

THE URGENCY OF USING ELECTRONIC EVIDENCE IN TRIALS AS AN EFFORT TO ANSWER THE CHALLENGES OF LAW ENFORCEMENT IN THE DIGITAL ERA AND SOCIAL MEDIA DYNAMICS

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ABSTRACT

The rapid advancement of information technology has transformed many aspects of legal proceedings, particularly in the area of evidence. One of the most urgent adaptations is the use of electronic evidence in court trials, especially in response to the increasing influence of social media on legal processes and public perception. This article examines the urgency of integrating electronic evidence in judicial practice in Indonesia, exploring both its legal basis and implementation challenges. Drawing on a normative legal method, the study analyzes key regulations such as the ITE Law, PERMA No. 1 of 2019, and relevant jurisprudence. The findings reveal that while electronic evidence is legally recognized, its effective application is hindered by the absence of clear procedural norms in the Criminal Procedure Code, inconsistent judicial interpretations, and the lack of technical capacity among law enforcement officers. Challenges also arise in authenticating complex digital evidence and ensuring cybersecurity within the e-court system. Despite these obstacles, the study highlights that electronic evidence significantly contributes to transparency, efficiency, and the integrity of modern trials. To optimize its use, reforms are needed in both regulatory frameworks and institutional readiness. This includes revising the Criminal Procedure Code, enhancing digital forensic training, and securing digital infrastructures. Ultimately, the use of electronic evidence is not only a technical necessity but also a strategic instrument for ensuring justice in an increasingly digital society.

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Introduction

The rapid development of information technology has revolutionized the way humans interact, access information, and carry out daily activities, including in terms of law and justice (Cole & Bertenthal, 2017; Gooding, 2019; Gupta, 2022; Pitt et al., 2023). Amid this digital transformation, social media has become the main platform for voicing opinions, disseminating facts, and even shaping public perception of a legal event (Alfiani

et al., 2020; Bahram, 2023; Dewi, 2021; Mayolaika et al., 2021; Rizky, Rafieqah Nalar and Mahardika, 2023). This reality not only marks social change but also inspires the legal system to adapt. The justice system, which previously ran with conventional procedures, is now faced with new challenges and expectations: responding to the demands of speed, transparency, and reliability of the legal process in the digital landscape (Baihaqi, 2020). One of the most crucial forms of adaptation is the recognition and use of electronic evidence in trials, an element that can no longer be seen as complementary, but rather a central part of modern evidence (Army, 2020). Electronic evidence is a product of digital communication and activity that records legally relevant events or conversations (Fakhriah, 2023). Within Indonesian law, the legal basis for the validity of electronic evidence is regulated in Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE), as amended by Law No. 19 of 2016 (Rahmad, Arifah, Setiyawan, Ramli, & Daud, 2023). Article 1 number 1 of the ITE Law states that electronic information is one or a collection of electronic data that has meaning or can be understood by people who can understand it (Hartono, 2020). Furthermore, Article 5, paragraph (1) of the ITE Law expressly states that "Electronic Information and/or Electronic Documents and/or printouts thereof are valid legal evidence" (Asimah, 2020). This provision is an important milestone in that the law does not turn a blind eye to forms of evidence born from modern technology.

Types of electronic evidence include voice recordings, videos, emails, digital documents, screenshots, activity logs, and metadata from a digital file (Nelson, 2022). This evidence has been used in various criminal and civil cases, including defamation on social media, e-commerce, and digital intellectual property rights violations (Helmawansyah, 2021). The strength of this electronic evidence lies not only in its content but also in the accompanying digital traces—for example, the time the message was sent, the IP address, or the GPS location—all of which can be analyzed through digital forensics (Sari, 2024). In the theory of evidentiary law, electronic evidence must be analyzed based on the principles of relevance and authentication (Rum, 2025). Relevance requires that the evidence submitted must have a direct relationship to the subject of the case, while authentication concerns the authenticity and integrity of the evidence (Herlambang, 2024). This principle is in line with the principle of due process of law, where each party has the right to a fair legal process, including evidence (Zahrannisa, 2021). In practice, the court is required to examine the validity of electronic evidence, not only from a technical perspective but also from a procedural perspective so as not to violate the rights of the accused or other parties to the case (Eugenia, 2024).

Electronic evidence must be recognized as valid legal evidence, and it also needs to be viewed within the framework of criminal and civil procedural law. In the Criminal Procedure Code (Law No. 8 of 1981), evidence is known to be limited to six types, namely: witness statements, expert statements, letters, instructions, defendant statements, and other recognized evidence (Eato, 2017). Although it does not explicitly mention "electronic evidence," the development of jurisprudence and other laws and regulations has opened space for a broader interpretation of "letters" and "other evidence." In practice,

electronic documents can be qualified as letters if they meet certain formal and material elements (Oktana, 2022).

The expansion of recognition is strengthened by the Constitutional Court Decision Number 20/PUU-XIV/2016, which states that electronic information can be used as valid evidence as long as it can guarantee its authenticity. The Constitutional Court emphasized that law enforcement should not be hampered by the rigidity of procedural law that is no longer in line with technological developments (Tarigan, 2024). This decision not only clarifies the legal position of electronic evidence but also provides constitutional legitimacy to the ITE Law in the context of evidence in court.

Furthermore, PERMA No. 1 of 2019 concerning Electronic Case Administration and Trials in Courts has become a milestone in the modernization of the justice system in Indonesia (Berutu, 2020). This regulation provides full legitimacy to the digital case administration process, including electronic documents as part of the evidence system. In other words, Indonesian courts have begun to integrate technology into everyday practice, not only as a response to the past COVID-19 pandemic but also as part of long-term structural reforms (Rosady, 2021).

The regulatory changes and interpretive approaches by the judiciary mark a paradigm shift in the evidence system in Indonesia. Recognition of electronic evidence is no longer just an exception but has become a new norm that must be accommodated. This is in line with the needs of a modern society that is increasingly dependent on digital interactions, both in social and economic life. When most legal relations now occur in cyberspace, it is no longer possible for the legal system to survive with only analog instruments.

In the broad framework of fair and adaptive law enforcement, using electronic evidence is a logical step to maintain the integrity of the legal system amidst the massive flow of information. Accuracy in drafting regulations, strengthening the technical capacity of legal officers, and consistency of judicial decisions are the keys so that electronic evidence can play an optimal role, not only as a technical aid but as a bridge between the law and the digital reality of contemporary society. One major legal challenge is the absence of explicit provisions in Indonesia's Criminal Procedure Code (KUHAP) concerning the admissibility and evaluation of electronic evidence. Although the ITE Law (Law No. 11 of 2008 as amended by Law No. 19 of 2016) and PERMA No. 1 of 2019 provide regulatory recognition, the Criminal Procedure Code remains outdated, causing inconsistency in judicial interpretation and procedural uncertainty.

Several prior studies (Army, 2020; Hartono, 2020; Herlambang, 2024) have examined the legal basis and technical dimensions of electronic evidence. However, few have critically explored the integration of such evidence within Indonesia's broader procedural law system, especially in the context of social media-related cases. Moreover, limited scholarly attention has been given to how courts handle disputes over digital evidence authenticity and admissibility.

This research seeks to fill that gap by providing a normative legal analysis of how electronic evidence is recognized, evaluated, and institutionalized within Indonesia's judiciary. It also explores the socio-legal urgency of updating evidentiary procedures to align with digital realities. The ultimate aim is to contribute to a progressive evidentiary reform that enhances both the substantive fairness and technological responsiveness of Indonesia's legal system in the digital age.

Research Method

This research adopts a normative legal method combined with empirical legal content analysis to examine the use and legitimacy of electronic evidence in Indonesia's judicial process. The normative aspect involves textual and contextual analysis of positive laws, such as the Criminal Procedure Code (KUHAP), Law No. 11 of 2008 as amended by Law No. 19 of 2016 on Electronic Information and Transactions (ITE Law), and Supreme Court Regulation (PERMA) No. 1 of 2019. These documents were analyzed to trace the formal legal foundation for electronic evidence and its integration into procedural norms.

In addition to statutory interpretation, the study also incorporates empirical data derived from court decisions issued between 2015 and 2024. The selection of cases was conducted using purposive sampling, focusing on high-profile and precedent-setting decisions involving digital evidence—especially in defamation, online fraud, and social media-based disputes. The cases were accessed from the Supreme Court Decision Directory, the Constitutional Court's online database, and public legal reporting platforms.

Each case was analyzed thematically to identify recurring legal arguments, inconsistencies in judicial reasoning, and evolving interpretations regarding the admissibility and weight of electronic evidence. The analysis focused on key variables such as the type of evidence used (e.g., screenshots, metadata), authentication methods, and judicial standards applied.

To mitigate interpretive bias, this study triangulated legal findings with secondary literature, including journal articles, academic commentary, and regulatory commentary. The combination of doctrinal and empirical approaches enhances the study's ability to provide both normative clarity and practical insight, supporting a comprehensive assessment of how Indonesia's legal system responds to the challenges of law enforcement in the digital era.

Results and Discussion

The Urgency of Electronic Evidence in Trials in the Digital Era

The rapid development of information technology has significantly changed the face of modern crime. The mode of crime is no longer limited to physical or conventional actions but has penetrated the digital space with complex forms and is difficult to trace if not supported by an adequate legal understanding of technology. Digital-based crimes such as the spread of fake news (hoaxes), defamation through social media, online fraud,

and doxing practices are becoming increasingly rampant and worrying. In Indonesian law, this crime has been accommodated through Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), which has been updated through Law No. 19 of 2016. Articles 27 and 28 of the ITE Law, for example, explicitly regulate the prohibition of spreading information that violates morality, insults, and fake news that can cause public unrest.

This phenomenon is also reinforced by several viral cases from 2023 to early 2024, where conflicts that initially developed on social media then spread to formal legal processes. For example, cases of defamation through the TikTok or Instagram platforms trigger reports to the police, and ultimately end up in the trial process (Tempo, 2024). In these cases, the main evidence submitted is often in the form of screenshots, videos, or digital recordings uploaded by the perpetrator. This situation shows that without strong recognition of the validity of electronic evidence, the justice system will lag far behind and risk losing its relevance in responding to the dynamics of an increasingly digital society.

Amid this issue, electronic evidence is crucial in ensuring that the evidence process continues to run objectively and efficiently. One of the advantages of electronic evidence is its ability to record events precisely and without subjective human intervention. CCTV recordings, WhatsApp messages, and digital metadata can show the chronology and context of events more completely compared to oral testimony which is often partial. In criminal procedural law, this can support the fulfillment of the elements of a crime more convincingly as regulated in Article 184 of the Criminal Procedure Code concerning valid evidence. Although electronic evidence is not explicitly mentioned in the Criminal Procedure Code, the legitimacy of its use is strengthened through Articles 5 and 6 of the ITE Law which state that electronic information and electronic documents can be valid legal evidence.

The effectiveness of electronic evidence is also reflected in judicial practices that have begun to recognize the validity of digital recordings as primary evidence. For example, in criminal cases related to online investment fraud, many courts have accepted evidence in the form of screenshots of WhatsApp conversations, transaction emails, and digital traces of electronic bank accounts. In this context, the presence of digital forensic experts is important to authenticate the authenticity of the data. The decisions of the Supreme Court and the Constitutional Court in several cases also show a trend that supports the use of electronic evidence as long as it meets the principles of authentication and relevance. It indicates institutional acceptance of the digitalization of the evidence process in our legal system.

Furthermore, the urgency of using electronic evidence is also closely related to the principle of due process of law, namely the principle that every individual has the right to a fair, transparent, and non-arbitrary legal process. The use of valid and technically verified electronic evidence can prevent judges from making decisions based solely on public opinion or social media pressure. It is critical in the digital era, where the legal process is often accompanied by social justice which is developing rapidly on online

platforms. In other words, electronic evidence becomes a balance between legal facts and public perception to produce justice that is not solely based on public pressure but on valid evidence.

Transparency in the evidence process is also increased through an electronic-based justice system regulated in PERMA No. 1 of 2019 concerning the Electronic Administration of Cases and Trials in Courts. This regulation opens up space for the use of electronic documents in every trial stage, from case registration to the reading of the verdict. Through this system, judges, prosecutors, lawyers, and related parties can access electronic evidence simultaneously and openly, so that the process of assessing evidence becomes more objective. On the one hand, this system also makes it easier for the court to store, manage, and verify evidence more safely and efficiently compared to the manual system.

The accountability aspect is driven stronger when electronic evidence is utilized optimally. Every process of assessing evidence can be traced digitally, allowing the public and stakeholders to monitor whether the court has its duties honestly and fairly. It is the answer to public concerns about transparency in the law enforcement process. In situations where public trust in judicial institutions is often shaken, digital-based evidence can be an important instrument to rebuild legal legitimacy.

Ultimately, the use of electronic evidence in trials not only functions technically but also reflects the readiness of the legal system to adapt to changing social realities. The digital world is no longer separate from real life, and its consequences can no longer be separated from legal responsibility. When the justice system can adopt electronic evidence with valid and responsible procedures, then justice is not only present as a normative value but also as a concrete experience that is felt directly by the community.

Legal and Technical Challenges in the Use of Electronic Evidence

One of the fundamental problems is the unclear provisions in the Criminal Procedure Code regarding electronic evidence. The Criminal Procedure Code as a criminal procedure law instrument that has been in effect since 1981 has not anticipated the presence of digital technology in the evidence process. Although the Supreme Court and several sectoral regulations such as the ITE Law or PERMA No. 1 of 2019 have provided space for the recognition of electronic evidence, the absence of explicit norms in the Criminal Procedure Code has led to multiple interpretations at the level of judicial practice. This creates a space for legal uncertainty that is vulnerable to being exploited to weaken the position of digital evidence in trials.

This multi-interpretation is increasingly felt in the context of electronic evidence authentication. Not all judges and legal practitioners have the same understanding of how electronic evidence should be verified for authenticity. On the one hand, there is digital evidence that is quite easy to understand, such as CCTV footage or screenshots. However, on the other hand, there are forms of digital evidence that require a forensic approach and special expertise, such as server logs, metadata, or file hash values. Debates have arisen as to whether judges can assess the validity of this evidence independently or whether it

requires the involvement of digital forensic experts. This condition shows that the traditional approach in procedural law needs to be adjusted so as not to become an obstacle in upholding justice in the digital era.

Another challenge that is no less significant is the emergence of disputes over the validity of digital evidence in court. Many cases end in counterclaims because the aggrieved party claims that the electronic evidence has been engineered or taken without valid permission. Disputes of this kind often prolong the trial process and obscure the substance of the case. Without a firm legal basis and accountable authentication procedures, electronic evidence is at risk of becoming an instrument that is constantly questioned, rather than as a means of evidence that clarifies legal facts.

In addition to legal challenges, technical and digital forensic aspects are also obstacles in optimizing electronic evidence. Investigators, prosecutors, and judges are not yet fully equipped with the understanding or ability to handle complex digital evidence. Digital evidence not only needs to be collected but its integrity must also be maintained from the beginning until the trial process. In the digital world, data integrity is usually guaranteed through techniques such as hash value and chain of custody, but this practice has not been systematically implemented in the Indonesian justice system. Irregularities in the documentation and handling of digital evidence pose a risk of manipulation or the loss of the probative value of evidence.

The issue of the security of the electronic justice system is also a separate highlight. The implementation of E-Court and e-filing has indeed brought a breath of fresh air to the modernization of the courts, but the security of this system is still questionable. The risk of data leaks, hacking, and unauthorized access to court documents are real threats that have not been optimally addressed. In some cases, data that has been uploaded to the E-Court system can be accessed without adequate authorization, which can ultimately harm the parties in the case. The absence of a robust cybersecurity system may reduce public trust in the integrity of the digitalization of justice.

The various challenges above encourage the need for a more progressive legal response. One proposal that has emerged is the renewal of the Criminal Procedure Code to include explicit provisions regarding electronic evidence. This renewal is not only important to provide legal certainty, but also to respond to the digital reality that has become an integral part of social and legal life. By including definitions, and mechanisms for collecting, authenticating, and evaluating electronic evidence in the Criminal Procedure Code, the justice system will be better prepared to answer the challenges of the digital era both normatively and technically.

In addition to regulations, strengthening the capacity of human resources in the legal system is also an urgent need. It is not enough to rely on good regulations if law enforcers are not ready to implement them. Training in the fields of digital forensics, cybersecurity, and understanding of information technology needs to be provided continuously to investigators, prosecutors, and judges. At the same time, law enforcement agencies such as the National Police and the Attorney General's Office need to strengthen

special units that handle digital crimes and evidence so that they can accompany the legal process with the right expertise.

As a final step, revision and harmonization between regulations, especially between the ITE Law, the Criminal Procedure Code, and PERMA, are important to eliminate overlaps and strengthen the evidence system. Currently, although the ITE Law recognizes the legality of electronic information and documents as evidence, there has been no comprehensive synchronization with criminal and civil procedural law. As a result, the evidentiary process often takes place within an inconsistent legal framework. With regulatory harmonization and systemic reform, electronic evidence will truly become a legitimate, standardized, and effective part of the modern justice system.

Conclusion

Using electronic evidence in trials is no longer just an alternative, but an absolute necessity in the fast-paced and dynamic digital era. Social transformation, marked by the expansion of community activities in the digital realm, especially through social media, has changed the way people interact, express opinions, and even engage in conflicts that can lead to legal proceedings. In this context, electronic evidence plays an important role in maintaining legal legitimacy in the eyes of the public and ensuring that the judicial process remains accountable and responsive to developments. When the legal system can respond to digital realities in a legitimate, professional, and transparent manner, then justice is not only seen to be upheld but is truly felt by the community. On the other hand, the complexity of evidence in contemporary cases shows that our procedural law, especially the Criminal Procedure Code, is still far from adequate in accommodating digital evidence as a legitimate instrument and standing on par with other conventional evidence. To respond to these challenges concretely, strategic and comprehensive steps are needed. Revision of the Criminal Procedure Code is a top priority so that the regulations regarding electronic evidence are explicit, comprehensive, and not open to multiple interpretations. This regulatory strengthening needs to be accompanied by technical training and capacity building for law enforcement officers, including judges, prosecutors, investigators, and legal advisors, so that they have the understanding and skills to handle digital evidence professionally and validly. In addition, a safe and transparent digital-based legal system must continue to be developed—in terms of infrastructure, cybersecurity, and technical procedures—to ensure the integrity of the legal process. Only with a combination of regulatory reform, human resource development, and digital system modernization can the Indonesian justice system remain relevant and competitive amid digital disruption.

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