

Joko Widodo's Diploma Controversy: Between False Accusations and Verified Legal Facts

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Abstract

This study explores the controversy surrounding the authenticity of President Joko Widodo's academic diploma, which has been alleged to be falsified by certain parties despite substantial legal and administrative evidence confirming its validity. The research aims to systematically analyze the legitimacy of the forgery accusations from the perspectives of criminal law, administrative law, and legitimacy theory within a constitutional democratic framework. A qualitative descriptive method is employed, based on phenomenological observation and normative-doctrinal approaches to statutory regulations, court decisions, and official institutional statements. Universitas Gadjah Mada has officially declared that President Joko Widodo is a legitimate graduate of the Faculty of Forestry, class of 1985, a claim further substantiated by the ruling of the Jakarta Administrative Court, which rejected a lawsuit challenging the authenticity of the diploma. From a criminal law standpoint, the elements of document forgery as stipulated in Article 263 of the Indonesian Penal Code (KUHP) are not fulfilled. Theoretically, the authenticity of the document is also supported by the presumption of regularity principle in administrative law, as well as Max Weber's rational-legal legitimacy theory. The study concludes that the fake diploma issue is legally unfounded and more politically motivated than juridically substantiated.

Keywords: *Diploma; Joko Widodo; Legal Facts*

A. INTRODUCTION

1. Background

In the era of modern democracy, the legitimacy of a leader is not only determined through the legitimate electoral process, but also through transparency and personal integrity, including in terms of identity and educational documents. In the midst of rampant disinformation and political polarization, the issue related to the authenticity of the diploma of the President of the Republic of Indonesia Joko Widodo emerged as a polemic that attracted the attention of the public and academics. The accusation that the President's diploma is fake has serious consequences, not only for the personal

image of a head of state, but also for the constitutional legitimacy of the current government.

This problem has arisen systematically since 2022, when a number of parties filed a lawsuit in court and stated that President Joko Widodo used a fake diploma from Gadjah Mada University (UGM). Although UGM as an official institution has confirmed the authenticity of the diploma supported by academic administration data and the testimony of university officials, this issue remains recurring in various public discourses and social media. In an official statement, the Rector of UGM emphasized that Joko Widodo is indeed an alumnus of the Forestry Department of the Faculty of Forestry UGM class of 1980 and graduated in 1985 (UGM, 2022).

Legally, the case of alleged use of fake diplomas should be examined based on the principles of proof in Indonesian criminal law. Article 263 of the Criminal Code (KUHP) explains that forgery of letters is the act of making a false letter or forging a letter that can give rise to rights, obligations, or debt exemption. However, in this case, it has never been juridically proven that President Joko Widodo falsified diplomas. In fact, in the ongoing legal process, the Supreme Court through the Jakarta State Administrative Court (PTUN) has rejected a lawsuit related to the validity of the diploma because there is not enough evidence (PTUN Decision No. 592/G/2022/PTUN. JKT).

In the analysis of legal theory, this problem can be studied through the approach of *legal truth* and constitutional legitimacy theory. According to Gustav Radbruch (1932), legal truth has three basic values: justice, legal certainty, and utility. False accusations that are not based on strong evidence will only undermine legal certainty and create political uncertainty that is detrimental to society. Furthermore, according to Max Weber, the legitimacy of state authority depends on the rationality of the law and public trust in institutions. Thus, when educational institutions, judicial institutions, and the government have confirmed the legality of the President's diploma, the rejection of this fact becomes a form of irrational institutional delegitimization.

This phenomenon also shows the symptoms of post-truth politics, which is when public opinion is formed more by personal emotions and beliefs than by objective facts. This phenomenon is strengthened by the spread of hoaxes on social media that are difficult to control. In this context, it should be emphasized that legal proof must still be subject to applicable formal and material norms, not to political pressure or speculative public perception.

This issue is also relevant to be studied from the perspective of state administrative law and political ethics. In a presidential democratic system like Indonesia, executive leaders must submit to the principle of accountability. However, accountability does not mean that every allegation must be considered true before being verified. Therefore, the public's

understanding of the evidentiary system in the law needs to be strengthened so that the public is not easily influenced by unfounded narratives.

Furthermore, in legal political studies, this kind of controversy can be seen as a form of "*judicial populism*" when legal mechanisms are used for political purposes, such as discrediting certain figures ahead of elections. This leads to the danger of politicization of legal institutions and abuse of litigation rights by certain groups. According to Satjipto Rahardjo, the law should not be a tool of power or political interests, but must be an instrument of civility and the protection of human rights.

Normatively, there is no legal reason that can invalidate the validity of President Joko Widodo's position based solely on unproven claims. In fact, if the basic assumption of the accusation is mere suspicion, then it cannot be processed in the legal system in the absence of valid primary evidence. Prevailing legal procedures require evidence such as comparative documents, expert witnesses, or credible testimony, things that the plaintiffs have so far been unable to provide.

In the context of Indonesia's legal and constitutional development, this issue is an important reflection of how society understands the concept of the rule of law and the rationality of democracy. In a healthy democracy, proof is the main foundation in every legal decision-making. Therefore, legal literacy and critical understanding of information are urgent needs, especially in the midst of a digital era full of disinformation.

In closing, this case confirms the importance of the position of official institutions such as universities, courts, and state institutions in providing objective evidence-based clarifications. When the institution has carried out its functions in an accountable and transparent manner, public trust should be strengthened, not constantly undermined by unfounded opinions. As Jeremy Bentham put it, "Publicity is the very soul of justice." Thus, the public must learn to distinguish between legitimate criticism and baseless political slander

2. Problem Formulation

- a. How is the legal validity of President Joko Widodo's diploma reviewed from the perspective of proof in Indonesian criminal law and the role of official institutions such as universities and the judiciary in confirming its authenticity?
- b. What are the implications of the accusation of diploma forgery on the constitutional legitimacy of President Joko Widodo's leadership in the context of the rule of law, the principle of democratic accountability, and the theory of legitimacy of state authority?

3. Research Methods

This study uses a descriptive qualitative approach with a library *research method*. This approach was chosen because the focus of the study lies in an in-depth analysis of the socio-political and legal phenomena that are developing in society, namely the controversy over President Joko Widodo's diploma which is accused of falsification, even though in fact and law it has been declared authentic by official authorities. This research does not involve the collection of direct field data, but relies on the search, observation, and interpretation of legal documents, official sources, and public narratives that develop in the media. To maintain the validity and reliability of legal materials, this study uses the source triangulation technique, which is by comparing information from various types of sources (academic, legal, official media, and related institutions) to ensure the suitability and correctness of the analyzed data.

B. DISCUSSION

In the modern democratic system, freedom of opinion is one of the main features guaranteed by the constitution. However, this freedom is often used by a number of parties to spread misleading information, especially in the context of political contestation. This phenomenon is known in the study of political communication as post-truth politics, which is a condition when public opinion is shaped more by personal emotions, perceptions, and beliefs than by objective facts and legal rationality. One of the striking cases in the Indonesian context is the controversy over the authenticity of President Joko Widodo's diploma.

This controversy stemmed from claims made by a number of individuals and groups, who stated that President Joko Widodo used fake diplomas when running for office. Although it has been denied many times by official institutions, including by Universitas Gadjah Mada (UGM), the President's alma mater, this issue continues to be disseminated and politicized in various public spaces, including social media. In this context, the role of law is important as a tool for verification and guaranteeing certainty. Juridically, the accusation of using a forged diploma refers to the provisions in Article 263 of the Criminal Code (KUHP), which states: "Whoever makes a false letter or forges a letter that may give rise to a right, obligation, or release of debt, or that is intended as evidence of a thing with the intention of using or instructing another person to use the letter as if its contents were true and not forged, threatened with imprisonment for a maximum of six years."

In this context, to prove the existence of a diploma forgery, the following elements must be met: the existence of a letter (in this case a diploma), the existence of an act of forgery, the existence of malicious intent (*mens rea*), and

the existence of legal consequences of the forgery. Based on the results of the observation of legal documents and available information, none of these elements can be legally proven. In fact, the decision of the Jakarta State Administrative Court (PTUN) No. 592/G/2022/PTUN. JKT expressly rejected the lawsuit that stated that the President's diploma was fake because there was not enough evidence.

The Supreme Court and the General Election Commission (KPU) also stated that all administrative documents used by President Joko Widodo when running for president had been verified and declared valid according to procedures. Gadjah Mada University in its official statement stated that Joko Widodo was a student of the Faculty of Forestry class of 1980 and graduated in 1985, based on academic records and faculty archives.

This problem can be examined using Gustav Radbruch's theory of legal truth, which states that law must meet three values: justice, legal certainty, and utility (*gerechtigheit, rechtssicherheit, zweckmäßigkeit*). When educational institutions, judicial institutions, and state institutions have confirmed the authenticity of a document, the value of legal certainty has been met. Ignoring the evidence and continuing to question the validity of documents without a strong legal basis actually obscures the value of justice and usefulness, and has the potential to undermine socio-political stability.

From the perspective of Max Weber's theory of legitimacy authority, a leader derives legitimacy from the rational-legal legal system, not from individual perceptions alone. In this case, President Joko Widodo has obtained a constitutional mandate through direct elections and fulfilled all administrative requirements in accordance with Law Number 7 of 2017 concerning Elections. So, as long as there is no legal decision that cancels the legal status, the legitimacy of the President remains constitutionally valid.

In the constitutional system, institutions such as universities, courts, and the KPU have the legal authority to assess the validity of documents. UGM's official statement as an institution that issues diplomas is a form of administrative authentication that is legally recognized. In state administrative law, documents issued by legal institutions and registered in the state system have legal force (*rechtsvermoeden*). Therefore, when UGM issues an official statement regarding the authenticity of Joko Widodo's diploma, the statement has legal force until proven otherwise through a court process.

In this context, the principle of presumption of regularity applies, i.e. that any administrative action is considered valid until proven to be legally flawed. So, the burden of proof is on the accuser, not the other way around. The issue of fake diplomas is not only an administrative legal problem, but also a political ethical issue. Accusations that are unfounded but continue to be repeated in

the public sphere can be considered as a form of character *assassination* aimed at weakening the authority of the national leadership. According to Satjipto Rahardjo, the law must not only be fair in substance, but also must free humans from fear and slander. If the law is used as a tool to attack political opponents through fabricated accusations, then it hurts the principles of legal civility and democratic ethics.

This tendency to use legal channels for political purposes can be categorized as a form of judicial populism, which is when legal mechanisms are used to build a political narrative without a solid basis. As a result, legal institutions are forced to work not based on the principle of professionalism, but to meet the expectations of certain groups that are populist.

This phenomenon reveals the low level of legal literacy in society. Many parties consume and disseminate legal information without understanding the applicable legal procedures, especially related to the burden of proof, institutional authority, and the principle of presumption of innocence. Therefore, public education is important so that people do not become victims of information manipulation. In this regard, the mass media and higher education institutions have a great responsibility in shaping rational and fact-based public opinion. Good legal literacy can prevent the spread of hoaxes, strengthen the rule of law, and encourage healthy democratic practices.

1. Theory of Legal Truth

The controversy over the authenticity of President Joko Widodo's diploma is one concrete example of how disinformation can develop in the democratic space, especially ahead of strategic political moments such as general elections. The accusation about the authenticity of a head of state's academic documents does not only target personality aspects, but also has direct implications for the political and legal legitimacy of the presidential institution. In the context of the state of law (*rechtstaat*), the judgment of the validity of an accusation must be returned to the system of proof of law and not to subjective opinion or public pressure.

This condition is increasingly complex in the digital and post-truth era, where public opinion is easily influenced by narratives that are not based on empirical data or juridical arguments. Therefore, this discussion examines two main dimensions: (1) the legal validity of the President's diploma based on the criminal and administrative evidentiary approach, and (2) its impact on political legitimacy and the principle of the rule of law. In explaining this entire construction, the discussion refers to Gustav Radbruch's Theory of Legal Truth, which offers a normative analysis of the debate between legal certainty, justice, and utility. Universitas Gadjah Mada (UGM), as an institution that has official authority over the academic data of its alumni, has issued an official statement

that Joko Widodo is indeed a graduate of the Faculty of Forestry, class of 1980 and graduated in 1985. This clarification is not an opinion, but is based on administrative data in the form of graduation archive documents, graduation books, and academic transcripts that are recorded systemically.

In the administrative legal system, a statement from a legitimate and authorized institution, such as a public university, has legal force known as the *presumption of regularity*. This means that a document issued by an official authority is assumed to be valid until proven otherwise through the judicial process. The lawsuit filed against the authenticity of the President's diploma has gone through a judicial process at the Jakarta State Administrative Court (PTUN) in case Number 592/G/2022/PTUN. JKT. In its ruling, the panel of judges rejected the lawsuit because the plaintiffs were unable to present strong and valid evidence that the diploma was the result of forgery. This shows that in the framework of proving criminal and administrative law, the allegations submitted do not meet the juridical elements to prove their truth.

In the context of Article 263 of the Criminal Code, the elements of forgery include the existence of malicious intent (*mens rea*), the existence of forged documents, and the purpose to cause legal consequences that are detrimental to other parties. The failure to meet these elements simultaneously shows that the allegations have no legal basis that can be accounted for. Gustav Radbruch in his theory stated that legal truth must meet three basic elements: justice (*gerechtigkeit*), legal certainty (*rechtssicherheit*), and utility (*zweckmäßigkeit*). The three must stand in balance so that the law can run as a tool to create order and protection of rights.

In terms of legal certainty (*Rechtssicherheit*), the validity of Joko Widodo's diploma has met all administrative and legal criteria. The university as the document making institution declared it valid, and the court as the dispute examining institution declared no violation of the law. Thus, there is no normative loophole that can be used to challenge the validity of the document. This legal certainty is the main basis for answering polemics that develop speculatively in the community.

On the side of justice (*Gerechtigkeit*), the attempt to try someone without a strong evidentiary basis is a form of injustice. Accusations that are not based on legal facts can be categorized as a form of defamation and character assassination that actually harms the accused legal subject. In this context, upholding justice means granting the right to clarification and freeing the innocent from manipulative opinions.

Practically (*Zweckmäßigkeit*), this polemic also does not provide productive legal or social benefits. Instead, this issue is used as a tool for political delegitimization that has the potential to damage public trust in the democratic system and state institutions. Therefore, according to the principle

of utility, this issue should be resolved completely through a legal approach, and there is no need to continue to be raised as a misleading public issue.

President Joko Widodo obtained power based on the direct election mechanism as stipulated in Law Number 7 of 2017 concerning General Elections. In each stage of candidacy, all documents have been verified by the General Election Commission and the Election Supervisory Board. Thus, accusations against the validity of educational documents cannot necessarily invalidate constitutional legitimacy as long as there is no court ruling that invalidated the process. In the theory of rational-legal legitimacy put forward by Max Weber, state authority is legitimate if it is exercised based on the applicable law. This means that as long as the President is elected and inaugurated based on legitimate regulations, the legitimacy of his power cannot be disturbed by opinions or claims that have no legal force.

The rule of law requires that all public and private actions be subject to the law, and conflict resolution must be through available legal mechanisms. When issues like this are more often played out in the public space and social media without a legitimate evidentiary mechanism, what happens is a neglect of the principle of due process of law. This has the potential to weaken the authority of legal institutions, create public confusion, and set a bad precedent in democracy.

The low legal literacy of the community is one of the reasons why this issue continues to develop without a clear direction. People tend to trust information from social media without verifying or understanding the legal context of an allegation. Therefore, the spread of false issues like this should be a momentum for the government, educational institutions, and the media to strengthen legal education and digital literacy.

More than that, the dissemination of information that is misleading and attacks the honor of others without a legal basis can be categorized as a violation of the law as stipulated in Law Number 11 of 2008 concerning Information and Electronic Transactions, especially Article 27 paragraph (3) and Article 28 paragraph (2). Law enforcement against these violations is important to maintain the integrity of public space and a healthy democratic system.

The issue of President Joko Widodo's fake diplomas has been denied administratively, legally, and theoretically. There is not enough evidence to support the claims of forgery, and there is no legal basis to challenge the President's constitutionally obtained political and legal legitimacy. Radbruch's theory of legal truth effectively shows that truth in law lies not only in procedural formalities, but also in the substance of justice and public utility. Therefore, the resolution of this issue must be returned to the rule of law and the principle of constitutional rationality.

2. Constitutional Legitimacy Theory

In a constitutional democracy, the source of power comes from the people, but its implementation must be subject to the legal principles written in the constitution and laws and regulations. The legitimacy of a state leader does not only come from the support of the majority vote, but also from the validity of the legal procedures used in the nomination and election process. Therefore, the concept of constitutional legitimacy is very important to test whether state power is exercised legally, fairly, and in accordance with the principle of the rule *of law*.

The President as the head of state and head of government must not only be democratically elected, but must also meet the formal requirements set by the constitution and national law. One of these requirements is the validity of personal administrative documents, such as educational diplomas. The issue of the authenticity of the diplomas used by President Joko Widodo is important not only as an administrative debate, but also related to the constitutional legitimacy of his leadership.

Theoretically, constitutional legitimacy refers to the recognition of state power or public officials based on the constitution as well as legitimate legal mechanisms. Max Weber (1978) divides legitimacy into three types: traditional, charismatic, and legal-rational. In modern democratic systems, legal-rational legitimacy is the dominant form, where authority is considered legitimate when it is established and executed based on written law.

Constitutional legitimacy, according to Bruce Ackerman (1991), is a form of authority obtained through legal processes designed by the constitution, including the ratification of documents, administrative verification, and elections through a legitimate electoral system. If all legal and administrative procedures have been carried out according to the rules, then the elected leader gains full legal and political legitimacy. In Article 6 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, it is stated that the requirements to become president and vice president are regulated in the law. This provision was then described in Law Number 7 of 2017 concerning General Elections, which states that presidential candidates must attach administrative documents such as the last education diploma. In this case, President Joko Widodo has attached a Bachelor of Forestry diploma from Gadjah Mada University (UGM) which has been verified and ratified by the General Election Commission (KPU).

Not only stopping at administrative verification, UGM as an official academic institution has also issued a public statement affirming that Joko Widodo is an official student of the class of 1980 and graduated in 1985, and is recorded in the university's official academic archives and graduation books.

Thus, the entire administrative process for the presidential candidacy has been constitutionally fulfilled, so that the power exercised based on the results of the legitimate election has legal-rational and constitutional legitimacy that cannot be challenged without a court decision.

The controversy regarding the diploma was then brought to the legal realm through a lawsuit to the State Administrative Court (PTUN) by a number of parties who doubted the authenticity of the document. However, in Decision Number 592/G/2022/PTUN. JKT, the panel of judges decided to reject the lawsuit because the plaintiff could not legally prove the existence of an act of forgery. This shows that from a juridical perspective, there were no violations of the law committed by President Joko Widodo, and there was no court decision that canceled his candidacy process.

According to the doctrine of constitutional law, court decisions have permanent legal force and are an important part of shaping the formal legitimacy of a public official. Thus, as long as there is no court decision to the contrary, the presumption of validity of the document remains valid as part of the principle of presumption of regularity in administrative law. The issue of diploma forgery that continues to be raised in the public sphere, although it has been denied by various official institutions, is a form of manipulative political delegitimization. This is contrary to the spirit of constitutional democracy because it uses opinions without legal basis to undermine trust in the legitimate government.

Within the framework of the theory of constitutional legitimacy, state power cannot be invalidated simply because of public opinion that is not based on evidence. Legal mechanisms and constitutional processes must be respected as the only legitimate way to test the legitimacy of power. Otherwise, then the state will fall into political chaos, where anyone can make baseless accusations and demand the nullification of legitimacy without a legitimate mechanism.

The rule of law means that the law is above the power, and that all forms of power, both executive and legislative, must be exercised in accordance with the provisions of applicable law. When President Joko Widodo has undergone the entire nomination and election process under the law, and no formal violations have been found, there is no juridical reason to doubt the legitimacy of his leadership. Therefore, the rejection of the validity of a diploma without strong evidence not only weakens the president as an individual, but also weakens the institutions of the state and the rule of law itself.

The application of the theory of constitutional legitimacy in this issue confirms that President Joko Widodo's power comes from a legitimate legal system, recognized electoral procedures, and the ratification of documents by authorized state institutions. Accusations of forged diplomas that cannot be

proven in court are not valid constitutional grounds for revoking the legitimacy of a president. Legitimacy is not determined by the noise of the minority voice in the public space, but by the legitimacy of legal procedures that are passed in a transparent and accountable manner.

In a healthy legal society, criticism of the government is part of democracy, but criticism must be conveyed on a clear basis and channeled through constitutional mechanisms. Otherwise, there will be a bad precedent where slander and hoaxes are used as political instruments, which ultimately undermines the constitutional system and the national legal order. Thus, the application of the theory of constitutional legitimacy in this case proves that President Joko Widodo has full and legitimate legitimacy, both legally, politically, and administratively, and that any form of denial of it must be reviewed within an objective and rational legal framework.

Constitutional legitimacy is also institutional, meaning that it is not only related to the person of the president, but also to the legitimacy of the legal system that appoints and supervises the office. When the General Election Commission (KPU), the Election Supervisory Agency (Bawaslu), the Constitutional Court (MK), and the State Administrative Court (PTUN) declare that all the requirements for President Joko Widodo's candidacy have been valid and no violations of the law have been found, then any form of accusation that contradicts the results becomes irrelevant in the constitutional framework. This is known in legal principles as *the finality of administrative decision*, which means that a valid decision of a state institution has the power of legitimacy that cannot be overturned except by a higher decision.

In a law-based democratic society, accusations against public officials should be based on strong legal evidence, and not just perceptions or information sourced from social media. Otherwise, it will undermine the principle of *due process of law* and weaken institutional legitimacy. In this context, the spread of false accusations about President Joko Widodo's diploma without a valid court ruling can be categorized as an unconstitutional form of political delegitimization.

Theoretically, constitutional legitimacy is also integrated with the principle of the rule of law. Where power is only valid if it is subject to the law, and can only be tested and nullified through legal mechanisms. Therefore, as long as there is no legal decision stating that President Joko Widodo committed a violation or used false documents, his power still has full legitimacy. This is in line with the principle of *presumption of legality* that a document or action of a state official is considered valid until proven otherwise legally.

Finally, constitutional legitimacy also has a social and political dimension, where people's trust is built on respect for a fair and transparent legal process. When the law becomes the main focus in resolving disputes,

democratic stability will be maintained. But on the other hand, if opinions that are not based on the law are used as a reference to undermine someone's legitimacy, then democracy has the potential to be degraded into an arena of conflict of opinion without a legal basis.

C. CONCLUSION

1. The legality of President Joko Widodo's diploma has met the elements of valid proof in the Indonesian legal system, both based on official documents from Gadjah Mada University and through a decision by the State Administrative Court rejecting a lawsuit related to alleged forgery. Based on Article 263 of the Criminal Code, no evidence was found of the act of falsifying documents, so the accusations against President Joko Widodo do not have a strong legal basis. Thus, juridically, the diploma is valid and cannot be classified as a forged document.
2. The accusation of diploma forgery against President Joko Widodo has no impact on the constitutional legitimacy of his leadership, because the entire candidacy process has been verified by the election organizing institution in accordance with the provisions of Law Number 7 of 2017. Within the framework of Max Weber's theory of rational-legal legitimacy and the principle of the rule of law, there is no legal decision that invalidates the validity of the President's administrative documents, so that his authority as head of state still has a constitutionally and democratically valid legal basis.

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