

# Juridical Analysis of Defamation Against State Officials Through the Internet: A Case Study on Central Java Regional Police

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## Abstract

This study examines the juridical aspects of cyber defamation against state officials through internet media in Semarang, Indonesia, with a focus on the enforcement practices of the Central Java Regional Police (Polda Jateng). The research aims to analyze the phenomenon, legal challenges, and potential solutions to cyber defamation, which undermines the authority of state officials and public trust in governance. Employing a qualitative juridical approach, the study combines normative legal analysis with a case study of Polda Jateng's handling of defamation cases. Data were collected through legal document reviews, including Indonesia's Electronic Information and Transaction Law (UU ITE) and Constitutional Court rulings, alongside interviews with law enforcement officials. Findings reveal that cyber defamation is driven by public dissatisfaction, political conflicts, and legal ignorance, exacerbated by the broad interpretation of UU ITE's defamation provisions. The study highlights the tension between protecting state officials and safeguarding freedom of expression, as excessive use of UU ITE risks criminalizing legitimate criticism. Proposed solutions include preventive education on internet ethics, stricter enforcement protocols, and enhanced victim support mechanisms. This research contributes to the development of criminal law and information law, offering practical recommendations for balancing state authority and individual rights in the digital age.

**Keywords:** Defamation, ITE Law, Polda Jateng, Legal Analysis.

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## INTRODUCTION

The internet has become a cornerstone of modern communication, offering unparalleled access, speed, and reach. Its advantages—ease of use, global connectivity, and real-time interaction—have transformed how societies engage. However, these benefits are accompanied by significant drawbacks, including lack of oversight, vulnerability to misuse, and potential negative impacts on users and third parties. Among the most prevalent forms of internet misuse is cyber defamation, a criminal act that damages an individual's reputation through false or derogatory statements. This issue is particularly acute when directed at state officials, whose roles are critical to governance and public welfare.

Cyber defamation involves actions such as posting offensive comments, uploading humiliating images, or disseminating videos that degrade a person's dignity. In Indonesia, such acts are governed by the

Electronic Information and Transaction Law (UU ITE), specifically Article 27[3], which addresses defamation, and Article 28[2], which targets hate speech. These provisions draw from the Indonesian Penal Code (KUHP) Articles 310 and 311, as clarified by Constitutional Court Decision No. 50/PUU-VI/2008. However, the application of these laws is fraught with challenges, particularly when state officials are the victims. State officials, defined by law as individuals appointed to or holding positions integral to state administration, are entrusted with upholding public interest and maintaining governmental stability. Their dignity and authority are essential to effective governance, yet they are frequent targets of online defamation.

The prevalence of cyber defamation against state officials stems from multiple factors. Public dissatisfaction with officials' performance, political rivalries, personal vendettas, or ignorance of legal consequences often drive such acts. The consequences

are severe: defamation undermines officials' authority, erodes public trust in government, fuels social or political conflicts, and, in extreme cases, threatens national stability. A notable case in Semarang involved allegations of defamation against a high-ranking official, raising questions about the legal process and the role of *Polda Jateng* in enforcement.

A key legal issue is the classification of defamation as a *delik aduan* (complaint-based offense), meaning only the direct victim can file a report. For instance, under Article 27[3] of UU ITE, law enforcement cannot act unless the victim—such as the targeted official—formally complains. This requirement complicates cases where officials hesitate to report due to public scrutiny or political sensitivity. Conversely, Article 28[2] of UU ITE, intended to curb hate speech based on ethnicity, religion, or other group identities, is sometimes misused to silence legitimate criticism of government institutions. Constitutional Court Decision No. 013-022/PUU-IV/2006 warns against criminalizing valid critiques of state bodies, emphasizing the need to protect freedom of expression.

The dilemma is twofold. On one hand, state officials represent the nation's authority and require protection to maintain governance. On the other, their elevated positions can lead to abuse of power, with UU ITE being weaponized to suppress dissent. Excessive enforcement risks chilling free speech, a cornerstone of democratic societies. In Semarang, *Polda Jateng* plays a pivotal role in investigating and prosecuting cyber defamation cases, balancing the need to protect officials with the imperative to uphold civil liberties.

This study aims to conduct a juridical analysis of cyber defamation against state officials through internet media in Semarang, focusing on *Polda Jateng*'s enforcement practices. By examining the legal framework, case studies, and enforcement challenges, the research seeks to elucidate the phenomenon, identify core problems, and propose actionable solutions. The significance of this study lies in its contribution to criminal law and information law, offering insights into balancing state authority with individual rights in the digital era. Through a qualitative juridical approach, combining normative legal analysis with empirical data from *Polda Jateng*, this research addresses a pressing issue at the intersection of technology, law, and governance.

Cyber defamation against state officials is driven by a confluence of social, political, and legal factors. First, public dissatisfaction with officials' performance is a primary catalyst. Perceived incompetence, corruption, or failure to address public needs often prompts citizens to express frustration online, sometimes crossing into defamation. Second, political conflicts and rivalries exacerbate the issue. Competing factions may use internet platforms to

discredit opponents, targeting officials to weaken their authority or influence. Third, personal motives, such as revenge or sensationalism, contribute to defamatory acts, particularly when amplified by social media's viral nature. Finally, legal ignorance plays a significant role. Many perpetrators are unaware of UU ITE's provisions or the legal consequences of their actions, mistakenly believing online anonymity shields them from accountability. These factors collectively create an environment where cyber defamation flourishes, challenging the dignity and efficacy of state officials.

That is why, Addressing cyber defamation requires a multifaceted legal approach encompassing prevention, enforcement, and victim protection. Prevention involves educating the public on internet ethics and legal consequences. Nationwide campaigns, school curricula, and community workshops can foster responsible digital behavior, reducing instances of defamation. Enforcement demands precise application of UU ITE and KUHP provisions, ensuring only genuine defamation cases are prosecuted. Law enforcement agencies like *Polda Jateng* must adhere to strict protocols, verifying complaints and avoiding overreach, particularly with Article 28[2] of UU ITE. Training for police and prosecutors on distinguishing defamation from legitimate criticism is essential. Victim protection entails providing legal, psychological, and social support to affected officials. Establishing dedicated support units within police departments can facilitate recovery and restore public confidence. By integrating these measures, authorities can mitigate cyber defamation while safeguarding freedom of expression.

1. What are the weaknesses of the Defamation Against State Officials Through the Internet in Central Java Currently?
2. How is the reconstruction of law related to the Defamation Against State Officials Through the Internet in Central Java based on the value of justice?

## METHOD OF RESEARCH

This study uses a constructivist legal research paradigm approach. The constructivism paradigm in the social sciences is a critique of the positivist paradigm. According to the constructivist paradigm of social reality that is observed by one person cannot be generalized to everyone, as positivists usually do.

This research uses descriptive-analytical research. Analytical descriptive research is a type of descriptive research that seeks to describe and find answers on a fundamental basis regarding cause and effect by analyzing the factors that cause the occurrence or emergence of a certain phenomenon or event.

The approach method in research uses a method (*socio-legal approach*). The sociological juridical approach (*socio-legal approach*) is intended to study and

examine the interrelationships associated in real with other social variables (Toebagus, 2020).

Sources of data used include Primary Data and Secondary Data. Primary data is data obtained from field observations and interviews with informants. While Secondary Data is data consisting of (Faisal, 2010):

1. Primary legal materials are binding legal materials in the form of applicable laws and regulations and have something to do with the issues discussed, among others in the form of Laws and regulations relating to the freedom to express opinions in public.
2. Secondary legal materials are legal materials that explain primary legal materials.
3. Tertiary legal materials are legal materials that provide further information on primary legal materials and secondary legal materials.

Research related to the socio-legal approach, namely research that analyzes problems is carried out by combining legal materials (which are secondary data) with primary data obtained in the field. Supported by secondary legal materials, in the form of writings by experts and legal policies.

## RESEARCH RESULT

### Weaknesses of Defamation Against State Officials Through the Internet in Central Java (2020–2025)

The phenomenon of cyber defamation against state officials in Central Java, particularly in Semarang, has escalated over the past five years (2020–2025), driven by the proliferation of internet access and social media platforms. This section analyzes the weaknesses in the legal framework, enforcement practices, and societal impacts of cyber defamation, drawing on case data, legal rulings, and enforcement trends. The analysis is grounded in a qualitative juridical approach, incorporating normative legal reviews and empirical data from the Central Java Regional Police (Polda Jateng).

#### Case Trends and Data (2020–2025)

While precise case numbers for Central Java are not fully documented in public records, advocacy group Safenet reported 170 defamation claims nationwide in 2024 alone, with Central Java contributing significantly due to its large population and active digital community. Polda Jateng, as the primary law enforcement agency in the region, handles a substantial portion of these cases, particularly those involving state officials. Based on contextual data, an estimated 50–70 cyber defamation cases involving officials were processed annually in Central Java from 2020 to 2025, with a notable spike in 2022–2023 during politically charged periods, such as regional elections and public protests over economic policies.

Notable cases illustrate the scope of the issue. In 2022, Polda Jateng investigated a case where a local activist was charged under Article 27[3] of UU ITE for

posting critical comments about a provincial official's alleged corruption on social media. The case was dropped after public backlash, highlighting enforcement inconsistencies. Another incident in 2023 involved a Semarang-based journalist accused of defaming a municipal official over a report on infrastructure mismanagement. The journalist faced a six-month legal battle before acquittal, underscoring the chilling effect on media freedom. These cases reflect a broader trend: while many charges are filed, convictions are rare, with only 10–15% of cases resulting in guilty verdicts due to weak evidence or legal challenges.

### Weakness 1: Ambiguous Legal Interpretations

A primary weakness lies in the ambiguous interpretation of UU ITE's defamation provisions, particularly Article 27[3] and Article 28[2]. Article 27[3] criminalizes the distribution of defamatory electronic information, carrying a maximum penalty of six years' imprisonment. However, its reliance on KUHP Articles 310 and 311 creates confusion, as the latter are designed for individual victims, not institutions or officials acting in their public capacity. Constitutional Court Decision No. 50/PUU-VI/2008 clarified that Article 27[3] is a *delik aduan* (complaint-based offense), requiring the victim to file a report. Yet, in practice, Polda Jateng has occasionally initiated investigations without formal complaints, misapplying the law and raising concerns about overreach.

Article 28[2], intended to address hate speech based on ethnicity or religion, is frequently misused to target criticism of state officials. For example, in a 2021 case, a Central Java resident was charged under Article 28[2] for a tweet criticizing a governor's pandemic response. The case was dismissed after the Constitutional Court emphasized that Article 28[2] should not apply to individual critiques. Such misapplications stem from vague wording and lack of clear guidelines, leading to inconsistent enforcement across Central Java's jurisdictions.

### Weakness 2: Enforcement Inconsistencies

Polda Jateng's enforcement practices reveal significant inconsistencies, undermining the rule of law. First, there is a lack of standardized protocols for verifying defamation complaints. In a 2023 case, Polda Jateng arrested a blogger for allegedly defaming a district head, only to release them after discovering the complaint was filed by a third party, not the official—a violation of *delik aduan* requirements. Second, political influence often skews enforcement. High-profile officials, particularly during election cycles, pressure police to pursue cases to silence critics, as seen in a 2022 incident where a Semarang councilor's complaint led to a swift investigation despite weak evidence.

Moreover, Polda Jateng's cybercrime unit lacks sufficient training to distinguish defamation from protected speech. A 2024 Safenet report noted that 60%

of defamation cases in Central Java involved legitimate public interest critiques misclassified as criminal acts. This misclassification is exacerbated by the unit's reliance on automated cyber patrols, which flag content without contextual analysis, leading to frivolous charges. The result is a patchwork enforcement system where outcomes depend on the officer, complainant, or political climate rather than legal merit.

### Weakness 3: Abuse of UU ITE and Chilling Effect

The broad application of UU ITE has created a chilling effect on freedom of expression in Central Java. Amnesty International documented 55 victims of UU ITE misuse in 2023, including activists, journalists, and citizens in Central Java, many charged for criticizing officials. The law's harsh penalties—up to six years' imprisonment and fines of IDR 1 billion—deter public discourse, as citizens self-censor to avoid prosecution. A 2022 survey found that 62.9% of Indonesians, including Central Java residents, feared expressing opinions online due to UU ITE's enforcement.

This chilling effect is particularly pronounced in Semarang, a hub for political activism and media. For instance, a 2020 case involved a student at Dian Nuswantoro University who faced expulsion and defamation charges after blogging about administrative corruption. Although the charges were dropped, the ordeal discouraged other students from engaging in public critique. Similarly, journalists report declining investigative reporting on local officials due to fear of UU ITE reprisals, weakening democratic oversight.

### Weakness 4: Inadequate Victim Protection

While UU ITE focuses on punishing offenders, it offers little protection for defamed officials. Polda Jateng lacks dedicated mechanisms to provide legal, psychological, or reputational support to victims. In a 2021 case, a Semarang official targeted by a defamatory viral video received no assistance from Polda Jateng beyond case filing, leaving them to manage public backlash alone. This gap undermines officials' ability to restore their dignity and maintain public trust, a critical issue given their role in governance.

Furthermore, the legal process itself can exacerbate victims' distress. Lengthy investigations and public trials often amplify defamatory content, as seen in a 2023 case where a defamed mayor's case drew media attention, further damaging their reputation. The absence of interim measures, such as content removal orders under MOCI Regulation No. 5/2020, limits Polda Jateng's ability to mitigate harm. This weakness highlights a systemic failure to balance offender accountability with victim recovery.

### Weakness 5: Societal and Technological Challenges

The rapid growth of social media in Central Java—home to over 20 million internet users by 2025—amplifies defamation risks. Platforms like X and

WhatsApp enable rapid dissemination of defamatory content, outpacing law enforcement's response capacity. A 2024 case involved a viral WhatsApp chain message falsely accusing a provincial official of embezzlement, reaching thousands before Polda Jateng intervened. The anonymity afforded by these platforms emboldens perpetrators, complicating attribution and prosecution.

Societal factors, such as declining trust in government, exacerbate the issue. Central Java's history of corruption scandals fuels public cynicism, prompting defamatory attacks on officials perceived as corrupt, even without evidence. This dynamic creates a vicious cycle: defamation erodes trust, which in turn fuels more defamation. Polda Jateng's reactive approach—focusing on prosecution rather than prevention—fails to address these root causes, perpetuating the problem.

### Impact and Implications

The weaknesses outlined above have profound implications. Legally, ambiguous interpretations and inconsistent enforcement undermine the rule of law, eroding public confidence in the judiciary. Socially, the chilling effect stifles democratic participation, as citizens and media avoid scrutinizing officials. Politically, the abuse of UU ITE by powerful officials risks authoritarianism, as seen in cases where critics were silenced to protect political interests. For state officials, inadequate protection prolongs reputational harm, weakening their authority and governance effectiveness.

Recent legal developments offer some hope. The Constitutional Court's April 2025 ruling restricted defamation complaints to individuals, barring government institutions from filing claims. Additionally, the March 2024 decision declared KUHP Article 310[1] unconstitutional, limiting its use in defamation cases. However, these reforms have not fully addressed UU ITE's flaws, and Polda Jateng continues to grapple with enforcement challenges. The persistence of these weaknesses underscores the need for comprehensive legal and institutional reform to balance state authority with individual rights.

## DISCUSSION

### Reconstruction of Law Related to Defamation Against State Officials Through the Internet in Central Java Based on the Value of Justice

The weaknesses identified in Central Java's handling of cyber defamation against state officials reveal a legal framework misaligned with principles of justice—fairness, proportionality, and protection of fundamental rights. This section proposes a reconstructed legal approach grounded in justice values, drawing on comparative analysis with other countries, analyzing problems from the research results, and formulating actionable reforms. The reconstruction aims to balance the need to protect state officials' dignity with the imperative to safeguard freedom of expression, ensuring equitable application of the law.



## Comparative Analysis with Other Countries

To inform the reconstruction, Indonesia's UU ITE is compared with defamation laws in three democratic jurisdictions: the United States, the United Kingdom, and Australia. Each offers insights into balancing reputation protection with free speech.

- **United States:** The U.S. employs the “actual malice” standard, established in *New York Times Co. v. Sullivan* (1964). Public officials must prove that a defamatory statement was made with knowledge of its falsity or reckless disregard for the truth. This high threshold protects critics, as seen in cases where officials failed to demonstrate malice, ensuring robust public discourse. Indonesia's UU ITE lacks such a standard, allowing convictions based on subjective harm, which stifles criticism.
- **United Kingdom:** The Defamation Act 2013 includes a “public interest” defense, requiring courts to weigh the public's right to know against reputational harm. For example, a 2015 case acquitted a journalist who criticized a public official, as the critique served public interest. The UK also abolished criminal defamation, relying on civil remedies to address reputational harm. Indonesia's criminal penalties under UU ITE contrast sharply, imposing disproportionate punishments.
- **Australia:** Australian law recognizes “qualified privilege,” protecting statements made in good faith on matters of public concern. In a 2019 case, a blogger was acquitted for criticizing a local official, as the statement was deemed reasonable and non-malicious. Australia's civil defamation framework, coupled with defenses like truth and public interest, contrasts with Indonesia's punitive approach, which prioritizes punishment over proportionality.

These jurisdictions share a common thread: defamation laws prioritize free speech and public interest, imposing high evidentiary burdens on public officials. Indonesia's UU ITE, conversely, enables broad criminalization, undermining justice by favoring powerful complainants over defendants' rights.

## PROBLEM ANALYSIS BASED ON RESEARCH RESULTS

The research results highlight five key problems undermining justice in Central Java's defamation framework:

- **Ambiguous Legal Interpretations:** The vague wording of Articles 27(3) and 28(2) allows subjective enforcement, violating the principle of legal certainty. Cases where Polda Jateng misapplied these provisions demonstrate a lack of fairness, as defendants face unpredictable outcomes.
- **Enforcement Inconsistencies:** Political influence and inadequate training lead to arbitrary prosecutions, disproportionately harming less powerful defendants. This contravenes distributive

justice, as the law benefits influential officials while silencing critics.

- **Chilling Effect:** The threat of UU ITE penalties suppresses free speech, a fundamental right under Article 28E of Indonesia's Constitution. This undermines procedural justice, as citizens are deterred from holding officials accountable.
- **Inadequate Victim Protection:** The lack of support for defamed officials fails to restore their dignity, a core aspect of restorative justice. Prolonged reputational harm weakens governance, affecting public trust.
- **Societal and Technological Challenges:** Rising public distrust and social media's reach amplify defamation, yet the law focuses on punishment rather than prevention, neglecting commutative justice (addressing root causes).

These problems reflect a legal framework that prioritizes state authority over individual rights, contradicting justice values. The abuse of UU ITE by officials to silence critics, as seen in Central Java cases, mirrors authoritarian tendencies, threatening Indonesia's democratic progress.

## Reconstruction of the Law

To align Central Java's defamation laws with justice values, the following reconstructed framework is proposed, integrating lessons from comparative analysis and research findings:

- **Decriminalization of Defamation:** Following the UN Human Rights Committee's recommendation, defamation should be decriminalized for non-malicious cases, shifting to civil remedies. Criminal penalties should be reserved for egregious cases involving provable malice or incitement to violence, reducing the chilling effect. For example, Article 27(3) could be amended to apply only when intent to harm is clearly demonstrated, mirroring the U.S. actual malice standard.
- **Public Interest Defense:** Introduce a statutory public interest defense in UU ITE, as in the UK, allowing defendants to argue that their statements served public welfare. This would protect journalists and activists, as seen in Central Java cases where legitimate critiques were criminalized. The defense should consider factors like the statement's relevance, source reliability, and public concern.
- **Procedural Safeguards:** Establish clear enforcement protocols for Polda Jateng, requiring independent review of complaints to prevent political influence. Training programs should equip officers to distinguish defamation from protected speech, addressing enforcement inconsistencies. Additionally, courts should expedite content removal requests under MOCI Regulation No. 5/2020 to protect victims without protracted trials.
- **Victim Support Mechanisms:** Create dedicated units within Polda Jateng to provide legal, psychological, and reputational support for defamed

officials. This aligns with restorative justice, ensuring victims' dignity is restored while maintaining public trust. For instance, a 2023 case could have been mitigated with timely support, reducing reputational damage.

- **Preventive Education:** Mandate nationwide campaigns on internet ethics, integrated into Central Java's schools and communities, to reduce defamation driven by legal ignorance. This preventive approach, inspired by Australia's media literacy programs, addresses societal challenges and promotes commutative justice.

### Implementation and Challenges

Implementing this framework requires legislative amendments to UU ITE, which faces resistance from powerful officials benefiting from the current system. The Constitutional Court's 2025 ruling restricting complaints to individuals is a step forward, but broader reform needs parliamentary support. Polda Jateng must also overcome resource constraints to enhance training and victim support, necessitating budget allocations. Public awareness campaigns require coordination with civil society to counter distrust and promote responsible digital behavior.

Despite these challenges, the reconstructed framework offers a just, proportionate approach. By decriminalizing non-malicious defamation, introducing defenses, and strengthening enforcement and support, the law can protect officials' dignity while upholding free speech, aligning with Indonesia's constitutional guarantees and international human rights standards.

### CONCLUSION

1. Cyber defamation against state officials in Central Java stems from public dissatisfaction, political rivalries, personal vendettas, and legal ignorance. These factors fuel online attacks, undermining officials' authority and public trust. Social media amplifies defamatory content, while distrust in governance perpetuates a cycle of criticism and retaliation. Addressing these causes requires tackling societal cynicism and enhancing public awareness of legal consequences to deter misuse of internet platforms.
2. Effective solutions include preventive education on internet ethics, precise enforcement of UU ITE to avoid overreach, and robust victim support mechanisms. Nationwide campaigns, standardized Polda Jateng protocols, and dedicated support units can reduce defamation, protect officials, and preserve free speech. Legal reforms, such as public interest defenses, ensure proportionality, fostering a balanced approach to governance and digital rights.

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