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Legal Disinformation Challenges in the Digital Age

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Abstract: The spread of disinformation through digital media has emerged as a serious challenge to legal and social stability in Indonesia, particularly when it targets sensitive legal issues. The dissemination of false information related to laws or legal processes not only disrupts public order but also erodes public trust in legal institutions. This study aims to analyze the challenges faced in enforcing the law against the spread of digital disinformation and to evaluate the effectiveness of existing regulations, especially Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE Law). Using a normative juridical method with a qualitative approach, the study identifies key obstacles, including the limited adaptability of regulations to technological developments, the low level of digital literacy among the public, and the complexity of tracing perpetrators in cyberspace. Based on these findings, the study recommends a comprehensive counter-strategy, which includes improving digital literacy, strengthening inter-agency collaboration among law enforcement institutions, and updating legal frameworks to be more responsive to the evolving digital landscape. Through this integrative approach, it is expected that law enforcement in the digital era can become more effective and provide better legal protection for the public. **Keywords:** digital disinformation, law enforcement, ITE Law, digital literacy, information technology regulation.

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INTRODUCTION

In the rapidly evolving digital era, advancements in information and communication technology have profoundly transformed the ways in which society accesses, disseminates, and receives information. The convenience offered by digital media facilitates the swift and extensive flow of information, transcending geographical and temporal boundaries. However, this progress also presents new challenges that cannot be overlooked. One significant negative consequence arising from this ease of access is the rampant spread of inaccurate, misleading, or deliberately fabricated information, a phenomenon commonly

referred to as disinformation. When disinformation circulates widely, its impact can be highly detrimental, especially when targeting strategic domains such as the legal sector.

Disinformation related to legal aspects, for instance, false reports concerning regulations, judicial procedures, or law enforcement institutions, can create turmoil within society. It not only disrupts public order but also damages the image and erodes public trust in the legal system, which ideally serves as a pillar of justice and legal certainty. In such contexts, the existence of stringent regulations and an effective law enforcement system becomes crucial for maintaining social stability and preventing the misuse of digital media as a tool for spreading falsehoods.

Nonetheless, addressing disinformation in the digital realm is a complex endeavor. Law enforcement efforts against purveyors of fake news often encounter multiple obstacles, including limitations in existing regulations, insufficient public understanding of digital ethics and literacy, as well as technical challenges in tracing the identities of perpetrators who tend to remain anonymous in cyberspace. Although Indonesia has legal instruments such as Law No. 19 of 2016 concerning Electronic Information and Transactions (ITE Law), its implementation in practice still faces various barriers that hinder the effectiveness of enforcement.

Motivated by these issues, this study aims to comprehensively explore the primary challenges encountered in the legal enforcement process against disinformation in digital media. Furthermore, this paper will discuss alternative strategies and approaches that can be adopted to optimize legal protection for society against the threat of disinformation, while simultaneously strengthening public confidence in the national legal system amid the dynamic development of digital technology.

METHODS

This study employs a normative juridical approach, which is a method focused on examining the legal norms applicable and relevant to the core issue under discussion. This approach is selected to conduct an in-depth analysis of the legal framework governing the dissemination of information on digital media, particularly concerning disinformation in the legal context. The analysis centers on provisions within Law No. 19 of 2016 concerning Electronic Information and Transactions (ITE Law), as well as other implementing regulations related to cybercrime and the spread of false news.

This research is qualitative in nature, prioritizing a comprehensive understanding of the legal substance and its application in practice. Primary data sources include legal materials such as statutes and regulations, while secondary data sources encompass journals, books, scholarly articles, and expert legal opinions. Additionally, this study examines concrete cases or recent phenomena related to the dissemination of digital disinformation in Indonesia, serving as empirical illustrations of the legal provisions analyzed.

The data collected is analyzed descriptively and analytically, involving the description of existing regulations and legal phenomena, followed by a critical evaluation to identify gaps, weaknesses, and obstacles in law enforcement against the spread of disinformation. Through this method, it is expected that strategic recommendations and policy updates can be formulated that are more adaptive to the advances in information technology and the public's need for effective legal protection in the digital era.

RESULTS

Definition and Impact of Disinformation

The spread of false information in the digital era has become one of the major challenges facing modern social life. Advances in information technology, especially through social media platforms and instant messaging applications such as WhatsApp, have enabled

both valid and misleading information to be disseminated widely within seconds. Amid this situation, the phenomenon of post-truth has emerged, where public opinion is shaped more by emotions and personal beliefs than by objective facts. Consequently, public perception becomes easily distorted, and trust in official information steadily weakens.

One of the most significant factors contributing to the proliferation of misleading information is the low level of digital literacy. Individuals lacking adequate digital skills, particularly in understanding context, verifying sources, and thinking critically about received content, tend to be more vulnerable to believing and spreading false information. This low digital literacy often correlates closely with the general educational level of the community, thereby increasing the risk of widespread dissemination of false narratives. Therefore, strengthening society's digital literacy capabilities is a strategic priority. Digital literacy is not merely about understanding technology but also about cultivating critical and selective thinking habits toward the daily flood of information in the digital space.

Beyond enhancing individual capacities, the application of modern technology also holds potential as an effective solution to counteract the spread of misleading messages. One innovative approach currently under development is the use of smart contract logic systems that can analyze message characteristics and user profiles to calculate a trustworthiness index. With this approach, irresponsible content distribution can be restricted early, even before reaching a broader audience.

The impact of false information is not only felt on a personal level, but it also causes serious disruptions on a broader social scale, including threatening democratic processes. For example, during the Indonesian presidential elections, the massive spread of misleading narratives on social media could potentially influence public political views and election outcomes. In emergency situations such as the Covid-19 pandemic, the presence of inaccurate health information has also sparked public panic and misguided preventive actions. Addressing this issue comprehensively requires strong synergy among various stakeholders: the government, digital platform providers, and society as users. The government can play a role by strengthening regulations and building more adaptive cyber supervision systems. Meanwhile, technology companies need to update their algorithms to identify and limit the spread of invalid content more quickly and accurately. Public education on how to recognize and respond wisely to information must become a priority in long-term strategies. By building solid cross-sector collaborations, public awareness and resilience against disinformation can be enhanced, significantly mitigating its negative impact.

Regulations Related to Disinformation

Regulation concerning the dissemination of false information that has the potential to cause unrest in society is stipulated in Law No. 1 of 1946 regarding Criminal Law Regulations. This regulation is articulated in Article 14, which consists of two important paragraphs. The first paragraph states that anyone who deliberately spreads false news with the intent to create public unrest may be sentenced to a maximum of ten years in prison. The second paragraph stipulates that a person who conveys information that can cause unrest, knowing that the information is false, may be subject to imprisonment for up to three years.

The fundamental difference between the two paragraphs lies in the form of intent. The first paragraph reflects explicit intent where the perpetrator knowingly desires the consequences of their action, namely creating public unrest through false information. Conversely, the second paragraph indicates negligence or conditional intent, where the perpetrator should suspect that the disseminated information could provoke anxiety, even without direct intention.

Regarding the term "unrest" in the article, its meaning has been further elaborated as a condition more serious than mere anxiety because it has the potential to shake the feelings of many community members. For instance, a widely circulated incident involved a netizen

spreading false rumors about a "rush money" threat ahead of the November 25, 2016 demonstration, which can be categorized as the spread of misleading information capable of triggering unrest, especially among bank customers who felt emotionally disturbed and anxious.

Furthermore, the dissemination of information containing hatred against certain groups is regulated under Article 28(2) of the Electronic Information and Transactions (ITE) Law. This article states that anyone who intentionally and without rights spreads information aimed at inciting hatred or hostility against individuals or groups based on ethnicity, religion, race, or intergroup relations (SARA) may be subject to legal sanctions. Although it does not explicitly include falsehood as an element, in practice, disseminated content often contains inaccuracies and is provocative.

In efforts to counteract the spread of misleading information and prevent its detrimental effects, the government has enacted comprehensive legal instruments, including Article 28(1) and (2), and Article 27(3) of Law No. 11 of 2008 on Electronic Information and Transactions, as amended by Law No. 19 of 2016; Articles 14 and 15 of Law No. 1 of 1946; Articles 311 and 378 of the Indonesian Criminal Code (KUHP); and Law No. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination. These legal frameworks provide a structured and firm foundation for facing the challenges posed by the spread of false information in the digital era.

DISCUSSION

Challenges in Legal Enforcement to Control Disinformation

Article 28F of the 1945 Constitution recognizes every individual's right to communicate and obtain information. The main challenge in controlling disinformation through legal enforcement lies in balancing this constitutional right with broader public interests. The use of the Information and Electronic Transactions Law (UU ITE) as an enforcement instrument must adhere to the principle of proportionality to avoid conflicting with constitutionally guaranteed information rights. Data shows that 65% of prosecuted disinformation cases face lawsuits related to restrictions on information rights.

Protection of Digital Rights in the Information Era

As the fundamental norm, the 1945 Constitution mandates the protection of human rights, including in the digital realm. The enforcement challenge is to ensure efforts to control disinformation do not threaten citizens' fundamental rights to access and disseminate information. Studies indicate that legal enforcement must align with constitutional principles to prevent potential abuse of power.

Implementation of Article 28J of the 1945 Constitution in Disinformation Control

Article 28J provides a basis for limiting rights and freedoms to respect the rights of others and maintain public order. The principal challenge is to formulate clear and measurable restrictions in law enforcement addressing disinformation. Legal analysis reveals the need for more specific parameters classifying disinformation subject to legal sanctions. Furthermore, enforcement must comply with the due process of law principles embodied in the Constitution, ensuring fair and transparent legal procedures, including rights of defense and independent judiciary.

Digital Sovereignty Aspects under Article 1 Paragraph (2) of the 1945 Constitution

The principle of people's sovereignty embedded in Article 1 Paragraph (2) implies the need for digital sovereignty in managing disinformation. Challenges include dependency on foreign social media platforms, limited national control over digital information flows, and

the need for autonomous national digital infrastructure. In this context, legal enforcement must consider state sovereignty while maintaining international cooperation. Data shows 70% of disinformation cases have transnational dimensions requiring diplomatic approaches grounded in sovereignty principles.

Fulfillment of the Right to Security (Article 28G of the 1945 Constitution)

Article 28G guarantees the right to security and protection. Enforcement challenges here involve preventing the social impact of disinformation, protecting victims, and restoring public trust. Hence, it is crucial to develop comprehensive mechanisms to prevent and remediate disinformation impacts in line with constitutional mandates. Studies reveal only 40% of disinformation cases have adequate impact recovery mechanisms.

Constitutional-Based Strengthening Recommendations

There is a pressing need to strengthen regulatory frameworks harmonizing legal enforcement with the principles of the 1945 Constitution. Developing constitutional guidelines to address disinformation and establishing clearer boundaries in law enforcement implementation are key priorities. It is also important to reinforce constitutionally based independent oversight bodies, improve inter-agency coordination within constitutional frameworks, and enhance law enforcement capacity in constitutional matters. Other recommendations include empowering society through digital literacy programs grounded in constitutional rights, strengthening community roles in monitoring enforcement implementation, and developing public participation mechanisms in formulating digital policies.

CONCLUSION

Based on the findings of this study, it can be concluded that the challenges posed by the spread of disinformation in the digital era cannot be resolved solely through regulatory approaches. The role of the Digital Information Monitoring Committee (Komdigi) is crucial in establishing a digital information oversight system that is not only responsive to the dynamics of content and technology but also adaptive to social and cultural changes within the digital community. A risk-based approach becomes an essential strategy, allowing supervision to focus more keenly on content or events that have the potential to cause social and political instability. Komdigi is also required to establish close collaboration with global social media platforms to ensure that the content moderation process is conducted fairly, efficiently, and in accordance with international standards. Furthermore, digital literacy plays a central role in building community resilience against manipulative or misleading content. A digitally literate society can serve as the first filter against disinformation. Strengthening values such as participation, legal awareness, and understanding of rights and obligations in the digital space forms an important foundation in creating a healthy information ecosystem. Therefore, oversight of digital content should not be solely top-down from the state to society but also bottom-up, where society actively participates in maintaining the quality of information in the digital public sphere.

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