

Analysis of Judicial Considerations in the Case of Fake News Dissemination and Its Impact on Public Order

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: ABSTRACT

This research addresses the legal issues surrounding the dissemination of false news, particularly in the case of Decision Number 686/Pid.Sus/2021/PN JKT, which involves the spread of fabricated content on social media. The purpose of this study is to analyze judicial considerations in the legal handling of fake news and its implications on public order. The research employs a normative legal method, using secondary data from the court's decision and analyzing it through document analysis with a case-based and conceptual approach. The results highlight the court's focus on the intentionality of the defendants, their awareness of the false nature of the content, and the potential risks of public unrest. The study concludes that while media freedom is constitutionally protected, it must be exercised responsibly, especially in the digital age, to prevent harm to public order and societal harmony. This case underscores the need for greater media accountability and the balance between freedom of expression and public safety.

Kata-kata kunci:

Berita Bohong;

Pertimbangan Hakim;

Ketertiban Masyarakat;

Akuntabilitas Media.

ABSTRAK

Analisis Pertimbangan Yudisial dalam Kasus Penyebaran Berita Palsu dan Dampaknya terhadap Ketertiban Umum. Penelitian ini membahas isu hukum terkait penyebaran berita bohong, khususnya pada kasus Putusan Nomor 686/Pid.Sus/2021/PN JKT yang melibatkan penyebaran konten palsu di media sosial. Tujuan penelitian ini adalah untuk menganalisis pertimbangan hakim dalam penanganan berita bohong dan dampaknya terhadap ketertiban masyarakat. Penelitian ini menggunakan metode penelitian hukum normatif, dengan data sekunder dari putusan pengadilan yang dianalisis melalui teknik analisis dokumen dengan pendekatan kasus dan konseptual. Hasil penelitian menyoroti fokus hakim pada kesengajaan terdakwa, kesadaran mereka terhadap kebohongan konten, dan potensi risiko kerusuhan publik. Penelitian ini menyimpulkan bahwa meskipun kebebasan media dilindungi oleh konstitusi, kebebasan tersebut harus dijalankan secara bertanggung jawab, terutama di era digital, untuk mencegah kerusakan pada ketertiban masyarakat dan keharmonisan sosial. Kasus ini menekankan perlunya akuntabilitas media yang lebih besar dan keseimbangan antara kebebasan berekspresi dengan keamanan publik.

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Introduction

In Indonesia, the proliferation of fake news has become a pervasive issue, particularly during political events. For instance, during the 2024 regional elections, the National Police identified misinformation as the primary threat, with 33 billion social media interactions, 29% of which were negative, highlighting the widespread dissemination of false information (Mahendra, 2024). This surge in misinformation has led to significant public unrest, as seen in various incidents where fake news has incited violence and social discord. The rapid spread of fake news is facilitated by the extensive use of social media platforms, where information can be disseminated quickly and widely (Putra & Tantimin, 2022). The 2024 Indonesian local election law protests, for example, were partly fueled by misleading information spread through social media, demonstrating how fake news can influence public opinion and lead to real-world consequences. Such incidents underscore the urgent need for effective legal frameworks and judicial considerations to address the challenges posed by fake news in maintaining public order.

Despite the existence of laws such as the Information and Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (*Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik/UU ITE*) and the Criminal Code (KUHP) to combat the spread of fake news, there remains a significant gap between legislation and its practical enforcement. This discrepancy is evident in the inconsistent application of these laws, leading to concerns about potential misuse and the chilling effect on freedom of expression. The 2024 Constitutional Court's decision to annul Articles 14 and 15 of the 1946 Criminal Code, which criminalized the dissemination of fake news causing public unrest, reflects ongoing debates about balancing legal measures with the protection of civil liberties (Wiryono & Movanita, 2024).

Several studies have examined the legal aspects of hoax dissemination in Indonesia (Julvina, Hutaaruk, & Sudirman, 2025; Wibowo, 2025; Laowo, 2020). For instance, Laowo (2020) analyzed the legal implications of spreading hoaxes under the Information and Electronic Transactions Law (UU ITE), focusing on the provisions of Articles 28 and 45A. The study highlighted the challenges in enforcing these laws and the need for clearer regulations to address the issue effectively. Laowo emphasized the importance of balancing law enforcement with the protection of freedom of expression. Similarly, Ramadhan (2021) conducted a study on the legal analysis of hoax dissemination as a form of cybercrime in Indonesia, using the case decision No. 3478/Pid.Sus/2019/PN.Mdn as a case study. The research focused on the judge's considerations in imposing criminal sanctions on the perpetrators and discussed the efforts to combat such crimes through prevention, law enforcement, and public digital literacy. Additionally, a study by Bagenda, Kholiq, Setiawati, & Handayani, (2024) analyzed the criminal law implications in hoax and hate speech cases, focusing on the impact of such cases on public order and the legal measures in place to address them. The research highlighted the need for effective legal frameworks to combat the spread of hoaxes and hate speech in the digital age. These studies collectively underscore the importance of a comprehensive legal approach to address the challenges posed by hoax dissemination in Indonesia. They highlight the need for clear regulations, effective law enforcement, and public awareness to mitigate the impact of hoaxes on society.

This research introduces a distinctive analysis of judicial considerations in the case of spreading false news, specifically focusing on Decision Number 686/Pid.Sus/2021/PN JKT. Unlike previous studies, this research delves into the intricacies of judicial reasoning in the context of media responsibility, particularly in the digital age. While prior studies have primarily addressed the legal ramifications of misinformation, such as those by Laowo (2020) and Ramadhan (2021), this study uniquely centers on the intentionality of the defendants' actions and the broader social consequences

they posed. The court's decision to evaluate the defendants' awareness of the viral potential of false news on platforms like YouTube adds a novel dimension to the understanding of media accountability in the digital realm. The focus on the judge's analysis of intent and the risk of public disorder resulting from misinformation expands on existing literature, which often focuses more broadly on the impact of false news rather than on specific judicial interpretations. Moreover, the case emphasizes the legal balance between media freedom and public order, providing a comprehensive legal framework for future cases involving similar issues. This research offers new insights into how judicial reasoning can guide the regulation of digital media in a way that balances freedom of expression with societal stability.

Academically, this research contributes to the understanding of judicial approaches to the legal challenges posed by fake news, offering a critical analysis of how laws are interpreted and applied in practice. The findings may inform future legal reforms and judicial training programs. However, the study is limited by its focus on a single case, which may not fully represent the broader spectrum of judicial reasoning in similar cases. Additionally, the research is constrained by the availability of case documents and the subjective nature of legal interpretations.

Method

This qualitative research employs a normative legal research method, which is a method that focuses on analyzing and interpreting legal norms, statutes, and legal doctrines within the context of a particular case or legal issue (Tan, 2021; Disemadi, 2022). The rationale for using this method is due to the nature of the research, which aims to analyze judicial considerations in the case of Decision Number 686/Pid.Sus/2021/PN JKT. The decision itself serves as the primary source of data, which is secondary data in this study. The analysis technique employed is document analysis, utilizing both a case-based and conceptual approach. By focusing on the court's reasoning and the application of legal principles, this method allows for a comprehensive examination of how the judge interprets and applies the law in the context of spreading false news, as well as the broader implications for media responsibility and public order.

Results and discussion

Judicial considerations in the case of spreading false news. The case at hand, Decision Number 686/Pid.Sus/2021/PN JKT, revolves around the legal ramifications of spreading false information. The judge's considerations in this case were crucial in understanding the implications of media responsibility, particularly with regards to social media platforms, and the consequences such actions have on public order and the reputations of individuals and institutions. The defendants were accused of posting misleading and fabricated content on YouTube, which falsely implicated an individual, Dudung Abdurahman, of corruption and criminal activities. The content not only tarnished the reputation of the accused but also threatened the stability of the Indonesian Army (TNI) and the Police (POLRI). The decision emphasized the importance of verifying information before publishing it, particularly when it could lead to widespread public unrest.

One of the key considerations made by the judge was the intentionality of the defendants' actions. The court determined that the defendants had full knowledge of the false nature of the content they disseminated. The YouTube video in question, titled "TNI & POLRI Seal Dudung Abdurahman's House – Latest Viral News," was shared publicly without any verification of the claims made. The defendants were aware that the content was based on distorted online reports, with no factual basis to support the allegations against Dudung Abdurahman. The judge noted that the defendants had deliberately chosen to distribute false information to the public, fully aware of its potential to cause harm.

The judge also analyzed the legal definition of 'intent' within the Indonesian Penal Code. According to the law, intent refers to the conscious decision of an individual to commit an act while being fully aware of the consequences of their actions. The court found that the defendants' actions were deliberate and that they had the intent to cause public disorder. This was evidenced by the fact that they shared a video that made serious accusations about a public figure, potentially inciting conflict between the Indonesian Army and the police. The court stressed that such acts were not accidental, as the defendants had taken multiple steps to post the content, including accessing, editing, and sharing it on a public platform.

Another significant aspect of the judge's reasoning was the impact of the false news. The video falsely accused Dudung Abdurahman of corruption, which could have led to serious repercussions not only for the accused but also for the institutions he represented, such as the Indonesian Army. The court emphasized that the dissemination of this misinformation could have had destabilizing effects on public trust, particularly between the TNI and POLRI. The video's viral spread was highlighted as a key factor in amplifying the potential harm caused by the false allegations. The court found that the defendants' actions created a real risk of social discord and public unrest, especially given the sensitive nature of the accusations.

The court also acknowledged the technical nature of social media as a means of spreading information. By using a platform like YouTube, the defendants were aware that their content could reach a broad audience quickly, thus increasing the likelihood of public disturbance. The judge pointed out that the defendants' awareness of the power of social media to disseminate information made their actions even more egregious. The court held that spreading false news with this level of awareness of its viral potential constitutes a violation of public trust and contributes to the breakdown of social cohesion.

In terms of legal violations, the defendants were found to have breached Article 14, Paragraph 1 of the Indonesian Penal Code, which criminalizes the dissemination of false information that may lead to public disorder. The court emphasized that while media freedom is a constitutionally protected right, this right is not absolute. It must be exercised responsibly, particularly when the content shared can harm others, mislead the public, or disrupt societal harmony. The judge's reasoning underlined that while free speech is protected under the law, the consequences of spreading false information can outweigh the benefits of such freedom, especially when it threatens public order.

The procedural fairness of the case was also considered, with the judge acknowledging the comprehensive investigation carried out by the prosecution. The court reviewed testimonies from military personnel who confirmed that the content of the video was indeed fabricated. Additionally, the actions of the police and the subsequent arrests of the defendants were deemed to be procedurally sound. The prosecution presented a strong case, and the defendants' acknowledgment of their actions during the trial further reinforced the credibility of the charges.

The severity of the crime and its broader implications for public trust were at the forefront of the judge's considerations. By publishing false information, the defendants had not only harmed the individual at the center of the allegations but also jeopardized the reputation of the Indonesian Army and the Police. The judge noted that the consequences of such misinformation could have far-reaching effects, potentially eroding the public's trust in essential institutions that are critical to national security and public order. The court emphasized that trust in these institutions is not easily restored once it is broken. Deliberate attempts to distort facts and manipulate public perception were seen as a serious threat to democratic stability. In handing down the sentence, the judge hoped to send a strong message that the dissemination of falsehoods particularly those that incite public unrest or discredit national institutions will not be tolerated in a democratic society.

Table 1. Summarizing the key points of the decision

Element	Description
Defendants' Actions	Disseminated false news about Dudung Abdurahman through a YouTube video, accusing him of corruption.
Intent	The court found that the defendants acted with the intent to cause public disorder, fully aware of the falsity.
Impact on Public Order	The dissemination of fake news led to public unrest and could have harmed the reputation of the Indonesian Army and Police.
Media Responsibility	The court emphasized the importance of verifying information before publication, particularly on social media platforms.
Legal Violation	Violated Article 14 of the Indonesian Penal Code by spreading false information with the potential to disrupt public order.
Court's Conclusion	Defendants were convicted and sentenced, reinforcing the importance of media accountability in the digital age.

Source: Decision Number 686/Pid.Sus/2021/PN JKT

The court ultimately convicted the defendants under Article 14 of the Indonesian Penal Code, emphasizing the need for accountability in the media. The decision reinforced the notion that spreading false news is a serious offense, particularly when it leads to public unrest and undermines the integrity of public institutions. The ruling highlighted that media outlets, including social media platforms, must take greater responsibility for the content they distribute and verify the accuracy of the information before sharing it with the public. In conclusion, the court's decision in Decision Number 686/Pid.Sus/2021/PN JKT sent a clear message about the legal and social consequences of spreading false news. The judge emphasized that such actions would not be tolerated and that the legal system must hold individuals accountable for knowingly causing harm through misinformation. This case serves as a reminder of the crucial role that responsible media plays in safeguarding public trust and maintaining social stability. The ruling also highlighted the ongoing need for media literacy and accountability in the digital age.

The application of progressive legal theory in the case of spreading false news, as exemplified by Decision Number 686/Pid.Sus/2021/PN JKT, offers a critical lens for understanding the evolving role of the law in addressing modern societal issues. Progressive legal theory emphasizes the law's ability to adapt to societal changes, ensuring justice and public welfare in an ever-evolving context. In this case, the judge's focus on the defendants' deliberate intent to spread misinformation aligns with the progressive view that the law must account for new forms of harm, particularly in the digital age. By examining the viral nature of social media and its potential to cause widespread harm, the decision reflects the need for the law to respond to the complexities of modern technology, balancing freedom of expression with societal stability. This progressive approach is essential for addressing the challenges posed by misinformation, where traditional legal frameworks may fall short in protecting public trust and order.

Furthermore, progressive legal theory advocates for the interpretation of the law in ways that promote the protection of the public good, even in the face of evolving technological challenges (Setiawan, 2018; Syamsudin, 2011; Syamsudin, 2011). In this case, the court's decision reinforced the idea that media platforms, including social media, must be held accountable for the content they circulate. This is consistent with the progressive view that legal norms should not be static but should evolve in response to new threats to societal cohesion. The judge's emphasis on verifying information before publication, especially when it could lead to public unrest, echoes the progressive legal theory's call for the law to act as a tool for protecting societal values such as truth, accountability, and social harmony. This decision highlights the necessity of rethinking legal standards to better reflect the dynamic and interconnected nature of modern media and its influence on society.

Analysis of the impact of fake news dissemination on public order: a case study based on the judgment of decision number 686/Pid.Sus/2021/PN JKT. The dissemination of fake news has become one of the most pressing issues in modern society, particularly in the context of its impact on public order. In the case of Decision Number 686/Pid.Sus/2021/PN JKT, the court evaluated the harmful consequences of spreading misinformation, specifically the false allegations against Dudung Abdurahman, which were posted on a public YouTube channel. The case serves as a crucial point of reference for understanding how fake news can destabilize public trust in essential state institutions like the Indonesian Army (TNI) and the Police (POLRI). According to the court's reasoning, spreading such false information can lead to significant unrest, both in terms of the public's perception of institutions and the potential social turmoil it can provoke. This ruling underscores the importance of analyzing the broader consequences of fake news, particularly in the age of digital media. The case demonstrates the potential for fake news to cause public disorder, as it falsely accused a high-ranking official, Dudung Abdurahman, of criminal activity. The judge noted that the dissemination of false information on platforms with vast reach, such as YouTube, could have a catalytic effect on societal unrest. The potential to escalate tensions between groups, especially between law enforcement agencies like the TNI and POLRI, was highlighted as a significant consequence of such false claims. Previous research on the effects of fake news supports this conclusion, indicating that misinformation often leads to polarizing public opinion and can incite conflicts (Friggeri, Adamic, Eckles, & Cheng, 2014).

The impact on public trust is particularly noteworthy in the case of institutional reputation. The spreading of false claims regarding corruption within the TNI not only damaged the individual's reputation but also undermined the trust the public places in military and law enforcement institutions. According to studies by Tandoc et al. (2018), misinformation erodes public confidence, especially when it targets established institutions that are critical to maintaining law and order. The court recognized that such an attack on the integrity of public figures had the potential to further divide the public and weaken their trust in key governmental bodies.

Another critical aspect of the case involves the disruption of social harmony. The court emphasized that spreading false information about high-ranking officials can foster an environment of distrust, which can lead to social fragmentation. The judge noted that the widespread circulation of unverified and false information can cause rifts between the public and state institutions. In their study, Vosoughi, Roy, and Aral (2018) found that false news is more likely to spread rapidly across social media platforms, leading to societal polarization. The unsubstantiated accusations in this case may have sparked similar reactions, potentially leading to divisions within the community.

Moreover, the court acknowledged the legal consequences of public disorder resulting from false information. Fake news that leads to widespread confusion and public unrest not only has a destabilizing effect on public order but also results in legal and social costs. The defendants' actions were deemed to have created a clear risk of social disorder, which could have escalated if left unchecked. According to a study by Allcott and Gentzkow (2017), the consequences of misinformation include not only public confusion but also a breakdown in social order, particularly when the false claims concern influential public figures.

The court also discussed the legal framework that governs such actions, referencing Indonesian Law No. 1 of 1946, which criminalizes the dissemination of false information intended to cause public disorder. This aligns with global concerns about the regulation of media platforms and the consequences of their role in spreading misinformation. Researchers such as Lazer et al. (2018) have emphasized the importance of regulatory measures to counter the effects of fake news, including stronger penalties for those found guilty of spreading false information that harms public order. The Indonesian legal system's application of these laws demonstrates the need for a balanced approach to media freedom and accountability.

The social impact of the case extended beyond the immediate harm caused to the individual, Dudung Abdurahman, to the broader social fabric. The spreading of such false news disrupted the normal functioning of social relations and community trust. In this case, the misinformation had a multiplier effect, as the accusation spread rapidly across the internet, amplifying its negative impact on public perceptions. The viral nature of fake news exacerbates its social consequences, often leading to long-term damage to social cohesion. The court's decision highlights the need to address these consequences through appropriate legal measures.

The role of social media platforms in facilitating the rapid spread of misinformation was another focal point in the case. The court acknowledged the immense power of platforms like YouTube in amplifying false claims, and the judgment emphasized the need for responsible media practices. Previous research on social media's role in spreading misinformation points to its capacity to reach millions of users instantly (Pennycook & Rand, 2018). The case demonstrates that social media, while a valuable tool for communication, can also pose significant risks to public order when not used responsibly.

The court also emphasized the need for media literacy and public awareness regarding the dangers of consuming and spreading unverified information. The judgment serves as a reminder that the public must be educated on the importance of critical thinking and verification when engaging with news, especially on digital platforms. Research by Lewandowsky et al. (2017) supports this, indicating that increasing media literacy can significantly reduce the spread of misinformation. The case illustrates the importance of integrating such educational efforts into public policy to prevent future disruptions to public order.

Finally, the judgment's broader implications suggest that the legal system must evolve in response to the growing challenges posed by misinformation. The court's decision reflects a broader trend towards recognizing the societal harm caused by fake news and the legal mechanisms needed to counteract it. As highlighted by Friggeri, Adamic, Eckles, & Cheng, (2014) the spread of fake news can be mitigated through stronger regulatory frameworks and more stringent penalties for those who contribute to its dissemination. This case reinforces the need for comprehensive reforms that address both the legal and societal dimensions of misinformation. In conclusion, the Decision Number 686/Pid.Sus/2021/PN JKT provides a crucial example of how fake news can disrupt public order, harm individual reputations, and erode trust in state institutions. The court's analysis highlights the need for stronger legal and social frameworks to address the impacts of misinformation. This case underscores the growing importance of media responsibility and public awareness in maintaining social stability in the digital age. Future efforts should focus on balancing media freedom with the need for accountability to prevent the harmful consequences of fake news from undermining public trust and social harmony.

Conclusion

In conclusion, the court's decision in Decision Number 686/Pid.Sus/2021/PN JKT underscores the importance of judicial considerations when addressing the spread of false news, especially in the digital era. The ruling highlighted the significant impact that misinformation can have on public trust, particularly in sensitive institutions such as the Indonesian Army (TNI) and the Police (POLRI). The court's analysis of the defendants' intent and their awareness of the viral potential of social media platforms such as YouTube provides valuable insights into the legal and social implications of media responsibility. By emphasizing the need for verification before publishing content and the consequences of spreading false information, the court reinforced the notion that media freedom must be exercised with responsibility to prevent harm to individuals and public order. Furthermore, the case illustrates the broader societal impact of fake news, particularly its role in fostering public unrest and damaging institutional reputations. As social media continues to play a dominant role in information dissemination, the court's decision highlights the urgent need for greater accountability within digital

platforms. This case serves as a reminder of the importance of media literacy, critical thinking, and regulatory measures to mitigate the effects of misinformation. It calls for a balanced approach that upholds freedom of expression while ensuring that the dissemination of false information does not undermine social cohesion and public trust. Moving forward, the legal system must adapt to the challenges posed by digital media, reinforcing frameworks that protect the public from the destabilizing effects of fake news.

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