



Ekasakti Journal of law and Justice

e-ISSN: 2987-436X | p-ISSN: 2987-7954

Vol 4, No. 1, June 2026

journal homepage <https://ejrev.org/law>

Juridical Review of Bawaslu's Authority in Handling Digital Disinformation in Elections in Indonesia

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Article History

Revised: 2026-04-25

Accepted: 2026-05-27

Published: 2026-06-01

Abstract: This study aims to analyze the authority of the General Election Supervisory Agency (*Bawaslu*) in handling digital campaign disinformation in elections in Indonesia based on the applicable legal provisions. The research method used is a normative juridical method with a legislative and conceptual approach. The results of the study show that the authority of Bawaslu in supervising digital campaigns has been regulated in Law Number 7 of 2017 concerning General Elections, especially in the aspect of supervision and handling of administrative violations. However, in practice, the handling of digital campaign disinformation does not only involve Bawaslu, but also other agencies according to their respective authorities. Therefore, handling disinformation requires coordination between institutions so that it can run effectively. This research also shows that strengthening the authority of Bawaslu is not interpreted as adding new authority, but as an effort to optimize the implementation of existing authority through strengthening coordination, adaptive supervision mechanisms, and improving preventive functions. Thus, Bawaslu has a strategic role as a supervisor as well as a liaison in supporting the handling of digital campaign disinformation within the applicable legal framework.

Keywords: Bawaslu, Digital Campaign Disinformation, Supervisory Authority, Elections

Introduction

General Elections are the main means in the implementation of people's sovereignty in the democratic system in Indonesia. Through elections, the public has the right to elect leaders and determine the direction of state policies. Elections must be held directly, publicly, freely, secretly, honestly, and fairly so that the results can reflect the will of the people in real terms. The implementation of elections with integrity is very important to maintain public trust in the democratic system.¹

Along with the development of information technology, the implementation of elections, especially in campaign activities, has undergone significant changes. Campaigns that were previously more in-person, such as face-to-face meetings and the use of physical props, are now evolving in a digital direction through social media. Platforms such as Instagram, TikTok, and X are widely used by election participants to convey political messages to the public.² Information can be disseminated quickly, widely, and reaches various levels of society, especially the younger generation as active voters in the digital space.³

The use of digital media in campaigns also poses new challenges, one of which is the emergence of disinformation. Disinformation in this context can be understood as information that is not true, misleading, or presented incompletely so that it can affect public understanding. In election situations,

¹ Jimly Asshiddiqie, *Introduction to Constitutional Law*, (Jakarta: RajaGrafindo Persada, 2015), pp. 338-340.

² We Are Social, Digital 2024: Indonesia, (*We Are Social: Meltwater*, 2024), pp.58-60

³ Ismail Zaky Al Fatih, et al., "The Role of Social Media Algorithms in the Spread of Digital Political Propaganda Ahead of Elections," *Journal of National Resilience Strategic Studies*, Vol. 7, No. 1, (2024), p. 2.

the spread of disinformation can have an impact on the way the public assesses candidates or election participants, potentially affecting the quality of the choices taken.⁴

Within the legal framework in Indonesia, regulations regarding election campaigns, including through social media, have been regulated in Law Number 7 of 2017 concerning General Elections. The law stipulates that campaigns can be carried out through various media, including social media, and prohibits the submission of campaign materials that contain false or misleading information.⁵ This shows that normatively, election law in Indonesia has provided a regulatory basis for campaign activities in the digital space.

In its application, the handling of digital campaign disinformation is not only related to one aspect of the law. Disinformation circulating in digital media can touch various fields of law, such as election law, criminal law, and laws that regulate information and electronic transactions.⁶ Therefore, handling disinformation cannot be done by one institution alone, but involves various parties according to their respective authorities.⁷

The General Election Supervisory Agency (Bawaslu) as an institution that has the function of election supervision functions in supervising the running of campaigns, including campaigns in digital media. Bawaslu has the authority to supervise, receive reports, and follow up on alleged election violations in the administrative aspect. In this case, Bawaslu functions to ensure that campaign activities run in accordance with applicable regulations.⁸

Enforcement of digital content that violates the law, especially those related to criminal aspects and information control in the digital space, is under the authority of other agencies, such as law enforcement officials and authorized institutions in the field of communication and informatics. Thus, the handling of digital campaign disinformation is a form of cooperation between institutions that have different authority, so good coordination is needed so that the handling can run effectively.⁹

Monitoring digital campaign disinformation faces various challenges. One of the main challenges is the characteristics of digital media that allow information to spread very quickly and is difficult to control. In addition, the use of anonymous accounts and organized information dissemination patterns can also complicate the process of tracing information sources and handling them.¹⁰

Based on these conditions, it is important to understand how the authority of Bawaslu in handling digital campaign disinformation within the framework of the applicable law in Indonesia. By understanding this, it is hoped that it can provide a clearer picture of the role of Bawaslu in the election supervision system, as well as how it relates to other institutions in handling disinformation in the digital era.

Based on the above background, this research is focused on a juridical review of the authority of Bawaslu in handling digital disinformation in elections in Indonesia, while still paying attention to the division of authority between institutions in the applicable legal system.

The formulation of the problem in this research is as follows;

1. How is the Bawaslu's authority in handling digital campaign disinformation based on election law in

⁴ Salma Nabila Rianissa, "Disinformation in the Post-Truth Era: Threats to Democracy and Global Mobility," *Democracy: Journal of Legal, Social and Political Science*, Vol. 2 No. 1 (2024): 47–48

⁵ Widyawati Boediningsih and Suparman Budi Cahyono, Cooperation Between Bawaslu and KPU Institutions in the Implementation of the 2024 Elections in Review from *Constitutional Law in Indonesia*, *Journal Locus Research and Service*, Vol.1, No.4 (2022): pp.288–301.

⁶ Erga Yuhandra et al., The Effectiveness of the Preventive Function of the General Election Supervisory Agency in Preventing Election Violations, *Journal of Ius Constituendum*, Vol.8, No.1 (2023): p, 1.

⁷ *Ibid.*, p. 20.

⁸ Alasman Mpesau, The Authority of the Election Supervisory Agency in Handling Administrative Violations Reviewed from the Perspective of the Indonesian Judicial System, *Audito Comparative Law Journal (ACLJ)*, Vol.2, No.2 (2021), pp.74–85.

⁹ Muhamad Raihan Husaini et al., "The Role of the Election Supervisory Agency in Addressing General Election Violations in the Digital Era in the Perspective of Law Number 7 of 2017," *Democracy: Journal of Legal, Social and Political Science Research* Vol. 1, No.3 July 2024: pp. 153-169.

¹⁰ Muhammad Ngazis, "Legal Challenges Related to Campaign Regulations on Social Media in the 2024 General Election," *Al' Adl: Legal Journal* 16, no. 2 (July 2024): p.182

Indonesia?

2. What is the ideal model for strengthening Bawaslu's authority in handling digital campaign disinformation?

Research Methods

This research uses normative juridical research methods, which are research that focuses on the analysis of applicable legal norms. This approach is used to examine the authority of the General Election Supervisory Agency (Bawaslu) in handling digital campaign disinformation based on relevant laws and regulations. Normative juridical research is carried out by examining legal materials related to the research object in order to obtain a systematic understanding of the applicable legal arrangements.

The approaches used in this study include the statute approach and the conceptual approach. The approach to laws and regulations is carried out by analyzing the provisions in Law Number 7 of 2017 concerning General Elections and other related regulations. Meanwhile, a conceptual approach is used to understand the concepts of authority, election supervision, and disinformation in the context of constitutional law.

The legal materials in this study include primary, secondary, and tertiary materials. Primary materials are in the form of laws and regulations related to elections, while secondary materials include books, journals, and previous research. Tertiary materials are used to clarify legal terms. All materials were collected through literature studies and analyzed qualitatively to obtain conclusions that were in accordance with the research objectives.

Results and Discussion

Regulation of Bawaslu's Authority in Handling Digital Campaign Disinformation Based on Election Law in Indonesia

Supervision of the implementation of general elections is an important part of maintaining the quality of democracy in Indonesia. In the Indonesian constitutional system, the election supervision function is carried out by the General Election Supervisory Agency (Bawaslu) as an institution that has the authority to ensure that all stages of elections run in accordance with the provisions of laws and regulations. This authority is regulated in Law Number 7 of 2017 concerning General Elections as the main legal basis for the implementation and supervision of elections.¹¹

The authority of Bawaslu is regulated in Article 93 of Law Number 7 of 2017 which states that Bawaslu is tasked with preventing and taking action against election violations and disputes in the election process. In addition, in Article 94, Bawaslu has the authority to receive reports, conduct examinations, and follow up on alleged election violations in accordance with the provisions of laws and regulations. This provision shows that legally, Bawaslu has a major role in the aspect of supervision and handling of election violations within the administrative framework.¹²

Law Number 7 of 2017 has also stipulated that campaigns can be carried out through various media, including social media. This can be seen in Article 275 paragraph (1) which states that election campaigns can be carried out through limited meetings, face-to-face meetings, dissemination of campaign materials, installation of props, print mass media, electronic media, and social media. The use of digital media has been recognized as part of legitimate campaign activities in elections.

In the rules regarding campaign management, there is a prohibition on the submission of campaign materials that contain false or misleading information. This provision is reflected in Article 280 paragraph (1) letter c, which prohibits the implementers, participants, and campaign teams from conducting campaigns that contain insults to a person, religion, ethnicity, race, class, and prohibition on conveying

¹¹ N. N. Alianinggrum, B. Almadinah, and A. K. Pertiwi, "Fact Screening and the Responsibility of Digital Journalism: Facing the Challenges of Disinformation in the 2024 Elections," *Journal of Social Contemplativa* 1, no. 2 (2024): 129.

¹² Ismail Zaky Al Fatih et al., *Op. Cit.*, p. 60.

false information. In its implementation, this provision is also the basis for Bawaslu to supervise campaign content circulating in digital media.¹³

Based on these provisions, it can be understood that normatively, election law in Indonesia has provided a regulatory basis for digital campaigns as well as a prohibition on the submission of misleading information. In this case, digital campaign disinformation can be analyzed within the framework of the prohibition of the delivery of false information as stipulated in the law. Bawaslu has a legal basis to supervise the content of digital campaigns that are suspected of containing elements of disinformation.¹⁴

The authority of Bawaslu in dealing with election violations, including those related to disinformation, is within the limits of administrative authority. This means that Bawaslu is authorized to supervise, receive reports, conduct searches, and provide recommendations or forward findings to the authorized agencies. Bawaslu does not have the authority to take direct criminal action against violations that occur.

In digital information, not all forms of disinformation can be directly qualified as election violations. A content can be categorized as a violation if it meets the elements that have been regulated in the law, such as containing incorrect information and being conveyed in the context of a campaign. Bawaslu must analyze each alleged violation to determine whether the content is included in the category of election violations or not.

The regulation of Bawaslu's authority must also be seen in relation to the broader legal system. Disinformation circulating in digital media can have other legal dimensions, such as criminal aspects and electronic information regulation. Enforcement of criminal violations is the authority of law enforcement officials, while the control of digital content is under the authority of agencies that have duties in the field of communication and informatics.¹⁵

The handling of digital campaign disinformation does not only depend on one institution, but involves various agencies according to their respective authorities. Bawaslu plays a role in supervising and handling violations in the administrative aspect, while other aspects are handled by different institutions. This reflects the division of authority in the Indonesian legal system which aims to maintain a balance of functions between state institutions.

Bawaslu also has a role in preventing election violations. This prevention effort can be carried out through socialization, education to the public, and strengthening public awareness of the importance of correct information in elections. Thus, the authority of Bawaslu is not only reactive in cracking down on violations, but also proactive in preventing violations.

From the perspective of constitutional law, the regulation of Bawaslu's authority shows the principle of division of power and functions between state institutions. Each institution has different authorities according to its duties and functions, so that there is no overlap of authority. This principle is important to keep each institution working within the established legal corridor.¹⁶

Based on this description, it can be concluded that the regulation of Bawaslu's authority in handling digital campaign disinformation has a legal basis in Law Number 7 of 2017, especially related to the authority to supervise and prohibit the submission of incorrect information in campaigns. The authority remains within the limits of administrative functions and is carried out in coordination with other institutions in accordance with their respective authorities. The handling of digital campaign disinformation is part of the election supervision system that is collaborative within the applicable legal framework.

¹³ A. P. Dewi, "Election Campaign Transformation: Placing the Role of Artificial Intelligence for Election Sustainability in Indonesia," *Electoral Governance: Indonesian Election Governance Journal* 1, no. 7 (2025): 126.

¹⁴ N. F. Haluta and E. I. Rahim, "Maintaining the Integrity of Cyberspace: The Role of Bawaslu in Overseeing the 2024 Election Digital Campaign in Pohuwato Regency," *Al-Zayn: Journal of Social Sciences & Law* 3, no. 6 (2025).

¹⁵ U. Ibrahimy, "Strengthening the Authority of Bawaslu: The Urgency of Investigating Election Crimes for the Sake of Justice, Effectiveness, and Integrity of Democracy," *AL-HUKMI: Journal of Islamic Economic and Family Law* 6 (2025): 134.

¹⁶ A. Lili, "Juridical Review of the Neutrality of State Administrators in the 2024 Serang Regency Simultaneous Regional Elections..." *Rewang Rencang: Lex Generalis Law Journal* 6, no. 8 (2025): 1.

The ideal Model for Strengthening the Authority of Bawaslu in Handling Digital Campaign Disinformation

The authority of the General Election Supervisory Agency (Bawaslu) in the election system in Indonesia has been clearly regulated in Law Number 7 of 2017 concerning General Elections. The law provides a legal basis for Bawaslu to supervise all stages of elections, including campaign activities that are now expanding into the digital realm. In these provisions, Bawaslu has the main function in the form of prevention, supervision, and enforcement of election violations. This arrangement includes supervision of campaign content disseminated through social media and other digital platforms, especially if it contains elements of offense such as hoaxes, hate speech, or disinformation that can influence voter choice.¹⁷

Bawaslu's normative authority in handling digital campaign disinformation does not stand alone, but is related to various other regulations such as the Electronic Information and Transaction Law (ITE Law) and General Election Commission (KPU) regulations that regulate the technical implementation of campaigns. In this framework, Bawaslu plays the role of an institution that supervises the running of the campaign in accordance with the principles of honesty and justice. Disinformation in digital campaigns is categorized as a form of violation if it is proven to contain misleading information that is detrimental to other election participants or the wider community.

The implementation of this authority can be seen from the mechanism for handling violations carried out by Bawaslu. Bawaslu receives public reports or findings from supervision related to alleged violations of digital campaigns. After that, a preliminary review process is carried out to determine whether the report meets the elements of violation. If they meet the requirements, Bawaslu will handle them according to the type of violation, both administrative, election crime, and code of ethics violations. In the case of digital disinformation, Bawaslu often coordinates with other agencies such as the Police, the Ministry of Communication and Information, and social media platforms to follow up on infringing content.¹⁸

In its implementation, the implementation of Bawaslu's authority faces various challenges. One of the main obstacles is the very fast and extensive nature of digital media in the dissemination of information. Disinformation content can spread in a short period of time and reach many users, making surveillance more complex than conventional campaigns. The limited human resources and technology owned by Bawaslu are also factors that affect the effectiveness of supervision in the digital space.

Bawaslu has made various efforts to optimize its authority without having to add new authority. One of these efforts is to improve the information technology-based supervision system. Bawaslu developed various applications and online reporting systems that make it easier for the public to report alleged violations. In addition, Bawaslu also conducts cyber patrols to actively monitor campaign activities on social media. This step shows that strengthening authority can be done through the optimization of existing functions, not through the formal expansion of authority.¹⁹

Bawaslu also strengthens coordination with various related parties. In handling digital disinformation, cooperation with the Ministry of Communication and Information Technology is very important, especially in terms of blocking or removing infringing content. Bawaslu also collaborates with social media platforms to speed up the process of handling problematic content. This pattern of cooperation shows that the role of Bawaslu is more as a control of the flow of information that ensures that every violation can be handled appropriately through the mechanisms that are already available.²⁰

¹⁷ *Ibid.*, p. 10.

¹⁸ A. E. Saputra, "The Role of the Election Supervisory Board in Maintaining Justice and Transparency: A Review of Administrative Law," *Jagaddhita Journal* 3, no. 1 (2024): 11.

¹⁹ *Ibid.*

²⁰ W. Silalahi and S. Evelina, "The Use of Deepfakes Related to the Spread of Hoax Issues During the 2024 Election Campaign," *Riau Islands Province Bawaslu Journal* 6 (2024): 30.

Strengthening authority in the sense of optimization is also reflected in increasing the institutional capacity of Bawaslu. Training for election supervisors, especially in understanding the dynamics of digital media and disinformation identification techniques, is an important step in improving the quality of supervision. With this capacity enhancement, election supervisors can be more responsive to various forms of violations that occur in the digital space.

Community participation is also an important factor in the implementation of Bawaslu's authority. The law provides space for the public to participate in election supervision through reporting violations. In the context of digital disinformation, the public has a strategic role as the first party to find and report allegedly infringing content. Bawaslu takes advantage of this participation by providing various reporting channels that are easily accessible, so that the supervision process becomes more inclusive and participatory.²¹

Bawaslu does not function as a single law enforcer who has full repressive authority like the police. The role of Bawaslu focuses more on the function of supervision and coordination between institutions. This is in line with the principle that Bawaslu does not act as a "digital police", but as a regulator of information traffic in the implementation of election campaigns. Bawaslu ensures that any violations that occur can be directed to the authorized institution to be followed up in accordance with the applicable legal provisions.²² This approach shows that the election supervision system in Indonesia prioritizes the principle of collaboration between institutions. Bawaslu acts as a liaison that integrates various authorities spread across various institutions. In handling digital disinformation, this approach becomes relevant given the complexity of problems involving technological, legal, and social aspects.

Evaluation of the implementation of Bawaslu's authority shows that various efforts have been made to improve the quality of election supervision, especially in dealing with disinformation in the digital space. Despite obstacles such as the rapid dissemination of information and limited resources, the optimization steps taken still provide significant results. The handling of violations becomes more structured because it follows the mechanism that has been regulated in laws and regulations. The process of tracing, studying, and following up on alleged violations can be carried out more systematically and in a more targeted manner. In addition, the existence of clear regulations helps create legal certainty for election participants, organizers, and the public. This is important to maintain public trust in the democratic process. The complementation of existing authority, if carried out optimally, can contribute to maintaining the integrity and quality of the implementation of elections in Indonesia.

Strengthening the authority of Bawaslu does not have to be done through the addition of new authorities, but through the maximum use of the authority that has been regulated in laws and regulations. This optimization is carried out through increasing institutional capacity, utilizing technology, and strengthening community coordination and participation. This approach is in line with the concept of Bawaslu as a supervisor that maintains a balance in the democratic process, especially in facing the challenges of digital campaigns that continue to develop.²³

Law Number 7 of 2017 concerning General Elections has regulated the authority of Bawaslu in campaign supervision. The arrangement is still general and has not formulated digital campaign disinformation as a specific object of surveillance. The applicable norms still use the terms campaign violations and the dissemination of misleading information without an operational explanation of the form of digital disinformation. This condition raises several juridical problems. Differences of interpretation may arise in determining the boundaries between election disinformation and electronic information breaches in general. The mechanism for handling violations depends on cross-agency coordination because the law has not yet regulated specific procedures for handling digital disinformation in elections. The handling process is often reactive because there are no detailed technical

²¹ Ibid.

²² A. P. Dewi, *Op. cit.*, p. 130.

²³ S. Wathoni and L. I. Mufidah, "Analysis of Bawaslu's Authority in Election Supervision: Siyasaah Legal Perspective," *Islamic Law: Siyasaah Journal* 9, no. 1 (2024): 16.

arrangements in place.

Strengthening the authority of Bawaslu can be done through the affirmation of norms in laws and regulations without expanding the authority excessively. Election regulations do not yet contain an operational definition of digital campaign disinformation. Regulations can formulate definitions that include the dissemination of false or misleading information, done intentionally, aimed at influencing voter preferences, and disseminated through digital media. The formulation of definitions provides legal certainty and distinguishes political criticism from disinformation.

Cyber patrol practices have been carried out by Bawaslu in supervising digital campaigns. The law has not provided an explicit legal basis for such activities. Regulations can provide legitimacy for active monitoring of the digital space, collection of electronic evidence, and mapping the pattern of disinformation spread. The handling of disinformation involves various agencies. The law can affirm Bawaslu's position as a coordinator for handling digital campaign violations. Regulations can contain the obligations of relevant agencies to follow up on Bawaslu recommendations and regulate the mechanism for data exchange between institutions. Strengthening norms provides legal certainty and increases the effectiveness of digital campaign supervision. Optimizing existing authority can support the integrity of the implementation of elections in Indonesia.

Conclusions and Suggestions

Conclusion

Based on the results of the research, it is suggested that the implementation of the authority of the General Election Supervisory Agency (Bawaslu) in handling digital campaign disinformation can be optimized through strengthening coordination with related agencies. Cooperation with law enforcement officials and authorized institutions in the field of communication and informatics needs to be clarified so that handling can be carried out quickly and appropriately according to their respective authorities.

In addition, Bawaslu needs to improve the digital campaign supervision mechanism that is more adaptive to technological developments. This strengthening can be done through the use of information technology in the monitoring process and increasing the capacity to supervise digital content that has the potential to violate election provisions.

On the other hand, prevention efforts also need to be strengthened through education to the public regarding the importance of digital literacy. With increasing public awareness in sorting information, it is hoped that the spread of disinformation can be minimized so that the quality of election implementation is maintained.

Suggestions

1. First, the implementation of the authority of the General Election Supervisory Agency (Bawaslu) in handling digital campaign disinformation needs to be optimized through strengthening coordination between institutions. Bawaslu needs to clarify the mechanism of cooperation with law enforcement officials and authorized agencies in the field of communication and informatics, so that every finding of violations can be followed up quickly and appropriately in accordance with their respective authorities. Effective coordination will encourage a more integrated handling of disinformation without changing the division of authority that has been regulated.
2. Second, it is necessary to strengthen the digital campaign supervision mechanism that is more adaptive to information technology developments. Bawaslu can increase the effectiveness of supervision by utilizing digital technology in the monitoring process and strengthening capacity in identifying content that has the potential to violate campaign provisions. This step is important so that supervision is not only reactive, but also able to respond quickly to the dynamics of information dissemination in the digital space.
3. Third, prevention efforts through increasing people's digital literacy need to be strengthened. Bawaslu can play a role in providing education to the public about the importance of sorting information and

the impact of the spread of disinformation. With increasing public awareness, it is hoped that the spread of disinformation can be minimized so that the integrity of the election is maintained.

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