




ONLINE POLITICAL CAMPAIGNS REGARDING PUBLIC OPINION MANIPULATION FROM A CONSTITUTIONAL LAW PERSPECTIVE [HTN]

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Article Info	ABSTRACT
<p>Keywords: online political campaigns, public opinion manipulation, constitutional law</p>	<p><i>The development of digital technology has brought about major changes in the way political campaigns are conducted. Campaign activities that were previously carried out conventionally have now shifted to the online realm. This change has had a significant impact on the democratic process, particularly in the context of public opinion manipulation. This study focuses on analyzing law enforcement and the role of constitutional law regulations in regulating and preventing manipulative practices in digital-based political campaigns. The research method used is a normative legal approach by examining various laws and regulations, such as the Election Law, the Electronic Information and Transaction Law (ITE), and regulations issued by the General Election Commission (KPU) and the Election Supervisory Agency (Bawaslu). The findings show that manipulation of public opinion is often carried out in various ways, including the spread of disinformation, the use of fake identities or anonymous accounts, the use of bots, and the application of deepfake technology. In practice, law enforcement efforts against these acts still face various obstacles, such as weak regulations specifically governing digital manipulation, limited law enforcement resources, and difficulties in tracking perpetrators operating in cyberspace. Therefore, it is necessary to update regulations that are responsive to technological developments, improve the competence of election supervisory agencies, and strengthen digital literacy in society. These steps are expected to serve as preventive strategies to realize healthier, more transparent, and democratic political campaigns.</i></p>
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INTRODUCTION

Indonesia already has various legal instruments governing the use of digital media, one of which is the Electronic Information and Transactions Law (UU ITE), designed to maintain order in cyberspace. However, the practice of manipulating public opinion in online political campaigns often escapes firm legal action. This raises doubts about the effectiveness of existing regulations and how the legal system can be strengthened to provide optimal protection to the public from the spread of misleading information in a political context.

One of the main obstacles to law enforcement against public opinion manipulation in the digital world is the difficulty in identifying and tracking the parties involved. Increasingly sophisticated technological developments enable perpetrators to rapidly disseminate false information under disguised or anonymous identities. Furthermore, existing regulations are often out of step with the dynamics of technological change, making them less relevant in addressing the increasingly complex practices of political manipulation in the digital age.

Therefore, stricter law enforcement and clear regulations that adapt to technological

developments are needed. This step is crucial to ensure that digital-based political campaigns can proceed fairly, transparently, and in accordance with the principles of a healthy democracy.¹ Regulations governing digital-based political campaigns need to include comprehensive mechanisms, encompassing prevention, monitoring, and enforcement against practices of public opinion manipulation. In this regard, the role of state institutions such as the General Elections Commission (KPU) and the Election Supervisory Agency (Bawaslu) is highly strategic. These two institutions need to be given stronger authority and supported by adequate technological infrastructure to detect suspicious activity in the digital space, such as the spread of fake news, the use of bot accounts, and smear campaigns that have the potential to damage the credibility of elections. Furthermore, collaboration with social media platform providers and internet service providers is crucial to ensuring transparency in political advertising while preventing the misuse of algorithms that can trigger polarization in society.

In addition to strengthening regulations and enforcement, improving digital literacy among the public also plays a vital role. Voters must be equipped with the ability to sort through information so they are not easily influenced by misleading political propaganda. This education is a preventative measure that can build public awareness in the face of the increasingly complex flow of digital information. If implemented consistently and sustainably, this step will create a healthier digital political environment and encourage more meaningful public participation in the democratic process.

One concrete example of the practice of manipulating public opinion in digital political campaigns in Indonesia is the case of the spread of hoaxes regarding "seven containers of pre-marked ballots" that occurred in the lead-up to the 2019 Election. This fake news first spread widely through social media in early January 2019 and caused panic in the community before finally being clarified by the General Elections Commission (KPU) and the police that the information was false. Data from the Ministry of Communication and Informatics (Kominfo) recorded that from August 2018 to April 2019 there were 1,645 hoax content related to the Election, most of which were spread through social media such as Facebook and WhatsApp. This phenomenon shows how significant the influence of disinformation on public perception, especially when the issue concerns the legitimacy of the election process.

A 2020 Oxford Internet Institute report also revealed that Indonesia is among the countries with a high level of cyber troop activity. These tactics include the spread of structured disinformation, the use of bots to amplify specific political narratives, and the activity of buzzers aimed at attacking political opponents. This situation raises serious concerns about the quality of democracy, given that the public often struggles to distinguish between valid and manipulated information. This situation is exacerbated by the 2022 Indonesian Digital Literacy Index, which only scored 3.54 on a scale of 5, with digital safety ranking the lowest at 3.12. This fact indicates that the public's ability to recognize and filter digital information remains very limited.

The manipulation of public opinion in online political campaigns is not merely an incidental phenomenon, but has developed into a systematic pattern that could threaten election integrity. Furthermore, serious issues related to the misuse of personal data have emerged. In some cases, voter data has been illegally used for targeted political propaganda, leaving the public vulnerable to manipulative influence. Therefore, strict personal data protection regulations and clear oversight mechanisms for data use in political campaigns are urgently needed.

In addition to clear regulations and consistent law enforcement, empowering communities through digital literacy is a strategic step in combating political manipulation. Public education must be directed at improving the public's ability to recognize accurate information and distinguish it from

¹Inka Nusamuda Pratama (2022) Analysis of Causal Factors and Solutions to Overcome Money Politics in the Context of the 2024 Election in Indonesia. *National Seminar of Lppm Ummat* . <https://journal.ummat.ac.id/index.php/semnaslppm/article/view/19427> Accessed on August 2, 2024

misleading content. Without adequate public awareness, efforts to combat opinion manipulation will be short-lived. Therefore, synergy between the government, educational institutions, and digital service providers is needed to strengthen the public's digital literacy. This collaboration is expected to create a healthier information environment and strengthen the foundations of democracy based on honesty and transparency.

By combining adaptive regulatory reforms, effective law enforcement, and increased digital literacy, the practice of manipulating public opinion in online political campaigns can be minimized. This approach not only ensures a cleaner and fairer political process but also strengthens public trust in the democratic system in the digital age.

Based on the background description, the author was motivated to conduct further research on this phenomenon, entitled "Online Political Campaigns Regarding Public Opinion Manipulation from a Constitutional Law (HTN) Perspective." This research is expected to contribute to understanding the role of constitutional law in maintaining the integrity of political campaigns in the digital realm.

RESEARCH METHOD

This research uses a normative juridical method, a type of research that relies on secondary data obtained through library research. This approach is carried out by examining various legal literature, laws and regulations, and relevant official documents, which are expected to provide answers to the research questions.

In legal research, there are several commonly used approaches, including: the statute approach, which focuses on analyzing applicable legal provisions; the case approach, which studies court decisions to understand the application of law in practice; the historical approach, which traces the development and history of a legal rule; the comparative approach, which compares the legal systems of several countries or regions; and the conceptual approach, which aims to understand the legal concepts and principles underlying a regulation. Through a combination of these approaches, this research is expected to provide a more in-depth and comprehensive analysis of the legal issues being studied.²

RESULTS AND DISCUSSION

A. Law Enforcement Regarding the Practice of Manipulating Public Opinion in Online Political Campaigns

The phenomenon of public opinion manipulation in digital-based political campaigns has become increasingly prevalent with the rapid development of information technology. Advances in this field have made it easier for various parties to disseminate information quickly and reach a wide audience. In the context of political campaigns, the dissemination of this information should serve as a means of political education for the public. However, in reality, the information circulated is not always objective or factual. Instead, it is often strategically exploited to shape public perception through manipulative techniques that benefit particular candidates or political parties.

This practice not only distorts information but can also influence voters' decision-making processes, potentially undermining the principles of fairness and transparency in elections. Thus, this phenomenon poses a serious challenge to modern democracies, particularly in ensuring that political campaigns continue to be conducted in a fair and honest manner.³

²Peter Mahmud Marzuki, , *Legal Research Revised Edition* , (PT Kharisma Putra Utama, Bandung, 2015) p. 133.

³Vadhea Nuraliza, Andhi Nur Rahmadi, Alvan Mubaroq, Kristiyono Kristiyono, Alisyia Putri Melani, Anila Ifana (2024) The role of political communication in shaping public opinion in the face of the 2024 General Election. *CENDEKIA: Journal of Social Sciences, Language and Education* 4. <https://prin.or.id/index.php/cendekia/article/view/2514> Accessed March 25, 2025

This research reveals that law enforcement against the practice of public opinion manipulation in digital-based political campaigns in Indonesia still faces several significant obstacles. One of the main obstacles lies in the absence of specific regulations that clearly and comprehensively govern the practice of public opinion manipulation in the digital space. Although several legal provisions exist, such as Law Number 7 of 2017 concerning General Elections (Election Law), Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law), and various General Elections Commission (PKPU) Regulations, these regulations are unable to cover in detail the various modes of digital manipulation that continue to evolve.

These methods include the spread of structured hoaxes, the use of bot accounts and fake identities, and the misuse of personal data for micro-targeting purposes. This problem is further complicated by the fact that perpetrators often utilize sophisticated digital technology and anonymous identities, making legal proof extremely difficult. As a result, many manipulative practices in online political campaigns escape strict legal action.

On the other hand, the capacity of law enforcement officials and election supervisory bodies, such as the Election Supervisory Agency (Bawaslu), remains limited. This obstacle is evident in the limited technological infrastructure, the scarcity of human resources with digital expertise, and weak coordination between relevant institutions. This situation results in suboptimal oversight of online campaign implementation. In practice, most violations are subject to only administrative sanctions, rather than legal proceedings that would have a deterrent effect on perpetrators.

Despite this, several remedial measures have been taken, such as collaboration between Bawaslu (Elections Supervisory Agency) and social media platforms to monitor campaign content, digital forensics training for cyber investigators, and digital literacy programs for voters. However, these efforts are not enough. Effective law enforcement requires adaptive regulatory reforms, strengthening of election supervisory institutions, and more integrated cross-sector synergy.

1. Legal Basis for Enforcing Public Opinion Manipulation in Online Political Campaigns

In the Indonesian legal system, there are a number of provisions that serve as the basis for enforcing the law against the manipulation of public opinion in digital political campaigns. Law Number 7 of 2017 concerning General Elections stipulates that campaign implementation must be carried out honestly, transparently, and with integrity, and prohibits the dissemination of misleading information. Specifically, Article 280 paragraph (1) of the Election Law outlines various prohibitions in the implementation of campaigns. Some relevant provisions include: Letter c, which prohibits implementers, participants, or campaign teams from “insulting a person, religion, ethnicity, race, group, candidate, and/or other election participants.”

Letter d, which emphasizes the prohibition on “inciting and pitting individuals or groups against each other.” Letter f, which is most closely related to the practice of digital manipulation, namely the prohibition on “spreading false news, slander, and/or hate speech against a person, religion, ethnicity, race, group, candidate, and/or other election participants.” For parties proven to have violated this provision, Article 521 of the Election Law stipulates sanctions in the form of a maximum prison sentence of two years and a maximum fine of Rp24,000,000.00.

In addition to the Election Law, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) is also an important instrument in law enforcement against the manipulation of public opinion. Article 28 paragraph (1) of the ITE Law states that it is prohibited for anyone to spread false news or false information that can harm the public. With this provision, the spread of disinformation or hoaxes in online political campaigns has a clear legal basis for follow-up. However, the success of

implementing sanctions depends heavily on the ability of law enforcement officers to identify perpetrators and collect valid digital evidence.

Overall, effective law enforcement in this context requires a combination of clear rules, competent human resources, adequate technology, and strong cooperation between state institutions and the private sector, including social media platforms that are the primary medium for disseminating political information in the digital era. Furthermore, another legal basis that strengthens this is Article 28 paragraph (1) of the ITE Law, which states: “Any person who intentionally and without authority disseminates false and misleading news that results in consumer losses in Electronic Transactions.” Although this article explicitly regulates digital consumer protection, in law enforcement practice in Indonesia, this provision has also been used to crack down on the spread of political hoaxes in the digital space, especially if the hoaxes cause public unrest or widespread social harm. These two regulations complement each other: the Election Law regulates campaign content substantively and ethically, while the ITE Law ensnares perpetrators of information manipulation from a digital criminal law perspective, including online political campaign activities conducted through social media, websites, or other digital platforms. The practice of manipulating public opinion through hoaxes, bots, fake accounts, or disinformation in online political campaigns can be subject to sanctions under both laws simultaneously.

2. Forms of Public Opinion Manipulation in Online Political Campaigns

Manipulating public opinion in online political campaigns is now a major challenge in maintaining the quality of democracy in Indonesia. Rapid technological developments provide opportunities for certain parties to exploit the digital world to influence public perception, even through unethical means. Therefore, proper oversight and law enforcement are essential to ensure campaign practices continue to be conducted fairly and with integrity. The following is a description of the applicable law enforcement mechanisms:

1. Mechanism Based on Election Law

Law Number 7 of 2017 concerning General Elections serves as the primary basis for overseeing campaign implementation, including digital campaigns. Article 280 paragraph (1) prohibits the dissemination of false news, slander, provocation, and hate speech during the campaign period. Violation of this provision, Article 521 provides for sanctions in the form of a maximum prison sentence of two years and a fine of up to IDR 24 million. In its implementation, the Election Supervisory Agency (Bawaslu) plays a crucial role in overseeing, receiving public complaints, and providing recommendations to law enforcement officials such as the Police and the Prosecutor's Office to follow up on any violations found.

2. Enforcement Through the ITE Law

In addition to the Election Law, Law Number 19 of 2016 concerning Amendments to the ITE Law is also used to prosecute perpetrators of dissemination of disinformation or hoaxes that mislead the public. Article 28 paragraph (1) of the ITE Law expressly prohibits the circulation of false news that is detrimental to the public. In a political context, this provision is highly relevant for prosecuting perpetrators who spread false information to influence the public's political choices.

3. Administrative Sanctions from Bawaslu and KPU

In addition to criminal penalties, administrative sanctions are also imposed on election participants who commit digital campaign violations. These sanctions can include the temporary suspension of campaign activities, the cancellation of political advertising, and even the disqualification of election participants. This aims to provide a deterrent effect and prevent similar violations from recurring.

4. Collaboration between Institutions and Digital Platforms

Effective law enforcement requires solid cooperation between Bawaslu, KPU, Police, Kominfo, and digital platform providers such as Facebook, Instagram, and X (Twitter).

This collaboration is crucial for expediting the tracking of anonymous accounts, removing manipulative content, and securing digital evidence for use in judicial proceedings.

5. Obstacles in Law Enforcement

Although regulations are in place, their implementation still faces various obstacles, such as: Difficulty identifying perpetrators who often hide their identities through anonymity technology. Limited technological capabilities and facilities owned by law enforcement officers. The absence of specific regulations governing new technologies such as deepfakes and micro-targeting. Low digital literacy among the public, making them susceptible to digital propaganda.

6. Strategy for Strengthening the Legal System

To optimize digital political campaign oversight, the following are needed: More detailed revisions to regulations regarding online campaigning. Improved digital forensic capabilities for officers handling cybercrime. Digital literacy education programs to raise public awareness. Implementation of strict sanctions to deter perpetrators from repeating their actions.

B. Regulations and Legal Mechanisms to Prevent Manipulation of Public Opinion in Online Political Campaigns

Public opinion is a collective view or attitude formed within society regarding a particular issue, particularly in the political realm. According to Walter Lippmann, public opinion is the result of people's perceptions of public issues, influenced by the information they receive. In the context of elections, public opinion significantly determines the direction of support for candidates or political parties, making it a frequent target for manipulation. Manipulation of public opinion in online political campaigns is carried out through various means, such as the spread of fake news (hoaxes), black campaigns, and the dissemination of provocative narratives that mislead voters. Other forms of manipulation include the use of fake accounts, automated bots, paid buzzers to amplify certain political narratives, micro-targeting based on voters' personal data, engineering trending topics on social media, and the use of deepfake technology that presents fake visual/audio content as if it came from certain political figures. All of these forms aim to shape public perception through illegitimate and unethical means that can undermine the principles of fair and transparent elections.

One of the important regulations governing the prohibition of manipulating public opinion in online political campaigns is Law Number 7 of 2017 concerning General Elections (Election Law). Article 280 paragraph (1) letters c and d state that campaign participants are prohibited from insulting other parties, spreading false news, or conveying material containing elements of hatred, slander, and incitement. Violations of this provision are subject to criminal sanctions as stated in Article 521 of the Election Law, namely a maximum imprisonment of two years and/or a maximum fine of IDR 24 million. This provision aims to ensure that the campaign process is not used as a tool to manipulate the public with false information. In addition, if the violation is committed through electronic media or the internet, the perpetrator can be charged with Article 28 paragraph (1) of Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE Law). This article prohibits the dissemination of false and misleading news that causes harm to the public, with the threat of a maximum imprisonment of six years and/or a maximum fine of IDR 1 billion. These sanctions serve as a legal basis for law enforcement to take firm action against perpetrators of public opinion manipulation in the digital realm, particularly during election campaigns.

Manipulation of public opinion in online political campaigns is a phenomenon that has become increasingly prevalent with the development of information and communication

technology. Advances in the digital world allow information to spread quickly and widely, but also open up opportunities for certain parties to spread inaccurate, misleading, or even outright false information for political gain. This can influence public perception and disrupt a healthy and transparent democratic process⁴.

The research results show that regulations governing the prevention of public opinion manipulation in online political campaigns in Indonesia are still partial and not fully effective. Several regulations that serve as legal foundations include Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), Law Number 7 of 2017 concerning Elections, and several KPU and Bawaslu regulations. Although these regulations prohibit the dissemination of false information, slander, and smear campaigns, there are no specific provisions governing technology-based manipulative practices such as the use of bots, paid buzzers, micro-targeting using personal data, and trending topic manipulation.

Manipulation of public opinion in online political campaigns has now become a real phenomenon that threatens the democratic process in Indonesia. Data from the Ministry of Communication and Information (Kominfo) recorded 1,645 hoaxes related to the 2019 Election identified between August 2018 and April 2019, with a significant spike in March 2019 reaching 453 hoaxes, including one of the most viral cases, the narrative of "7 containers of pre-marked ballots" which sparked public unrest before being debunked by the General Elections Commission (KPU) and the Elections Supervisory Agency (Bawaslu)⁵. Furthermore, according to a report by the Oxford Internet Institute, in 2020 Indonesia was among 81 countries that used "cyber troops" for digital propaganda operations including the use of bots, fake accounts, and paid buzzers to spread disinformation and strengthen certain political narratives. This situation is exacerbated by survey data from the Katadata Insight Center and the Ministry of Communication and Information Technology, which shows that Indonesia's Digital Literacy Index reached only 3.54 (on a scale of 1–5) in 2022, with the lowest score for the "Digital Safety" pillar (3.12), indicating that the public has weak content verification capabilities and is vulnerable to political hoaxes. Meanwhile, existing regulations in the Election Law and the Electronic Information and Transactions Law do prohibit the spread of hoaxes or slander, but they do not yet cover sophisticated digital practices such as voter data-based micro-targeting, trending topic manipulation, or deepfake technology, resulting in many manipulative methods still escaping legal action. Furthermore, the ability of the Election Supervisory Agency (Bawaslu) and the Ministry of Communication and Information Technology to detect and prosecute digital violations is also still limited, often administrative in nature and lacking a deterrent effect due to limited technical human resources and hoax detection infrastructure.

In terms of mechanisms, preventative measures are implemented through monitoring of campaign content by the Elections Supervisory Agency (Bawaslu), collaboration with social media platforms, and calls for election participants to conduct honest and fair campaigns. However, these mechanisms have not been optimal due to limited digital detection tools, a lack of technically competent human resources, and the lack of a real-time system for verifying and reporting manipulative campaign content. Furthermore, the sanctions imposed are largely administrative in nature and fail to address the root causes of systematic public opinion manipulation. Therefore, more specific regulatory updates are needed for digital campaigns, increased institutional capacity of election supervisors, and enhanced digital literacy for the public to build resilience against information manipulation.

In the context of elections and political campaigns, public opinion manipulation is often

⁴Rudi Trianto (2023) Buzzers as Political Communicators. *An-Nida': Journal of Islamic Communication and Broadcasting* 11 (2), <http://e-jurnal.stail.ac.id/index.php/annida/article/view/562> Accessed on March 27, 2025

⁵Kepri Province Communication and Information Technology Office, "Kominfo Finds 1,645 Election-Related Hoaxes Since August 2018," [kominfo.kepriprov.go.id, https://kominfo.kepriprov.go.id/arsip/detailArsip/2870](https://kominfo.kepriprov.go.id/arsip/detailArsip/2870)

carried out in various ways, such as the spread of fake news (hoaxes), smear campaigns, the use of bots and fake accounts to reinforce certain narratives, and the use of deepfake technology to create content that can deceive the public. These practices pose significant challenges for election organizers, law enforcement officials, and the public in ensuring that political campaigns remain within the law.

The Indonesian government has formulated various regulations and legal mechanisms to prevent the manipulation of public opinion in online political campaigns. Various laws and regulations have been implemented to oversee political campaigns, prohibit the dissemination of misleading information, and prosecute those found guilty of violations. Furthermore, various institutions such as the Election Supervisory Agency (Bawaslu), the Ministry of Communication and Informatics (Kominfo), and law enforcement officials play a role in ensuring compliance with applicable regulations. Regulations within the Indonesian legal system address various aspects of online political campaigns, including the prohibition on the manipulation of public opinion. Some of these regulations include:

1. Law Number 7 of 2017 concerning Elections

The Election Law regulates various aspects of election implementation, including political campaign procedures. Article 280 of the Election Law states that during campaigns, election participants are prohibited from spreading false news and campaigning containing elements of hatred, slander, or provocation that could mislead voters. Furthermore, the Election Law also stipulates a sanction mechanism for violators, which can include administrative sanctions, cancellation of candidacy, and even criminal sanctions if elements of a criminal act are found in the violation.

2. Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE Law)

The ITE Law provides a legal basis for addressing the spread of false or misleading information on the internet, including in the context of online political campaigns. Article 28 paragraph (1) of the ITE Law prohibits the spread of false news that could mislead the public and cause harm to society. Violations of this provision may result in criminal sanctions in the form of imprisonment and/or fines.

CONCLUSION

Public opinion manipulation in online political campaigns can be carried out through various means, including the spread of hoaxes, digital propaganda, the use of bots and fake accounts, and *microtargeting strategies* that manipulate people's political preferences. These practices aim to dishonestly shape public perception, influence voter decisions, and in some cases, create polarization in society. The impact of this manipulation not only harms voters who receive misinformation but also has the potential to weaken the democratic system by creating distrust in the electoral process.

To address public opinion manipulation in online political campaigns, Indonesia has several key regulations in place, such as Law Number 7 of 2017 concerning Elections, Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE), and various regulations issued by the General Elections Commission (KPU) and the Elections Supervisory Agency (Bawaslu). Prevention and law enforcement mechanisms are implemented through oversight by Bawaslu, content blocking by the Ministry of Communication and Informatics (Kominfo), and enforcement by law enforcement officials. Furthermore, collaboration with social media platforms and increasing public digital literacy are strategic steps in preventing the negative impacts of public opinion manipulation in online political campaigns.

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