19-related data, including death figures. An example is the case of a 60-year-old man who had been admitted to the hospital for COVID-19 treatment in April 2021. Although he was cured of the virus, he remained in the hospital for treatment of a bacterial lung infection. After his death, it was reported as pneumonia caused by a bacterial infection, rather than the coronavirus that had led to his hospitalisation. This led to criticism of information concealment. Dr Nitipatana Chierakul, then Head of the Division of Respiratory Disease and Tuberculosis at the Faculty of Medicine Siriraj Hospital, Mahidol University, argued that the death should have been classified as COVID-19 with bacterial pneumonia as a complication. He contended that this case represented “intentional concealment of data, resulting in reported COVID-19 deaths being lower than the actual number”, and speculated that many more COVID-19-related deaths were similarly misclassified. In response to this criticism, the CCSA spokesperson, however, denied any attempt to cover up data (BBC Thai, 2021a).

COVID-19 death figures were not the only data that, potentially, were intentionally underreported. According to research by TDRI, a comparison of Thailand’s COVID-19 data reporting by the Department of Disease Control (DDC), under the MOPH, with the World Health Organization (WHO) guidelines reveals several gaps in public reporting (Na Ranong et al., 2021), contributing to underreporting. For example, the DDC reported individuals with positive ATK<sup>40</sup> results as probable cases rather than confirmed cases, until a RT-PCR test was conducted. In contrast, WHO guidelines consider a positive ATK result, combined with other criteria such as COVID-19 symptoms, sufficient to classify a case as confirmed (Na Ranong et al., 2021). Moreover, assessing the severity of the situation requires considering both the number of confirmed cases and the number of individuals undergoing testing. However, the DDC did not provide data on the total number of people who underwent RT-PCR testing. A claim circulated on social media suggested that the DDC intentionally concealed the number of individuals undergoing RT-PCR

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<sup>40</sup> In Thailand, the Antigen Test Kit (ATK) refers to the Antigen-detection Rapid Diagnostic Test (Ag-RDT), which is also known as the Rapid Antigen Test (RAT) in Australia.

testing<sup>41</sup>. The Anti-Fake News Centre (AFNC) inquired with the DDC to verify whether the claim was true, and, unsurprisingly, it was subsequently determined to be false. The DDC claimed that the omission of the section on RT-PCR testing in their reports was due to the large volume of results from numerous laboratories, prompting them to remove the section to avoid public confusion (Anti-Fake News Center, 2020).

Even if we assume that all the reported data was accurate or that the DDC made its best efforts to ensure its accuracy, the communication from the CCSA and MOPH was still misleading. For instance, while during briefings comparisons were made between Thailand and other countries, particularly Asian nations, the data appeared to have been manipulated to downplay the severity of the Thai situation. A specific example is from 8 August 2021, during Phase II of the pandemic in Thailand (see Figure 6.3). Bubble graphs were used to compare the number of confirmed cases per million people, with the size of the bubbles visually representing the cumulative confirmed cases. This approach was misleading because cumulative confirmed cases do not reflect the current situation. On 8 August 2021, Thailand had more daily new confirmed cases per million people (30.7) than Indonesia (19.4) and India (12.6). In comparison with the United Kingdom, the cumulative confirmed cases were depicted as roughly eight times smaller, while the actual size of daily new confirmed cases was only about four times smaller (30.7 and 119.3) (Mathieu et al., 2020). Additionally, when ranking the situation in Asian countries, the CCSA presented total cumulative confirmed cases instead of daily new cases per head of population, which consistently placed India and Indonesia at the top due to their larger populations, even though their situation had improved in comparison with that of Thailand.

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<sup>41</sup> Due to the lack of transparency in data reporting, social media users also jokingly renamed the Department of Disease Control as the “Department of Digits Control” (กรมควบคุมเลข).

Figure 6.3 Example of misleading communication from the CCSA/MOPH



Source: COVID-19 Information Centre (2021)

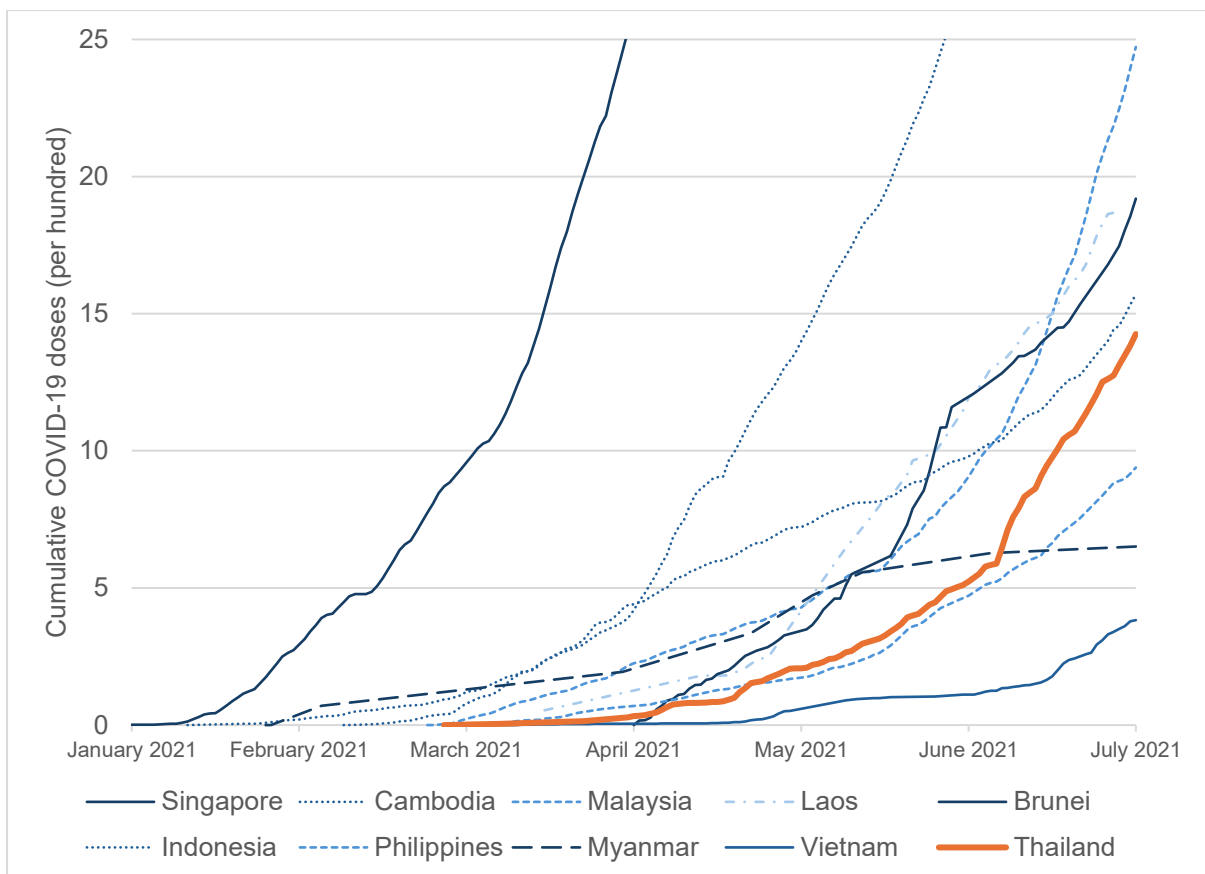
To sum up this subsection, the COVID-19 data reporting by the DDC and the communication by the CCSA and MOPH regarding confirmed cases and deaths presented a pandemic situation that appeared better than the reality. At best, this may have been due to limitations and confusion in recording, interpreting, and presenting data. At worst, it suggests that the state was deliberately manipulating figures—lie with statistics, to project an image of control over the severity of the pandemic, which was tied to its legitimacy, including justifying the use of the Emergency Decree.

### Vaccine Rollouts

One of the major criticisms of the Thai state's handling of the pandemic centred on its vaccine management, including vaccine rollout. In the Declaration of an Emergency Situation under the Emergency Decree in March 2020, the Prime Minister stated that no vaccine was available, which was understandable given that none was ready at the time. However, by July 2020, significant progress had been made globally, with at least 24 vaccines in trials (Ryan, 2023). Despite the significant progress and the essential role of vaccines in attaining herd immunity, the Thai government failed to secure deals for the COVID-19 vaccine until November 2020, when the CCSA

approved an advance market commitment with AstraZeneca for Oxford/AstraZeneca vaccine (henceforth, AstraZeneca vaccine). The delay sparked widespread criticism over Thailand’s slow response, as by July 2021, when Thailand was entering Phase II of the pandemic, the country’s accumulation of vaccine doses remained under fifteen per hundred, placing the country among the lowest available doses in ASEAN. This was partly due to the fact that the first vaccine doses, Sinovac’s CoronaVac (henceforth, Sinovac vaccine)<sup>42</sup>, were delivered only in late February 2021 (see Figure 6.4).

Figure 6.4 Accumulation of COVID-19 vaccine doses in ASEAN countries



Source: Source: data visualised by the author, based on Mathieu et al. (2020)

<sup>42</sup> Notably, Thailand’s Food and Drug Administration (FDA) approved Sinovac vaccine in February 2021. The WHO, however, did not validate the vaccine for emergency use until June 2021.

### *Sinovac Vaccine and the 'Best Vaccine'*

On 9 February 2021, the spokesman of the CCSA, stated during the CCSA situation briefing that “the speed at which vaccines arrive does not significantly impact the people of Thailand”, concealing the fact that Thailand had been slow in initiating vaccine negotiations. One possible reason for Thailand’s delayed vaccine rollout was the government’s decision not to participate in the COVID-19 Vaccines Global Access (COVAX) initiative, thereby making it the only country in ASEAN to decline joining the programme. The COVAX programme, which was launched in April 2020, aims to provide innovative and equitable access to COVID-19 vaccines to all participating countries, regardless of income levels (Berkley, 2020). Anucha Buraphachaisri, the government spokesman at the time, responded that since Thailand is classified as a middle-income country, it does not qualify for free or subsidised vaccines under certain programmes. He also added that buying vaccines directly from manufacturers offers more flexibility (Sriring & Thepgumpanat, 2021).

Thailand eventually received its first vaccine doses, 200,000 of Sinovac vaccine, in late February 2021. Anutin Charnvirakul, then Minister of Public Health, acknowledged that Sinovac was not part of the initial vaccination plan but became the only vaccine available for immediate delivery at the time (Trisuwan, 17 February 2021). Sinovac vaccine, however, was no longer a plan B. It later became a central part of the vaccination strategy as the cabinet approved the acquisition of 31.4 million doses, spread over at least 18 orders, including a large lot of 28 million doses in June 2021, planned for used in 2022 (Achavanuntakul, 2023). These controversial Sinovac vaccine rollouts were approved despite Gao Fu, then Director of the Chinese Centre for Disease Control and Prevention, surprisingly admitting during his presentation on Chinese COVID-19 vaccines and immunisation in April 2021 that “current vaccines don’t have very high protection rates”. While not referring to any specific vaccine, he suggested considering “whether we should use different vaccines from different technical lines for the immunisation process” (McDonald & Wu, 2021). His admission became clearer the following year when a study suggested that three doses of the Sinovac vaccine are needed to provide similar protection to two doses of mRNA vaccine (The Economist, 2022). Also, the WHO Strategic Advisory Group of Experts

on Immunisation (SAGE) recommended three doses of the Sinovac vaccine for individuals aged 60 and above (World Health Organization, 2022b).

During the first half of 2021, there was a coincidental spread of fake news to promote the use of Chinese vaccines, including the Sinovac vaccine. A journalism investigation revealed coordinated inauthentic behaviour (CIB), defined as an effort to “manipulate public debate for a strategic goal where fake accounts are central to the operation” (Giglietto, 2022), aimed at spreading false information about the vaccines on Facebook. For example, there is a shared link to a news article titled “[t]he US accepted Chinese Vaccines are the Best,” claiming they were ranked safer than mRNA vaccines like Pfizer-BioNTech and Moderna. This was untrue, as *The New York Times* warned that its Op-ed had been wrongly distorted (Amarinthewa, 2022), although there was no fact-check report from the AFNC on this news. Notably, these Facebook posts came with the caption “the best vaccine is the one that is administered to protect us from disease in time” (วัคซีนที่ดีที่สุดคือวัคซีนที่ฉีดเข้าตัวเราเพื่อป้องกันโรคได้ก่อน).

Concurrently, the CCSA and the MOPH attempted to mislead the Thai public with similar phrases, to divert attention from the delay in vaccine rollouts, which eventually led to the use of Sinovac vaccine. During the MOPH situation briefing on 13 April 2021, Dr Nakhon Premsri, Director of the National Vaccine Institute (NVI), stated that “the good vaccine this time is the one arriving to your arm” (วัคซีนที่ดี ณ เวลานี้ คือวัคซีนที่มาถึงแขนทุกท่านเร็วที่สุด)<sup>43</sup>. Another example occurred on 19 May 2021, when “Thai Roo Soo COVID” (ไทยรู้สู้โควิด)<sup>44</sup>, a Facebook page managed by the Ministry of Public Health (MOPH), shared a photo encouraging its followers to change their profile pictures with a frame template that supported COVID-19 vaccinations. It makes sense that any public health agency would attempt to use social media platforms to promote vaccinations during the pandemic. However, the MOPH’s frame template seems to be misled since it included the caption “the best vaccine is the one that enters the body the fastest” (วัคซีนที่ดีที่สุดคือวัคซีนที่เข้าร่างกายเร็วที่สุด), which led to thousands of negative comments (Prachachat Online, 2021).

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<sup>43</sup> He also claimed that the NVI and the MOPH had been advancing vaccine rollouts since November 2020. However, this was misleading, as Anutin admitted that Sinovac vaccine was not part of the initial plan.

<sup>44</sup> The meaning of the page name could be translated as “Thais know how to combat COVID-19”.

Similar phrases were also echoed by other individuals and organisations, but the most prominent figure to adopt this message was Dr Yong Poovorawan, Head of the Centre of Excellence in Clinical Virology at the Faculty of Medicine, Chulalongkorn University, who, along with Dr Nakhon, played a crucial role in the MOPH briefings (Chailek, 2021). On 10 May 2021, Dr Yong posted the phrase on his Facebook account, claiming that COVID-19 vaccination can protect not only oneself but also those around them, though not at 100%. Hence, “[t]he best vaccine right now is the one that can be administered the fastest” (วัคซีนที่ดีที่สุดขณะนี้คือวัคซีนที่ฉีดได้เร็วที่สุด) (Poovorawan, 2021c). In July 2021<sup>45</sup>, he announced that the Centre had successfully researched “mix-and-match” vaccine formula, using Sinovac vaccine as the first dose and AstraZeneca vaccine as the second, a strategy later adopted by the MOPH (Poovorawan, 2021a). “The Centre is dedicated to conducting research to achieve the greatest benefits for the Thai people. It is academic work and is not related to any political matters or policies”, he added (Poovorawan, 2021b). His posts, however, clearly diverted attention from the lack of diversity in vaccine rollouts, which relied primarily on Sinovac and AstraZeneca vaccines.

#### *AstraZeneca vaccine and the ‘Royal Vaccine’*

While Sinovac vaccine was not part of the initial vaccination plan, as Anutin revealed, AstraZeneca vaccine was. The CCSA had been exploring the possibility of domestic vaccine production since May 2020 (Centre for COVID-19 Situation Administration (CCSA), 2020a), and two months later, the AstraZeneca vaccine was first mentioned. Dr Piyasakol Sakolsatayadorn, an adviser to the CCSA, informed the CCSA meeting in July 2020 that AstraZeneca vaccine was the most advanced option and was expected to be approved by the end of the year. He noted that “a private company” with strong ties to the University of Oxford, might collaborate with the university and could begin vaccine production domestically within six months after receiving approval from the government and the rights holder, with a capacity of 200

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<sup>45</sup> That same month, Dr Yong pursued a defamation case against a man who edited his biography on Wikipedia page, adding the phrase “Sinovac salesman”, see Thai PBS (2021e).

million doses per year. However, funding was required to enable production on an industrial scale (Centre for COVID-19 Situation Administration (CCSA), 2020b).

The “private company” Dr Piyasakol referred to was Siam Cement PCL, commonly known as the Siam Cement Group (SCG), with King Vajiralongkorn as the major shareholder. Since SCG had previously collaborated with the University of Oxford, it was advised to partner with AstraZeneca UK Ltd for Thailand to serve as a production hub for the region (Thongthep, 2021). However, the company chosen to produce the vaccine was Siam Bioscience Ltd, a bio-pharmaceutical company owned by King Vajiralongkorn, with Dr Piyasakol serving as one of its board members (iLaw, 2021a). On 15 October 2020, Siam Bioscience Ltd signed a Letter of Intent for vaccine manufacturing and supply with SCG, the MOPH, and AstraZeneca UK Ltd. A week later, it was granted a budget of 600 million baht by the cabinet to support its research and development including technological transfer (Centre for COVID-19 Situation Administration (CCSA), 2020c). Subsequently, a Cabinet resolution on 17 November 2020 allowed the National Vaccine Institute (NVI) to sign an advance market commitment (AMC) with AstraZeneca UK Ltd and AstraZeneca (Thailand) Ltd to purchase 26 million doses of the vaccine for 6 billion baht, which was expected to be delivered by June 2021 (Centre for COVID-19 Situation Administration (CCSA), 2020d, 2020e). Moreover, on 4 January 2021, another AMC for 35 million doses of the AstraZeneca vaccine was approved by the CCSA, bringing the total to 61 million doses expected by the end of 2021 (Centre for COVID-19 Situation Administration (CCSA), 2021a).

The vaccine rollout plan communicated to Thai people had changed overnight. During its situation briefing on 3 January 2021, the MOPH confirmed to the public that 26 million doses of AstraZeneca vaccine would be delivered by late May 2020 (Thai PBS, 2021b). However, after the cabinet approved the additional 35 million doses, the CCSA and the MOPH repeatedly gave assurance that the first 26 million doses of AstraZeneca vaccine would be delivered by August 2021, with the remaining 35 million doses by the end of the year. They also stated that approximately six to ten million doses of the vaccine would be administered per month (see Figure 6.5).

Figure 6.5 Vaccine rollout plan 2021, as of 3 January 2021



Source: Thai PBS (2021b)

Unfortunately, none of these claims was true. Opposition politicians, academics, and journalists investigated the matter and discovered that the AMC specified neither a delivery schedule nor a termination date (Achavanuntakul, 2023). By mid-July 2021, during interviews on MCOT, a state-owned television broadcaster, this was admitted by Satit Pitutacha, then Deputy Minister of Public Health, and Dr Nakhon (BBC Thai, 2021b). Moreover, on 24 July 2021, the President of AstraZeneca (Thailand) Ltd issued an open letter, stating that the number of vaccines produced was uncertain, but the company would do its best to deliver five to six million doses per month. The letter also mentioned that AstraZeneca (Thailand) Ltd had delivered 9 million doses and would add 2.3 million more, totalling 11.3 million doses by the end of July (Teague, 2021). Notably, this letter revealed that, first, the number of AstraZeneca vaccine doses that had been delivered by that time was 4.7 million doses less than the rollout plan communicated to the public by the CCSA and the MOPH; second, there was possibly no written commitment on the number of doses to be delivered per month; and third, the letter did not specify a deadline for delivering the remaining doses.

According to Huckin (2016), propaganda does not invite critical analysis or response, and the AstraZeneca vaccine rollout clearly fell into this category. On 17 July 2021, *The Matter*, an online media outlet, asked the AFNC to verify whether the vaccine plan posted on the official CCSA Facebook page was true<sup>46</sup>. The only reply the outlet received was a message stating that the AFNC was “in progress” (*The Matter*, 2021). Similarly, later that month, 333 academics, journalists, and citizens signed a declaration calling on the government for “a disclosure of information on COVID-19 vaccine management and distribution based on the open data principle”, including the processes of vaccine rollouts in the past and in the future, key points in the rollout contracts, as well as the vaccine procurement plan (*The Standard Team*, 2021a). What the CCSA did, however, was to establish the Crisis Communication Management Centre in August 2021 to publicise that “the implementation of measures to control the outbreak and manage various areas has kept the COVID-19 situation within a controllable range” (*Centre for COVID-19 Situation Administration (CCSA)*, 2021b). This clearly confirms the one-sided nature of the CCSA’s communication.

To sum up this subsection, the criticism of the AstraZeneca vaccine rollout, commonly referred to as the ‘Royal Vaccine’ rollout, might be a fitting starting point. On 18 January 2021, Thanathorn Juangroongruangkit, the former leader of the dissolved Future Forward Party (FFP), streamed a Facebook Live session to publicly criticise the government’s vaccine management. He asserted that the government was “betting on a single horse”, solely relying on AstraZeneca vaccine, which was being manufactured by Siam Bioscience Ltd, a company owned by King Vajiralongkorn (*Juangroongruangkit*, 2021). This subsection illustrates that the way the CCSA and the MOPH communicated with the public appeared intended to mislead and obscure the favouritism shown to the company. This became particularly evident when AstraZeneca vaccine deliveries were delayed, leading to the rollout of the Sinovac vaccine and the implementation of the mix-and-match vaccine strategy. Meanwhile, mRNA vaccines like Pfizer-BioNTech and Moderna were considered only as alternatives (*Achavanuntakul*, 2023). It is also important to note that, in September

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<sup>46</sup> The Facebook page was “COVID-19 Information Centre” (ศูนย์ข้อมูล COVID-19), administered by the Department of Public Relations. Although it did not belong to the CCSA, the Department is under the Prime Minister’s Office and overseen by the Prime Minister, who was, by law, the Director of the CCSA.

2021, a rollout plan for another 60 doses of AstraZeneca vaccine to be administered in 2022 was approved by the CCSA (Centre for COVID-19 Situation Administration (CCSA), 2021c). As a consequence, Siam Bioscience Ltd made an annual profit for the first time in 2020, which then increased by 4,650%, reaching nearly 1.7 billion baht in 2021 (Kawinrat, 2022).

### **A Strategic–Relational Analysis of the CCSA**

Unlike the Anti-Fake News Centre (AFNC), which is a permanent organisational mechanism operating on a routine basis, the CCSA was an ad hoc body functioned under the Emergency Decree during the emergency situation. What the two state apparatuses shared, however, is that while issues such as fake news or the pandemic served as opportunities to maintain order and ensure public safety, their operations were ultimately conditioned by the institutional structures and procedures of the state apparatus, embedded within broader political and social relations.

Less than a year after the 2019 general election, the pandemic provided a seemingly justified reason for the Thai state to move from a relatively normal condition back to an exceptional regime. During a state of emergency, exceptional authority is vested in a branch of the regular government, usually the elected executive, which assumes special prerogatives for as long as the crisis persists. This was precisely what occurred in Thailand under the Declaration of an Emergency Situation. The CCSA, chaired by General Prayut Chan-o-cha, functioned as the central node of state apparatuses and exercised extensive powers, including control over public communication. During a crisis, public communication should play a key role in maintaining social order and ensuring public safety. Instead, the CCSA became constrained by its strategic capacities within the political system and its interactions with broader functional systems. Consequently, public communication evolved into a tool of propaganda.

As this chapter demonstrates, public communication during the pandemic—particularly in the reporting of COVID-19 data and the rollout of vaccines—was shaped by forces operating both within and beyond the formal boundaries of the state. In SRA terms, a “biased composition of constraints and opportunities can only be understood in relation to specific strategies pursued by specific forces in order to advance specific interests over a given time horizon, in terms of a specific set of other forces, each advancing its interests through specific strategies” (Jessop, 2016, p. 55). In these

cases, specific interests—such as preserving the state’s image of its ability to control the pandemic—appeared to take precedence over the broader general interest in public safety.

The hegemonic visions at play here are closely linked to the type of state–society relationship that the nativist face of democracy seeks to cultivate. The Emergency Decree and the CCSA’s public communication were framed as necessary mechanisms to maintain public order and ensure public safety during the pandemic. This framing legitimised the necessity of state control over the flow of information as a means of combating fake news and, in doing so, reinforced the idea of a Thai-style or guided democracy upon which the Thai state has sought to build its hegemony.

## **Conclusion**

After nineteen extensions, on 30 September 2022, the Declaration of an Emergency Situation was eventually cancelled, and the CCSA was dissolved. During the period of the Emergency Decree’s enforcement, nearly 1,500 people were prosecuted under the Decree, primarily those who attended political protests and demonstrations (Thai Lawyers for Human Rights, 2023a). This suggests that the Declaration may not have been intended to control the pandemic but rather to suppress protests. This chapter adds that one of the key reasons for the state to use the Decree, instead of the Communicable Diseases Act BE 2558 (2015), which was specifically designed for and more appropriately suited to managing a pandemic, was that the Decree allowed the state to strategically control the flow of information through censorship and, more importantly, the dissemination of propaganda.

This chapter demonstrates that while public communication should have been a tool for the state to maintain order and ensure the safety of the people, it was ultimately conditioned by the institutional structures and procedures of the state apparatus embedded in broader political and social relations. During the pandemic, the Thai state used public communication to disseminate propaganda rather than to provide accurate information aimed at minimising the spread of fake news. Propaganda from the CCSA, particularly in COVID-19 data reporting and vaccine

rollouts, was employed to bolster the state's legitimacy, justify the use of the Emergency Decree, and benefit those who hold state powers.

# Chapter 7

## Conclusion

### Introduction

How and why do authoritarian states manage the threat of fake news? This thesis argues that fake news is selectively managed as an instrument of information control to preserve state hegemony. Thailand demonstrates clear evidence of institutional and organisational mechanisms enabling state control over information flow. Critics have long accused the Thai state of abusing the Computer-Related Crime Act (CCA) to suppress civil liberties, yet there has been little in-depth examination of the mechanisms through which information control was exercised under the guise of anti-fake news measures. During the motion of no confidence in 2021, Chaiwut Thanakamanusorn, former Minister of Digital Economy and Society, faced allegations of abusing power to suppress freedom of expression and violate privacy through the enforcement of the CCA, under the guise of controlling fake news. In response, he asserted that the government must take legal action to maintain peace and social order. While emphasising the necessity of maintaining social order, his statement, perhaps ironically, appears to encapsulate the underlying motive behind the Thai state's desire to control fake news. He stated:

“[m]y main mission in taking up my role is to safeguard the nation's core institutions—Nation, Religion, and Monarchy—because today, these fundamental pillars are being undermined through social media and computer-based communications, spreading fake, distorted, and divisive information that Thai society cannot accept. Their goal is simply to brainwash the younger generation into becoming political tools to push for certain changes in Thailand, which I find unacceptable. Therefore, I must fulfil my duty to the best of my ability to protect and preserve the nation's core institutions” (Thairath Online, 2021).

Chaiwut's assertion further exemplifies the Thai state's decades-long effort to control media and communication, with fake news serving as yet another illusory public interest in order to legitimise such control. This thesis argues that mechanisms

of state control over information flow on social media, which contribute to structural determination of hegemony, are central to the Thai state's efforts to rebuild hegemony. At the same time, the state constructs hegemonic visions—discursive projects aimed at securing public consent for its control mechanisms—by legitimising the necessity of these mechanisms to combat fake news. This illustrates constructed consent as a means of reinforcing coercive state power.

This concluding chapter is structured into four main sections. The first two sections summarise the key findings, focusing on responses to fake news and the (re)building of state hegemony. The third section highlights the thesis's contributions by integrating state theory with the political economy of social media. The final section proposes directions for future research.

## **State Responses to Fake News**

The rise of fake news is shaped by three interrelated factors: the proliferation of social media, declining trust in journalism, and political polarisation. Accordingly, numerous efforts have emerged to mitigate its harmful effects. Such efforts have emerged in both democratic and authoritarian countries; but significant differences do exist between responses to fake news in democratic and authoritarian regimes.

Responses to fake news in democratic countries are primarily driven by non-state actors, particularly social media companies, as platform owners, which focus on measures such as higher standards for journalism and greater exposure to quality information. This approach stems from the view that cyberspace should lie beyond state intervention or is best left untouched. In contrast, in less democratic countries where media control has long been established, responses are heavily state-led, often through laws and regulations such as criminal sanctions and content restrictions. These differences not only reflect competing interests and values but also signify distinct forms of hegemony in cyberspace across regimes.

## **(Re)Building State Hegemony**

In examining what underpins the state in an authoritarian regime's efforts to control fake news, this thesis argues that social media should be regarded as an

increasingly contested domain and that this ongoing contestation should serve as the starting point for examining responses to fake news. In the access contested phase, controlling internet access and regulating content have become significantly more challenging for states. Using Thailand as a case study, Chapter 3 illustrates the widespread and rapid adoption of the Internet and social media, which have affected the Thai state's ability to monopolise information. This period of substantial transformation in communication has coincided with decades of political turmoil, including the two coups d'état. The dual crisis in modes of representation, which enable social forces to engage with and utilise the functions of the state apparatus, has therefore made it difficult for the state to secure hegemony—a hegemony crisis.

Jessop (1990) suggests that successful hegemony requires both structural determination of hegemony and the construction of hegemonic visions—that is, the combination of coercion and consent. In Thailand, the structural determination of hegemony on the Internet and social media—such as the Computer-Related Crime Act (CCA) and the Anti-Fake News Centre (AFNC)—is already in place. What remains absent, however, is a project for constructing a hegemonic vision. In the case of the Thai state, the COVID-19 pandemic in early 2020 intensified hegemonic crisis, while also providing an opportunity for the state to renew its hegemonic vision. This thesis argues that responses to fake news have played a key role in enabling the state to renew its hegemonic vision.

Table 7.1 Responses to fake news, structural determination of hegemony and hegemonic visions

Responses to Fake News	Structural Determination of Hegemony	Main Function	Hegemonic Visions
Criminal sanctions/content restrictions	Computer-Related Crime Act (CCA)	State censorship	Fake news—conflated with fraud and forgery, is a crime requiring criminal sanctions and content restrictions
Fact-checking	Anti-Fake New Centre (AFNC)	State surveillance	Social monitoring tools are essential for detecting fake news spreading on social media
Public communication	<ul style="list-style-type: none"> <li>Emergency Decree on Public Administration in Emergency Situations</li> <li>Centre for COVID-19 Situation Administration (CCSA)</li> </ul>	State propaganda	The Declaration of an Emergency Situation and the CCSA’s public communication are necessary to maintain public order and in ensuring public safety during the pandemic

Source: summary by the author based on the discussion in this section

### ***Structural Determination of Hegemony***

The mechanisms of state control over information flow on social media contribute to structural determination of hegemony. These mechanisms, reflecting the coercive dimension of state power, are central to the Thai state’s efforts to rebuild hegemony. In the Internet era, the Thai state has shifted its focus from controlling

communication channels to regulating content. As Morozov (2012, p. 82) suggests, “[t]he Internet hasn’t changed the composition of this “trinity of authoritarianism,” but it has brought significant changes to how each of these three activities is practised.” In examining responses to fake news in Thailand, this thesis finds that these three activities: censorship, surveillance, and propaganda, are implemented through different institutional and organisational mechanisms.

Censorship is the primary function of the Computer-Related Crime Act (CCA). Chapter 4 finds that the use of CCA by the Thai state to control the spread of fake news is strategically selective, prioritising its own interests—such as the credibility of state-implemented measures—over those of the public. Only a small number of prosecuted cases could be considered fake news. The majority of the cases that violated Section 14 were related to the Monarchy. Similarly, contents restricted under Section 15 and Section 20 were not false information. Data collected from social media platforms indicates that the Thai state aims to utilise the CCA to regulate content pertaining to the Monarchy and criticising the government and to put pressure on social media companies to restrict such content.

The Anti-Fake New (AFNC) performs multiple functions, resembling a fact-checker while simultaneously legitimising the interpretation and enforcement of the CCA and acting as a governmental mouthpiece. Chapter 5, however, suggests that its primary function is likely surveillance. AFNC’s social media monitoring tools, under the guise of fact-checking, are utilised as big data tools for surveillance. The documented objectives of the AFNC and the system specifications of these tools align more closely with surveillance than with genuine fact-checking. As a fact-checker, the AFNC falls short of the standards set by the International Fact-Checking Network (IFCN)’s Code of Principles. Its operations are regrettably both non-transparent and biased.

Public communication, led by the Centre for COVID-19 Situation Administration (CCSA), serves as a tool for propaganda, rather than solely providing information to reduce the spread of fake news. Chapter 6 posits that the COVID-19 data reporting by the Department of Disease Control (DDC) and the communication by the CCSA and the Ministry of Public Health (MOPH) regarding confirmed cases and deaths presented a pandemic situation that appeared better than the reality. At best, this may have been due to limitations and confusion in recording, interpreting,

and presenting data. At worst, it suggests that the state was deliberately manipulating figures—lying with statistics, to project an image of control over the severity of the pandemic, which was integral to its legitimacy, including justifying the use of the Emergency Decree. Moreover, the chapter also illustrates that the way the CCSA and the MOPH communicated with the public appeared intended to disguise and obscure the favouritism shown to Siam Bioscience Ltd. This became particularly evident when AstraZeneca vaccine deliveries were delayed, leading to the rollout of the Sinovac vaccine and the implementation of the mix-and-match vaccine strategy.

### ***Hegemonic Visions***

While these institutional and organisational mechanisms enable hegemony by privileging certain interests over others, hegemonic visions—which “elaborate the nature and purposes of the state for the wider social formation” (Jessop, 2016, p. 86)—are essential. This thesis argues that the Thai state seeks to construct hegemonic visions—discursive projects aimed at securing public consent for its control mechanisms—by invoking an illusory public interest. This is achieved by amplifying the perceived negative effects of fake news and legitimise the necessity of state control over information flow on social media as a means of combating it, reinforcing broader hegemonic visions—the notion of a conservative, guided, Thai-style democracy.

Chapter 4 demonstrates that Section 14 of the CCA conflates computer-related offences with content-related offences, positioning fake news—alongside fraud and forgery—as a crime requiring criminal sanctions and content restrictions. Chapter 5 reveals that the AFNC prioritises social media monitoring tools, presenting them as essential for collecting publicly accessible content to detect fake news in the public interest. Chapter 6 examines how the Emergency Decree and the CCSA’s public communication were framed as necessary mechanisms to maintain public order and ensure public safety during the pandemic. This strategy closely resembles communication tactics used during military conflicts or wartime under an Emergency Situation.

## **Contributions of the Thesis**

This thesis makes three key contributions to the study of fake news, state power, and social media. First, it sheds new light on the motivations behind authoritarian states' efforts to control fake news through various responses, by highlighting the importance of constructing a hegemonic vision and by providing a comprehensive within-case analysis of key state actions. Second, it integrates social media into state theory by examining responses to fake news as state interventions that, while enabling structural determination of hegemony, also require hegemonic visions. Lastly, it reintegrates the state into Political Economy of the Media by examining its efforts to control information flow on the Internet and social media.

### ***Making Sense of Authoritarian State Responses to Fake News***

This thesis offers a fresh explanation of what underpins authoritarian states' efforts to control fake news in two ways. First, it introduces a framework for understanding potential contradictions in the state's role in seeking to exert control over communication on social media—particularly the tension between safeguarding the public interest and suppressing dissent through information control. It contends that the rationale behind state responses to fake news goes beyond simple authoritarian control and is far more complex and nuanced. As with other forms of state intervention, efforts to control information flow require societal approval and consent. This becomes especially critical when the state seeks to rebuild hegemony, as is the case in Thailand. By conceptualising the state as a social relation, the framework of this thesis helps in explaining the interactive dynamics between the state and society. On the one hand, the state—especially in authoritarian regimes—often possesses coercive structural and organisational mechanisms, like the CCA. On the other hand, the state lacks, but seeks to construct, a hegemonic vision to make people consent to those mechanisms. In this regard, claims to represent the general will or common interest become essential and the COVID-19 pandemic provided a critical opportunity for the state to advance such claims.

Second, while existing studies often either analyse all responses to fake news collectively or focus on a single measure, this thesis—using Thailand as a case study—offers a comprehensive within-case analysis of key state responses to fake

news: criminal sanctions, content restrictions, fact-checking, and public communication. The findings reveal that each response, implemented through different institutional and organisational mechanisms, fulfils a distinct function in controlling the flow of information. The CCA, under the guise of controlling fake news, primarily functions as a tool of censorship through criminal sanctions and content restrictions. The AFNC, though framed as a fact-checking agency, operates largely as a surveillance tool. The CCSA uses public communication in ways that align closely with state propaganda. This analysis helps understanding why a single state adopts multiple approaches to addressing fake news.

### ***Integrating Social Media into State Theory***

The study of the media is essential to understanding the state, as media increasingly influence political processes—both as independent actors and as conduits of political interests (Jessop, 2016). This latter role is particularly significant in authoritarian regimes, where formal modes of representation often fail to connect the state directly to its social base. In such contexts, building hegemony without a widely accepted or legitimised mode of representation makes media control particularly essential for any hegemonic bloc—a coalition of social groups supporting a dominant agenda. Mass media, Jessop argues, “play[s] an increasing role in shaping political imaginaries, programmes, and debates” (Jessop, 2016, p. 246). However, the significance of social media remains largely unaddressed in state theory, where it is often treated merely as a parallel power network. This thesis integrates social media into state theory by arguing that it should be understood as an increasingly contested domain with competing interests and values. Policies and measures aimed at controlling this domain, such as responses to fake news, should be seen as state interventions that, while enabling structural determination of hegemony, also require hegemonic visions—not only to legitimise the intervention but also to reinforce the legitimacy of the state itself.

Moreover, by examining state hegemony through the lens of structuration, this thesis provides a foundation for understanding path dependency and path shaping in information control on the Internet and social media. As Jessop (2016, p. 56) suggests, “[c]urrent statal biases are in part the result of interactions between past patterns of

strategic selectivity and the strategies (successful or not) adopted for its transformation [the transformation of the state]”. Similarly, while institutional and organisational mechanisms, such as the Computer-Related Crime Act (CCA), have already been in place since before the pandemic, the state’s efforts to renew hegemonic visions will, to some extent, influence and shape future state interventions. For instance, as demonstrated in the conclusion of Chapter 4, criminal sanctions for content-related offences under the CCA are likely to be normalised. Ultimately, state control over information flow on social media—through censorship, surveillance, and propaganda—appears increasingly legitimised.

### ***Reintegrating the State into Political Economy of the Media***

Political Economy of the Media always focuses on how communication is structured within society and the ways in which both the state and businesses shape it. However, recent scholarship has shifted towards the growing influence of tech platforms, particularly social media companies. Many studies focus exclusively on this, as exemplified by *The Age of Surveillance Capitalism* (Zuboff, 2019). Yet, the rise of fake news underscores the need to revisit the role of the state, as suggested by Rone (2021). This is especially relevant in authoritarian regimes, where state involvement in media and communication control has long been established through what Morozov (2012) terms the trinity of authoritarianism: censorship, surveillance, and propaganda. This thesis reintegrates the state into the political economy of social media by examining its efforts to control information flow on the Internet and social media, framing responses to fake news as necessary interventions carried out in the public interest.

To study a political economy of social media in this period of contested access, such state-driven interventions require close examination, as they represent a critical juncture in the evolution of media and communication. According to McChesney (2007, p. 9), a critical juncture is defined as “a period in which the old institutions and mores are collapsing”. He argues that such moments are rare and brief, marked by intense debates and transformative changes, followed by extended periods of institutional stability where structural change becomes slow and difficult. A critical juncture in media and communication occurs when at least two—if not all three—of

the following conditions are present: a revolutionary new communication technology, widespread discrediting of the media system's content, and a major political crisis. If the state successfully (re)builds hegemony over the Internet and social media, it could endanger freedom of expression and potentially hinder democratic progress or even lead to regress.

## **Future Research**

While this thesis explores the drive behind state efforts to control fake news, arguing that it constitutes an attempt to rebuild state hegemony, several gaps remain. This section outlines some unresolved questions and future research directions, including the success of state hegemony rebuilding, the movement for counter-state hegemony, other responses to fake news, and cross-country comparisons.

This thesis examines the institutional and organisational mechanism that enable the state hegemony through structural determination of hegemony and hegemonic visions. However, the success of this hegemony has yet to be assessed. A useful concept for this assessment is the distinction between 'one nation' and 'two nations' hegemonic visions. Jessop (2016) argues that a 'one nation' vision seeks broad hegemony through widespread support, whereas 'two nations' strategies secure support from specific social bases while shifting costs onto excluded groups. It is likely that hegemonic visions for controlling information flow on social media will be more successful as 'two nations' visions. This hypothesis aligns with the findings of Sombatpoonsiri (2020), which highlight a sharp division between two worldviews advocating incompatible political orders.

Examining counter-state hegemony on social media serves as a key focus for future academic exploration. As discussed in Chapter 3, while the pandemic presented an opportunity for the state to renew its hegemonic vision and strive to secure hegemony, it also created an opportunity for counter-hegemonic visions that emerged from academics, opposition politicians and parties, the press, and civil society. A central counter-hegemonic argument posits that responses to fake news should not be state-led, as such measures risk undermining freedom of speech and suppressing dissent, particularly when the claims in question challenge the state itself. Concrete examples include a proposal in the House of Representatives advocating for the

exclusion of content-related offences from the scope of the Computer-Related Crime Act (CCA) and another proposal to dissolve the Anti-Fake News Centre (AFNC), reallocating its budget to support an independent third-party fact-checking foundation (Committee on Political Development and People Participation, 2021).

Four key state responses to fake news, namely criminal sanctions, content restrictions, fact-checking, and public communication, are examined in this thesis. However, there has been other responses that need to be studied. For example, between 2019 and 2020, the Thai Media Fund, under the Ministry of Culture, allocated nearly 100 million baht to 28 projects led by educational and media organisations to combat fake news (Thai Media Fund, 2019, 2020). While these initiatives did not explicitly privilege any particular interest—as seen, for example, in the favouritism shown to Siam Bioscience Ltd during the pandemic through state propaganda—they are likely to have contributed to reinforcing the state’s hegemonic vision by highlighting the severity of the issue, hence legitimising its role in information control.

This thesis posits that Thailand aligns closely with countries that possess the capacity to regulate online content without relying on the Internet or social media shutdowns, such as Hong Kong, Indonesia, Israel, Jordan, Kuwait, Malaysia, Mauritius, the Philippines, Senegal, Singapore, Vietnam, and Zambia. Given this alignment, applying the conceptual framework developed in this study to examine state responses to fake news in other countries, particularly in Southeast Asia, would be a valuable avenue for future research. While these states may employ similar institutional and organisational mechanisms to control information flow, the degrees of their legitimacies—framing their actions as serving the general will or public interest—may differ. Additionally, variations in the power bloc—a long-term alliance between dominant social and economic groups both within and beyond the state—shape these responses, which will become evident through an analysis of structural determination of hegemony and hegemonic visions.

Lastly, artificial intelligence (AI) may pose a serious threat to the fake news problem as a potential ‘superspreader’ (Verma, 2023). This development is likely to complicate state responses to fake news, particularly in authoritarian regimes such as Thailand. On the one hand, state actors—who generally possess greater capacity than non-state actors—require more advanced strategies and technologies to counter the

spread of false information, especially in cases where accuracy is critical, such as during a pandemic or natural disaster. On the other hand, the threat posed by AI may provide the state not only with more sophisticated tools of coercion—through censorship, surveillance, and propaganda—but also with a new rationale to legitimise their use and, by extension, to reinforce the hegemony of the state itself.

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## List of Personal Communications

(Chronological order)

- O. Yingyongpathana, *Thairath Online* editor-in-chief, 2 January 2024.
- P. Banchanont, former *The Matter* senior executive editor, 5 January 2024.
- P. Udompipatsakul, Member of Parliament, Move Forward Party, 8 January 2024.
- S. Klangnarong, co-founder of Cofact, 16 January 2024.
- S. Suksri, Associate Professor of Law, Thammasat University, 18 January 2024.
- P. Kularb, Associate Professor of Communication Arts, Chulalongkorn University, 22 January 2024.
- B. Punnakanta, former Minister of Digital Economy and Society, 24 January 2024.
- P. Chumsri, co-founder of TLHR, 24 January 2024.
- Anonymous higher-level government officer of the MDES, 13 February 2024.
- S. Phoemmongkhonsap, Deputy Director of the AFNC, 20 February 2024.
- P. Ramasoota, commissioner of the National Broadcasting and Telecommunications Commission (NBTC), 21 February 2024.
- C. Thanakamanusorn, former Minister of Digital Economy and Society, 26 February 2024.
- Anonymous executive at a transnational social media company, 14 June 2024.