

Law Enforcement in Combating Disinformation through Social Media

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ABSTRACT: This study examines the legal analysis of law enforcement in addressing disinformation through social media in Indonesia. Disinformation is viewed as a serious threat to public order, democracy, and the protection of human rights, thus requiring a clear and implementable legal framework. The primary legal basis used is Law Number 11 of 2008 concerning Electronic Information and Transactions, as most recently amended by Law Number 1 of 2024, and Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions. Furthermore, government policies through the Ministry of Communication and Informatics in the form of content moderation, account blocking, and collaboration with international digital platforms are also important instruments in law enforcement practices. The study results indicate that normatively, existing legal instruments have provided a strong basis for prosecuting perpetrators of disinformation dissemination. However, in practice, weaknesses remain in the form of multiple interpretations of norms, potential violations of the right to freedom of expression, and technical challenges in reaching perpetrators across jurisdictions. Thus, law enforcement against disinformation via social media can be effective if it is carried out with a balance between legal certainty, human rights protection, and increasing the capacity of law enforcement institutions.

KEYWORDS: disinformation, social media, law enforcement, ITE Law, freedom of expression

I. INTRODUCTION

The development of information and communication technology, particularly social media, has brought fundamental changes in the way society obtains, disseminates, and consumes information, thus creating a dynamic and instant information ecosystem. Social media enables individuals and groups to disseminate information quickly, massively, and without geographical boundaries. However, this convenience also increases the risk of spreading false or misleading information, known as disinformation (Wardle & Derakhshan, 2017). Disinformation encompasses not only fake news but also the deliberate manipulation of facts, propaganda, and the spread of rumors to influence public opinion or specific political interests. The negative impacts of this phenomenon are extensive, including damage to the reputation of individuals or institutions, sharp social polarization, declining public trust in the media and government, and disruption to political stability and national security (Tandoc, Lim, & Ling, 2018). This disinformation phenomenon is further complicated by the rapid and viral nature of digital social media, which places law enforcement officials in significant challenges in detecting, tracing, and prosecuting perpetrators, especially those operating across jurisdictions. This situation requires the government and law enforcement to respond with effective, measurable strategies based on a clear normative framework, while maintaining a balance between legal certainty, protection of the right to freedom of expression, and human rights principles stipulated in the constitution.

Legally, Indonesia already has several legal instruments designed to address the phenomenon of disinformation through social media, including Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE Law), Law Number 32 of 2002 concerning Broadcasting, and various implementing regulations and related technical guidelines. The ITE Law specifically regulates the prohibition of the dissemination of false or misleading news that has the potential to cause harm to the public, whether individually, collectively, or to the public interest, while also providing strict criminal sanctions for perpetrators. In addition to the ITE Law, the Broadcasting Law also regulates the responsibility of media providers to disseminate accurate and non-misleading information, including through digital platforms. However, the implementation of these legal instruments faces various complex obstacles. One major problem is the multiple interpretations of norms, where legal provisions can be interpreted differently by officials, law enforcement, and the public, thus creating legal uncertainty. Furthermore, the technical challenges in tracking and prosecuting perpetrators of disinformation across jurisdictions, both domestic and international, complicate the effectiveness of law enforcement. The risk of conflict with the constitutionally guaranteed right to freedom of expression is also a critical concern,

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as overly strict enforcement has the potential to criminalize legitimate opinions and legitimate public information (Lestari, 2020). This situation demonstrates that the effectiveness of law enforcement depends not only on the existence of regulations but also requires consistent interpretation of norms, clear legal procedures, and increased institutional capacity of law enforcement officials, including technical capabilities and cross-agency coordination, so that the goal of countering disinformation can be achieved without compromising the principles of human rights and democracy.

Beyond technical and normative aspects, the phenomenon of disinformation through social media also creates a complex dilemma between national security interests and human rights protection. On the one hand, the state has a constitutional and legal obligation to maintain public order, protect the public from the negative impacts of the dissemination of misleading or harmful information, and guarantee the integrity and reliability of digital information as part of cybersecurity and social stability. This includes preventing the spread of hoaxes that can trigger social conflict, undermine public trust, or even disrupt the democratic process. On the other hand, overly strict law enforcement or broad interpretation of norms can potentially restrict the rights to freedom of expression, the right to access information, and the public's right to express legitimate opinions, all of which are guaranteed by the 1945 Constitution of the Republic of Indonesia and international human rights instruments (Tambini, 2017). This dilemma emphasizes the importance of the principle of proportionality in law enforcement, where law enforcement officials must balance legal certainty, human rights protection, and the effectiveness of oversight of disinformation. Therefore, institutional capacity building, technical training, cross-agency coordination mechanisms, and a clear and adaptive regulatory framework are crucial for effective, fair law enforcement against disinformation, while respecting democratic principles and the fundamental rights of the people.

The rapid spread of disinformation through social media demonstrates that conventional legal approaches currently in place need to be adapted and strengthened in line with developments in information technology and global digital practices. Disinformation perpetrators often exploit anonymity, encryption, and international digital platforms, making their activities difficult for national law enforcement to track and prosecute, which face jurisdictional limitations and cross-border coordination challenges. Furthermore, the viral and dynamic nature of disinformation demands a swift, precise, and technology-based legal response, while conventional legislative and law enforcement processes tend to be slow and limited in their global reach. This situation underscores the need for in-depth legal research to evaluate and analyze existing legal instruments, identify regulatory weaknesses and gaps, and formulate effective, adaptive, and sustainable law enforcement strategies. These strategies should include strengthening the normative framework, enhancing the technical capacity of law enforcement officials, international cooperation, and legal mechanisms that balance legal certainty and human rights protection. With this approach, law enforcement against disinformation can be more effective, fair, and able to face cross-border digital challenges, while maintaining public trust and socio-political stability in an increasingly complex information era (Wardle & Derakhshan, 2017).

Against the backdrop of the complexity of the spread of disinformation on social media and the challenges faced by law enforcement officials, this study is designed to conduct a legal analysis of law enforcement in countering disinformation, focusing on three main aspects: the suitability of existing legal norms with current digital practices, the protection of human rights, particularly the right to freedom of expression and the right to legitimate information, and the institutional capacity of law enforcement officials in prosecuting perpetrators of disinformation, including technical capabilities and cross-jurisdictional coordination. This study also focuses on evaluating existing regulations, such as Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE) and Law Number 32 of 2002 concerning Broadcasting, to assess the extent to which these legal norms are able to face the challenges of disinformation that is fast, cross-platform, and often global in scale. This study is expected to not only provide academic contributions in the form of a deeper understanding of the relationship between law, technology, and human rights, but also provide practical input for policymakers and law enforcement officials in strengthening regulations, improving implementation mechanisms, and formulating adaptive, effective, and equitable law enforcement strategies in the ever-evolving digital era. The results of this study are expected to serve as a basis for decision-making that balances legal certainty, human rights protection, and comprehensive countermeasures against disinformation, thereby encouraging the creation of a safe, credible, and equitable information ecosystem for all citizens.

II. RESEARCH METHODOLOGY

The research method used in this study is normative-juridical, namely analyzing the norms, provisions, and legal principles governing the handling of disinformation through social media based on applicable laws and regulations. This study uses a statute approach by examining legal instruments such as Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE), Law Number 32 of 2002 concerning Broadcasting, and related implementing regulations, to assess the extent to which legal norms provide a basis for law enforcement against disinformation (Soekanto & Mamudji, 2008). In addition, this study uses a conceptual analysis (conceptual approach) to understand the legal principles underlying the protection of freedom of expression,

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proportionality of law enforcement, and human rights in the digital context. The data used were obtained from library research, including legal documents, scientific literature, legal journals, and official government documents. The analysis was conducted qualitatively by interpreting legal norms, comparing regulations, and identifying potential multiple interpretations or legal loopholes that could impact the effectiveness of law enforcement against disinformation on social media. This approach is expected to provide a comprehensive and in-depth legal analytical framework, allowing the research results to form the basis for effective and equitable legal policy recommendations.

III. RESULT AND DISCUSSION

A. Legal Basis and Normative Instruments in Combating Disinformation through Social Media

The rapid development of social media as a means of communication, social interaction, and information distribution has created new dynamics that require the state to provide an adequate legal framework to combat the spread of disinformation. This phenomenon presents a challenge because false or misleading information can spread quickly, go viral, and influence public opinion on a wide scale, potentially causing social, economic, and political harm. Legally, Indonesia already has several legal instruments that serve as the basis for law enforcement against disinformation practices through social media, including Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE) and Law Number 32 of 2002 concerning Broadcasting. The ITE Law specifically regulates the prohibition of the dissemination of misleading information or fake news that can cause harm to society, both individually and collectively, and establishes strict criminal sanctions for perpetrators, thus providing legal certainty in the digital context (Rumengan et al., 2025). This legal instrument is crucial for digital law enforcement in Indonesia because it not only regulates the scope of electronic information, the responsibilities of disseminators, and the legal procedures that must be followed by law enforcement officials, but also emphasizes the principles of accountability and public protection against the negative impacts of misinformation. In addition to the ITE Law, the Broadcasting Law also provides a normative framework for the supervision and handling of potentially misleading information content, emphasizing the responsibility of media providers to present information that is accurate, sound, and not detrimental to the public interest. Thus, this legal framework forms a strong legal foundation for law enforcement against disinformation, while also providing a foundation for developing regulatory strategies that are adaptive to technological advances and global digital practices.

In addition to Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE Law), the Broadcasting Law also provides a significant normative basis for handling disinformation through the media, including digital media, which now has a very broad reach and is able to influence public opinion quickly. Law Number 32 of 2002 concerning Broadcasting firmly emphasizes the responsibility of broadcasters to broadcast accurate, balanced, and non-misleading information, so that the public receives healthy, reliable information and supports the formation of rational public opinion. In addition to these basic provisions, implementing regulations and technical guidelines issued by the government, including the Regulation of the Minister of Communication and Information Technology, strengthen legal norms by establishing a public complaints mechanism, procedures for handling harmful digital content, and coordination mechanisms between relevant institutions so that law enforcement can be carried out effectively, quickly, and consistently (Gumanti, 2024). Furthermore, this regulation also encourages transparency and accountability of digital media providers, so that any content that spreads false or misleading information can be legally prosecuted with a clear basis. With this comprehensive legal framework, law enforcement against disinformation is not only repressive but also preventive, as it encourages media operators to implement strict editorial principles and adapt content moderation technology to the evolving global digital platform landscape. This also emphasizes that national regulations for handling disinformation must align with international practices and be able to address crossjurisdictional challenges and evolving information technology shifts.

Although existing legal instruments, such as Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE Law) and Law Number 32 of 2002 concerning Broadcasting, provide a clear normative basis for addressing disinformation, their implementation faces various complex challenges. One major challenge is the phenomenon of multiple interpretations of norms, where the same legal provisions can be interpreted differently by law enforcement officials, the public, and digital platform providers, thus creating legal uncertainty. This uncertainty is crucial, especially in determining the boundaries between legitimate information, legitimate opinions, and information that falls into the category of disinformation or fake news. Furthermore, law enforcement must not ignore human rights principles, including the right to freedom of expression and the right to legitimate information, as guaranteed by the 1945 Constitution of the Republic of Indonesia and international human rights instruments, to prevent legal action from having a repressive effect that violates the constitution (Dewi, 2021). Another emerging challenge is the technical limitations of law enforcement officials in tracking disinformation perpetrators, particularly those exploiting digital anonymity and international platforms. Therefore, law enforcement efforts require cross-agency and cross-jurisdictional coordination. Therefore, in-depth legal analysis is crucial to assess whether existing legal instruments are able to balance legal

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certainty, human rights protection, and effective law enforcement against disinformation, as well as to formulate adaptive, proportionate, and equitable legal strategies in the ever-evolving digital era.

Existing normative instruments for combating disinformation through social media cannot be viewed as static, but must be continuously adapted to global dynamics and rapid developments in information technology. Disinformation actors are increasingly sophisticated in exploiting anonymity, encryption, and the wide reach of international digital platforms. Consequently, national law enforcement often faces jurisdictional limitations, difficulties in identifying perpetrators, and challenges in cross-border coordination. This phenomenon emphasizes that national regulations are not sufficient to regulate only the domestic sphere but must also align with international practices and global digital law standards, including mechanisms for interstate legal cooperation, procedures for confiscating illegal content across platforms, and the use of disinformation detection technology that adapts to changing algorithms and content distribution trends (Tazmi, 2025). Furthermore, harmonization of international and domestic law is crucial for effective, fair, and sustainable law enforcement, without compromising the protection of human rights and freedom of expression. Thus, the legal basis and normative instruments not only function as domestic regulations but also constitute an integral part of the global digital legal ecosystem capable of addressing cross-platform, cross-jurisdictional, and international challenges, thereby creating a comprehensive, adaptive, and credible legal framework for combating disinformation.

B. Challenges and Law Enforcement Strategies Against Disinformation in the Digital Era

The digital era has brought significant transformations to almost all aspects of human life, including the legal realm, which has traditionally tended to be linear and structured. The rapid development of information and communication technology, from social media to instant communication platforms, has given rise to new and complex challenges in law enforcement, particularly related to the rapid spread of disinformation or false information in the digital space. This disinformation phenomenon not only has the potential to undermine social order, cause public unrest, and trigger horizontal conflict, but also challenges the effectiveness of the legal system, which has been built on traditional principles, such as clarity of evidence, legal certainty, and the principle of due process of law. In the Indonesian context, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) serves as the primary legal basis used to handle disinformation cases. This law is designed to provide a clear legal umbrella for various forms of harmful digital content, including slander, hoaxes, and fake news that can disturb the public. However, the implementation of the ITE Law in practice faces a number of quite serious obstacles. First, there are difficulties in digital evidence, because electronic evidence is easily manipulated or deleted. Second, the limited human resources who understand the technical aspects of information technology among law enforcement officers make case handling slow and sometimes inaccurate. Third, the existence of differences in legal interpretations at various levels of the judiciary creates legal uncertainty, which in turn reduces the effectiveness of law enforcement. The phenomenon of "no viral, no justice" that is currently emerging in society further adds to the complexity, because the public tends to judge the success of law enforcement based on the virality of cases on social media, thereby ignoring the principles of formal justice and due process of law that should be the main foundation of the justice system. This condition indicates that the Indonesian legal system needs to undergo reform and adaptation, both in terms of regulations and implementation mechanisms, to be able to adapt to the ever-evolving digital dynamics, so that law enforcement remains effective, fair, and able to maintain order and public trust in legal institutions.

In facing the challenges of law enforcement against disinformation in the digital era, a socio-legal approach is crucial because it can bridge the interaction between law, technology, and society. The phenomenon of the spread of false information not only creates social risks in the form of public unrest and horizontal conflict, but also tests the capacity of the existing legal system, including the effectiveness of the ITE Law as the primary legal basis. Research by Auliya et al. (2025) highlights the phenomenon of "no viral no justice," where the public tends to judge the success of law enforcement based on how viral a case is on social media, which can ignore the principle of due process of law. This phenomenon emphasizes the need for an integrated digital justice system that can adapt to the dynamics of digital communication, as well as increase transparency and accountability of the legal process to maintain public trust in judicial institutions. This socio-legal approach emphasizes that law enforcement is not simply a matter of formal regulations, but also involves perceptions, social norms, and societal responses to information technology. Therefore, legal strategies must be able to adapt to complex digital behavior.

Furthermore, regulatory challenges and legal implementation are a crucial focus in strategies to combat disinformation. Research by Firdaus (2024) emphasizes the need to harmonize existing criminal instruments with personal data protection policies to improve the effectiveness of law enforcement in the cyber realm. The ITE Law, despite being the primary legal umbrella, faces technical obstacles such as difficulties in obtaining electronic evidence, limited human resources with digital forensics skills, and differing interpretations in court, which have the potential to create legal uncertainty. By combining legal aspects, technology, and public participation, law enforcement strategies become more holistic, not only repressive but also preventive and

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educational. This approach encourages cross-sector collaboration between the government, digital platform providers, academics, and the public, to create a healthy, responsible, and fair information ecosystem, so that disinformation can be effectively addressed without compromising the principles of justice and human rights.

Moving forward, efforts to increase the effectiveness of law enforcement against disinformation in the digital era require regulatory updates that are responsive to the highly dynamic developments in technology. Digital transformation has accelerated the spread of information, both true and false, so that conventional legal systems often lag behind in addressing this new phenomenon. The revision of Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), including the Second Amendment through Law Number 1 of 2024, is a strategic step to adapt legal norms to the modern digital context. This regulatory update not only encompasses the regulation of legal content but also law enforcement mechanisms, definitions of digital crimes, and affirmation of sanctions that balance public protection with respect for freedom of expression. This demonstrates that the law must move in line with the pace of technology, so as to provide legal certainty and effective protection for the public from the negative impacts of disinformation.

Beyond regulatory aspects, strengthening human resource capacity in information technology is a strategic key in addressing the challenges of disinformation. Law enforcement officers with a deep understanding of digital technology, cybersecurity, and digital forensics can handle cases more precisely and efficiently, from identifying electronic evidence to the litigation process. Weaknesses in these areas often create a gap between the development of digital phenomena and the ability of legal institutions to respond to them. A multidimensional approach, combining legal, technological, and social aspects, is essential to ensure that law enforcement is not merely repressive, but also preventive and educational. Therefore, legal strategies must be able to integrate digital innovation into the judicial process, improve the accuracy of case handling, and strengthen public trust in law enforcement institutions.

Furthermore, collaboration between the government, digital platform providers, academics, and the public is a crucial foundation for building a healthy and responsible information ecosystem. Disinformation is not solely the responsibility of law enforcement but also a social issue that requires collective participation to educate the public, verify facts, and mitigate the negative impacts of digital content. This collaborative strategy can be realized through platform-based regulations, the development of public digital literacy, and adaptive monitoring mechanisms for changes in user behavior in the digital space. Thus, law enforcement against disinformation not only upholds formal norms but also fosters a healthy information culture, strengthens public integrity, and maintains social stability in the increasingly complex digital era.

C. Legal sanctions for perpetrators who carry out disinformation on social media

The spread of disinformation through social media has become a serious challenge in law enforcement in Indonesia. Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) provides a legal basis for prosecuting perpetrators of disinformation. Article 28 paragraph (3) of the 2024 ITE Law stipulates that any person who intentionally and without the right to disseminate misleading electronic information and may cause consumer losses in electronic transactions may be subject to a maximum prison sentence of six years and/or a maximum fine of IDR 1,000,000,000.00. In addition, Article 27A of the 2024 ITE Law also stipulates the prohibition on attacking the honor or good name of another person through an electronic system, with the threat of a maximum prison sentence of two years and/or a maximum fine of IDR 400,000,000.00.

However, the implementation of legal sanctions against perpetrators of disinformation on social media faces a variety of complex and multidimensional challenges, both in terms of regulations, legal procedures, and the capacity of law enforcement officials. According to research by Ketut Sumarta (2024), enforcing criminal sanctions against those who spread fake news on digital platforms requires strong, accurate, and legally valid evidence, as well as a transparent legal process to avoid public controversy. The main challenge arises from the difficulty of digital evidence, where electronic data can be easily manipulated, deleted, or disguised, making it difficult for law enforcement officials to objectively determine the perpetrator's involvement. On the other hand, the limited human resources with a deep understanding of information technology, digital forensics, and cybersecurity pose a significant obstacle to handling disinformation cases effectively and quickly. Furthermore, differences in interpretation between law enforcement officials and the public regarding what constitutes disinformation, including the boundaries between criticism, opinion, and misleading content, also affect the effectiveness of sanctions implementation. This situation emphasizes that law enforcement against disinformation cannot rely solely on formal regulations, but requires a holistic approach, integrating legal aspects, technology, and public education to create legal certainty while maintaining public trust in law enforcement institutions in the digital era.

To improve the effectiveness of law enforcement against disinformation on social media, a comprehensive approach is required. Revising the ITE Law and strengthening human resource capacity in the information technology sector are strategic

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steps. Furthermore, collaboration between the government, digital platform providers, and the public is essential to creating a healthy and responsible information ecosystem. Therefore, law enforcement against disinformation in the digital era is not solely the responsibility of law enforcement officials but also part of a shared responsibility to maintain the integrity of information in the digital space.

IV. CONCLUSIONS

Based on the study's findings, law enforcement in addressing disinformation via social media has an adequate legal basis. Existing legal instruments, including the Electronic Information and Transactions Law (UU ITE), the Broadcasting Law, and related implementing regulations, provide a strong basis for law enforcement officials to prosecute perpetrators of the spread of false or misleading information. However, in practice, a number of significant obstacles remain, such as multiple interpretations of norms that lead to legal uncertainty, potential conflicts with the constitutionally guaranteed right to freedom of expression, and technical challenges in reaching perpetrators operating across jurisdictions. This situation demonstrates that the effectiveness of law enforcement depends not only on the existence of regulations, but also on the clarity of norms, the protection of human rights, and the ability of law enforcement officials to navigate the technical complexities and globalization of digital information. In light of these findings, law enforcement against disinformation via social media should be conducted with a balanced approach, integrating legal certainty, human rights protection, and institutional capacity building. First, revisions or clearer interpretations of legal norms are needed to reduce multiple interpretations and provide certainty for both the public and law enforcement. Second, enforcement procedures must always adhere to the principle of proportionality and not criminalize legitimate freedom of expression. Third, improving the technical capacity of law enforcement officials, including international cooperation, is crucial for addressing transnational disinformation and utilizing advanced detection technology. By implementing these recommendations, law enforcement against disinformation can be effective, fair, and sustainable, while strengthening public trust in the legal system and information security in the digital age.

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