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People's sovereignty in the digital sphere: Challenging conventional legislation

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ABSTRACT

Social media has now become a massive platform for articulating the people's aspirations, which influence the legislative process in Indonesia. The wave of opposition to the KPK Law, the Job Creation Law, and the new Criminal Code reveals a paradox of popular sovereignty: although Article 1, paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantees sovereignty rests with the people, its effectiveness is actually more evident in the digital sphere through massive public pressure than in the formal forums of the House of Representatives. This trend is evident in the success of digital movements in forcing changes to draft bills, delaying their passage, and even leading to a Constitutional Court ruling on "meaningful participation." Conventional, elitist, and closed legislative mechanisms have driven the public to seek alternative channels through online petitions and digital demonstrations. This normative legal study employs Habermas's theory of deliberative democracy and the concept of digital sovereignty to analyze these phenomena. A comparative study (of the US, the UK, Estonia, and India) shows that digital democracy can be formally institutionalized. The selection of these countries represents a comprehensive spectrum of implementation: the United States and the UK demonstrate the power of petitions as drivers of the legislative agenda; Estonia highlights aspects of security and the validity of digital identity; while India demonstrates the success of technology integration on a large scale relevant to Indonesia's demographics. This paper proposes a concept of digital constitutional democracy through the integration of E-Prolegnas, a permanent public feedback portal, and digital identity verification. This initiative aims to transform Indonesian democracy into a participatory, transparent legislative model with strong constitutional legitimacy in the digital age.

Keywords: People's sovereignty; conventional legislation; digital constitutionalism.

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1. INTRODUCTION

In 1963, a Vietnamese Buddhist monk named Thích Quảng Đức set himself on fire in Saigon as a form of protest against President Ngô Đình Diệm's oppressive regime, which stifled democracy. The incident was initially just a local act, but because it was documented by foreign journalists and spread through international media, the world came to witness the tragedy. The images that circulated sparked global public opinion, fueled diplomatic pressure, and ultimately undermined the legitimacy of the South Vietnamese government, leading to the fall of the Diệm regime. (Malcolm Browne, Ngo, 2023) This event demonstrates that the power of a movement often lies not in the action itself, but in how that action is covered by the media. When applied to the context of Indonesia today, digital media and social media have both taken over and expanded these mechanisms. The difference lies in speed and agency; while Thích Quảng Đức needed foreign journalists to "amplify" his protest to the world, individuals in the digital age now have the tools to produce, package, and distribute their narratives of resistance independently and in real-time. This phenomenon of digital mediatization creates more massive public pressure, where local issues can become national discourse in a matter of hours, bypassing the once-rigid boundaries of information bureaucracy.

The power of digital media and social media plays a crucial and far more massive role. (Leong dkk., 2019) It no longer stops at merely conveying criticism; digital media has now become a space for articulating the people's aspirations (Diamond & Plattner, 2012) that directly influence the legislative process. Protests in Indonesia such as the rejection of the KPK Law revision, the controversy over the Job Creation Law, the enactment of the new Criminal Code, and the wave of criticism regarding the Constitutional Court's ruling on the age limit for presidential and vice-presidential candidates all demonstrate that public voices are increasingly amplified in the digital sphere rather than in conventional legislative forums. Hashtags, online petitions, and live streams of demonstrations have become new political instruments capable of amplifying pressure on state institutions. This is not merely an opinion; it can be observed and witnessed firsthand in recent times. (Pusat Studi Hukum dan Kebijakan Indonesia [PSHK], 2021; Abdurrahman, 2021; Teras Lampung, 2019).

This reveals a paradox in Indonesia's constitutional practice. Popular sovereignty, which is normatively affirmed in Article 1, Paragraph (2) of the 1945 Constitution: "Sovereignty resides with the people and is exercised in accordance with the Constitution," should be realized through the representative mechanism in the House of Representatives (DPR) as the lawmaker. (Kaingge, 2017) However, political reality reveals a widening gap between constitutional ideals and legislative practice. The legislative process often proceeds in an elitist manner, is rushed (for certain bills), and lacks public participation, leading the people to seek alternative channels in the digital sphere to assert their sovereignty. (Ikhwanudin & S Pd I, 2024)

A number of legal products have faced widespread public rejection because they are perceived as lacking public participation and tending to be elitist, closed-off, and laws that serve elite interests are sometimes passed quickly. (Mokoagow, 2024) The 2019 revision of the Corruption Eradication Commission Law (KPK Law) became a turning point in the crisis of public trust, as it was seen as weakening the anti-corruption agenda. A similar situation occurred during the deliberation of the TNI Bill, which was seen as opening the door for the military to re-enter civilian positions, thereby sparking concerns about a reversal of reforms (on the other hand, the bill was passed quickly due to the political interests of the current regime), (Kompas.com, 2025) just like the accelerated passage of the Ministry of State Law. Sadly, the Job Creation Law, the new Criminal Code, and even the Health Bill increasingly reveal a pattern of legislation that is rushed, closed-door, and lacking in public deliberation.

Public dissatisfaction with the legislative process subsequently led to large-scale demonstrations in both physical and digital public spaces. The wave of street protests not only demanded the repeal of the policy but also chanted radical slogans. In the current dynamic, the hashtag #DissolveTheDPR is trending

on social media, demonstrating how the public no longer merely criticizes legislative outcomes but also questions the legitimacy of the political institutions that serve as the very instruments of sovereignty.

This phenomenon demonstrates that the digital space has become the primary arena of popular sovereignty. Aspirations, criticism, and even political resistance which previously could only be channeled through formal mechanisms now find direct expression through social media, online petitions, and digital campaigns. The digital space is not merely a communication channel but has evolved into a public deliberation arena capable of driving tangible action on the ground. (Kreide, 2016) It is within this context that the digital space begins to rival and even challenge the legitimacy of conventional legislation. Nevertheless, this space is often marked by strict surveillance, and even intimidating actions by authorities against individuals or groups voicing criticism through digital media.

Not to mention the costs incurred by conventional mechanisms in the lawmaking process; public aspirations remain sectoral and dependent on electoral districts (Dapil). (Izzaty, 2020) Members of the House of Representatives' visits to their electoral districts often amount to little more than formal rituals that consume substantial budgets without yielding tangible substantive aspirations. In practice, a significant portion of legislative costs is spent on ceremonies, official travel, and bureaucratic overhead, while the substantive discussion of legislation is sidelined. Even more ironically, corrupt practices frequently infiltrate through the misuse of budgets for overseas visits, irrelevant study tours, and even fictitious activities disguised as legislative activities.

A fundamental question then arises: to what extent can conventional legislation still be considered representative of the people's sovereignty, when the people's voices are actually resonating more loudly in the digital sphere? If the mechanism for enacting laws continues to disregard public participation emerging from the digital sphere, then the crisis of democratic legitimacy risks deepening further.

Therefore, this study does not stop at criticizing the shortcomings of legislative practices, but rather advocates for the emergence of the concept of digital constitutional democracy—a conceptual breakthrough aimed at integrating the digital space as an official arena for public participation in lawmaking. Without such a breakthrough, the gap between formal legislation and digital popular sovereignty will only breed political instability and weaken the legitimacy of the constitution itself.

1.1. Problem Formulation

A number of previous studies have made significant contributions to the study of digital democracy and popular sovereignty in cyberspace.

The Politicization of Virtual Space: The Position of Netizens in Digital Democracy Practices in Indonesia demonstrates that virtual space initially functioned as an arena of freedom, but has gradually become marked by polarization, misinformation, and hate speech. The study emphasizes the need for healthy political deliberation based on Habermas's principles of communicative action (Prita et al., 2019). The Transformation of the Digital Public Sphere: Social and Constitutional Challenges in the New Media Era of Democracy highlights that digital democracy does not automatically guarantee high-quality deliberation. Instead, it faces serious challenges, including disinformation, regulatory ambiguity such as in the ITE Law, and the need for holistic policy responses, including the establishment of an independent oversight body for digital space (Fatimah, 2025). Legal Analysis of Indonesia's Digital Sovereignty examines the urgency of digital sovereignty within Indonesia's constitutional law framework. The study argues that without clear and comprehensive regulations, Indonesia's digital sovereignty remains vulnerable to foreign interests and the dominance of global digital platforms (Yuniarti & Herawati, 2020). Sovereignty in the Information Sphere in the Digital Age: A Review of Theory and International Law discusses the concept of sovereignty in the information sphere in the context of digital transformation and international law. The study highlights the importance of protecting national authority, data control, and legal jurisdiction in the digital era (T. Andika, 2016).

Although they offer valuable insights, these four studies still leave a fundamental question unanswered: how can the concept of popular sovereignty—which, under the constitution, resides with the people—be effectively implemented in the digital realm, especially when conventional legislation operates

in a closed and elitist manner? This is where the need for the concept of digital constitutionalism arises—one that not only protects individual rights but also integrates digital public participation into the formal mechanisms of lawmaking.

Thus, it is evident that while previous research has addressed the dimensions of democracy and human rights protection in the digital space, none has comprehensively examined the integration of digital democracy into national legislation while simultaneously anticipating foreign infiltration in our digital space. Based on this, the research questions are: How can the conceptual basis of digital sovereignty be formulated in the context of Indonesia's constitutional democracy? How can the institutional design of digital democracy mechanisms be integrated into the legislative process in Indonesia?

2. RESEARCH METHODOLOGY

This study employs a normative (doctrinal) legal research method with a normative-critical (Dent, 2017) approach as its overall analytical framework, which views law not merely as a static system of norms in books (“law in books”), but rather as a product of power relations that must be evaluated ideologically through the lens of Jürgen Habermas's theory of deliberative democracy (Jovanoski & Sharlamanov, 2021) and Nonet-Selznick's responsive law. (Sukmana dkk., 2023) Legal sources are comprehensively managed, encompassing primary legal materials such as legislation and the constitution, secondary legal materials consisting of the doctrine of digital sovereignty and international literature, as well as tertiary legal materials to support the interpretation of technical terminology. From a technical-analytical perspective, this study applies a deductive-prescriptive logic that not only seeks coherence among rules (vertical and horizontal synchronization) but also deconstructs current legislative procedures; for example, the normative-critical approach operates not merely by verifying the existence of public participation provisions in laws, but by actively critiquing whether the institutional design of such provisions substantively empowers a “digital parliament” or merely serves as a formalistic instrument to legitimize the interests of the ruling elite.

3. RESULTS AND DISCUSSION

Rousseau, with his concept of the *volonté générale* (general will), asserted that the sovereignty of the people is the foundation of classical democracy. (Wood, 1983) In the context of the digital sphere, this theory has found new relevance, as social media and digital platforms have become channels for articulating the general will of the people—a will no longer confined to formal political forums. Habermas emphasizes the importance of a deliberative public sphere that is ideally rational, egalitarian, and open. (Vitale, 2006) The digital space offers that promise.

However, transforming the digital public sphere from a mere theoretical promise to a well-established democratic practice requires learning from various global governance models. Comparisons with the United States, the United Kingdom, Estonia, and India are crucial because each represents a diverse set of variables from the protection of free speech, the integration of e-petition systems into parliament, the maturity of unified digital identity infrastructure, to strategies for countering disinformation in countries with large populations. This comparative analysis is not conducted to simply copy and paste, but rather to examine how the procedures, legal basis, and data protection regimes in these countries can be translated into normative institutional designs that align with Indonesia's socio-political character. By strategically mapping these variables, the shift from deliberative discourse to a concrete legal order can be measurably implemented to safeguard the integrity of the people's will.

Within the framework of modern law, the idea of digital sovereignty emerges as an extension of popular sovereignty. (Robles-Carrillo, 2023) While popular sovereignty emphasizes the political legitimacy of the general will, (Duke, 2020) digital sovereignty emphasizes the protection of data, information, and digital infrastructure as prerequisites for the realization of an authentic general will. (Gani, 2023) However, substantive democracy can only be achieved if the digital space is free from foreign intervention, algorithmic manipulation, and the dominance of global corporations. It is even frequently exploited by specific political interests.

It must be emphasized that there is a functional connection between popular sovereignty and digital sovereignty. If popular sovereignty is the constitutional foundation that lends legitimacy to the general will, then digital sovereignty is the technical and material prerequisite for that will to be authentically realized in the modern era. In this framework, popular sovereignty is realized through political mechanisms that are now heavily reliant on cyberspace. Therefore, without control over data, infrastructure, and algorithms, citizens' political participation is vulnerable to distortion. Substantive democracy can only be achieved if digital sovereignty is upheld to protect the public sphere from foreign intervention, algorithmic manipulation, and the dominance of global corporations, which often intersect with specific pragmatic political interests.

Digital rights, as part of human rights (HR), stem from the conceptual development that fundamental human rights must remain protected as social, political, and economic activities shift to the digital space. (Mathiesen, 2014) While HR were initially formulated within the context of civil and political rights (ICCPR 1966) and economic, social, and cultural rights (ICESCR 1966), in the global context, digital rights have emerged as a new generation of human rights emphasizing the protection of freedom of expression, the right to privacy, and the right to access information in cyberspace.

Freedom of expression in the digital space affirms that online media is an extension of traditional public forums. (Oozeer, 2014) Within this framework, the United States, through the First Amendment, has established an exceptionally broad scope for freedom of expression in the digital space. (Balkin, 2008) "We the People" is the official e-petition platform launched by the Obama administration in September 2011. This platform allows U.S. citizens to create and sign online petitions regarding various issues affecting the country. If a petition gathers enough signatures within 30 days, it is reviewed by policy experts and receives an official response from the White House. (The White House, 2011)

According to data from the Pew Research Center, between 2011 and 2016, approximately 38 million signatures were attached to 473,000 separate petitions, with about 48% of those petitions related to civil rights and human rights. Popular topics include healthcare, military and veteran affairs, immigration, and gun control. (Nextgov, 2016) Thus, digital rights in the U.S. are not merely technical rights, but constitutional rights recognized as equal to other formal rights

Freedom of expression in the digital sphere is viewed not only as an individual right, but also as a tool for influencing public policy and legislation. Estonia, for example, has integrated e-democracy through e-voting and online public consultations, enabling citizens' aspirations to directly influence the legislative process. (Kitsing, 2011) Since 2005, Estonia has been a pioneer in the implementation of e-voting. Citizens can vote online using an Electronic ID Card (e-ID), which serves as both an authentication tool and a digital signature. This system allows voters to change their votes during the early voting period, with only the final vote being counted. In the 2023 election, approximately 51.1% of voters used e-voting, making it the most popular voting channel in the country. In its Online Public Consultation activities, Estonia provides several online platforms to engage citizens in the policy-making process: (Maj, 2024). EIS (Eelnõuinfo): The official platform for public consultation on draft legislation. Citizens can provide feedback on draft laws currently under discussion by parliament. Rahvaalgatus.ee: A portal that allows citizens to submit legislative initiatives. If an initiative gains sufficient support, it can be debated in parliament. VOLIS: An online decision-making platform for local authorities, enabling citizens to participate in local-level decisions.

Through these platforms, Estonia has created an ecosystem where citizens' aspirations can directly influence the legislative process, making democracy more inclusive and responsive. Meanwhile, to ensure data security, there is a robust security system in place to protect these initiatives. (e-Estonia, n.d.)

In the United Kingdom, the e-petition system is utilized, where online petitions that reach 100,000 signatures compel the government to provide an official response and allow Parliament to discuss them, making citizens' online voices an integral part of the legislative mechanism. (Martin, 2025) Once the signature threshold is met, the petition is forwarded to a parliamentary committee for review and discussion. Parliament may decide to draft a new bill or amend existing policies based on these recommendations, following standard legislative procedures: bill reading, committee review, debate, and voting.

In India, the MyGov.in portal provides a platform for citizens to propose policy ideas and offer suggestions regarding draft bills. The legal basis for this participation is reinforced by a ruling from the Supreme Court of India affirming that digital privacy and internet access are part of the right to freedom of expression. (Pathak dkk., 2025) These mechanisms demonstrate that digital democracy is not merely a forum for opinions, but has become an official channel capable of influencing the legislative process in various countries, while simultaneously expanding the principle of popular sovereignty through digital technology.

The power of popular sovereignty in Indonesia's digital realm is no longer merely a normative claim, but has demonstrated empirical evidence through the success of online public pressure in intervening in legislative and executive agendas. Indicators of this success were evident in the wave of digital protests through the hashtag #ReformasiDikorupsi (2019), which forced the postponement of the Criminal Code Bill, (Erdianto, 2019) as well as the massive #PeringatanDarurat (2024) campaign that effectively canceled the revision of the Regional Election Law in order to uphold the dignity of the Constitutional Court's ruling. (Siddiq, 2024) This phenomenon demonstrates that when online opinion mobilization reaches a critical point, it can function as a 'people's veto' instrument capable of instantly changing policy direction, even surpassing the effectiveness of formal mechanisms within Parliament.

Beyond the legal level, the success of digital sovereignty also extends to technical policies and the protection of citizens' substantial rights. This is reflected in the revocation of the alcohol investment attachment in Presidential Regulation No. 10/2021 (Farisa, 2021) and the revision of the Old Age Security (JHT) disbursement regulations in 2022. Both were withdrawn by the government after responding to a massive wave of opposition on digital platforms and an online petition signed by hundreds of thousands of citizens. (Priasmoro, 2022) Furthermore, in the second revision of the ITE Law, consistent pressure from a digital civil society coalition succeeded in pushing for editorial changes to several "elastic" articles. This series of events demonstrates that the digital space has become a noisy yet effective arena for "public testing," bridging the public's direct aspirations with the government's swift discretion to ensure the legitimacy of Indonesia's democratic process.

This transformation of sovereignty finds its legal basis through the concept of meaningful participation, as mandated by Constitutional Court Decision No. 91/PUU-XVIII/2020. In the digital era, the working methods of its three main pillars have evolved. The right to be heard is now manifested through collective discussion of articles on social media, capable of generating massive volumes of voice, while the right to be considered enables authorities to use big data analysis to accurately gauge the escalation of public objections—as evidenced by the postponement of the JHT regulation and the cancellation of the revised Regional Election Law. Furthermore, the right to be explained demands digital transparency in the form of open access to academic papers and draft regulations, transforming citizens from mere objects of regulation into active subjects involved daily in policy oversight. Thus, digital participation not only breaks down geographical barriers and information elitism but also bridges the gap between procedural and substantive democracy in Indonesia.

The effectiveness of public pressure in cyberspace demonstrates a paradigm shift in sovereignty that is increasingly evident in the hands of netizens. However, these successes are often sporadic and depend on the momentum of virality, because they have not been strongly institutionalized in our positive legal system.

Indonesia's journey toward digital sovereignty is still in its early stages, with great potential but a number of real challenges. Although digital rights have not yet been explicitly recognized as part of the practice of democracy, there is a legal foundation that can be developed, such as Article 28F of the 1945 Constitution, which affirms the right to communicate and access information, as well as the digital legal framework established through the ITE Law and the Personal Data Protection Law (2022). (G. Andika dkk., 2025) These steps demonstrate the state's initial awareness in recognizing digital rights, particularly regarding privacy and access to information. However, compared to progressive nations like Finland, Estonia, or South Korea, Indonesia still faces challenges in implementing digital democracy: ensuring equitable internet access, protecting digital freedom of expression from criminalization, and consistently enforcing personal data protection. In this context, the concept of "People's Sovereignty 2.0" emerges as

a progressive reinterpretation of Article 1, paragraph (2) of the 1945 Constitution, distinguishing itself from mere digital participation by institutionalizing the general will within the structure of the state. Operationally, People's Sovereignty 2.0 is defined as the manifestation of the people's power channelled through five institutionalized digital instruments: (1) e-Prolegnas for determining legislative priorities, (2) legally binding online legislative petitions, (3) inclusive online public consultations, (4) transparent online hearings, and (5) online oversight of policy implementation. Through these five channels, sovereignty is no longer realized solely within the five-year electoral cycle but transforms into an adaptive, substantive democracy, where citizens' digital participation in legislation and government oversight is recognized as a legitimate and measurable constitutional mandate.

Considering global developments in digital democracy, Indonesia requires concrete legal breakthroughs to accommodate digital voices as tangible and measurable aspirations. This can be achieved through the enactment of a Digital Participation Act or Digital Constitutionalism that formally recognizes citizen participation mechanisms via online platforms in legislative processes, public consultations, and government oversight. Such a law must establish standards for participation, the rights and obligations of digital citizens, personal data protection, and mechanisms for integrating digital aspirations into formal parliamentary procedures. With this step, the people's voice in the digital space becomes not merely an expression of opinion, but an official component of popular sovereignty, strengthening substantive democracy and bridging the gap between conventional legislation and public aspirations evolving in the digital age.

The main challenge in accommodating digital voices as legislative aspirations in Indonesia is the validity and independence of citizen participation. It is not uncommon for online petitions, public opinion, or hashtag campaigns to be exploited by specific political interests, both domestic and foreign, making it difficult to distinguish between genuine public aspirations and strategic manipulation. Furthermore, the threat of foreign intervention and disinformation through global platforms exacerbates the risk of digital space abuse, creating the potential for digital colonialism that could disrupt the democratic process. The necessary solutions involve several steps. First, strengthening digital infrastructure and data integrity through strict cybersecurity standards, encryption, and citizen identity verification mechanisms to reduce the misuse of anonymity. Second, establishing an independent oversight body tasked with assessing the validity of digital petitions and opinions, as well as mediating the influence of external interests to ensure that the aspirations accommodated truly represent the will of the people. Third, public digital literacy is key to enabling citizens to distinguish authentic content from manipulative content, thereby improving the quality of online deliberation. Through a combination of regulation, technology, and education, digital aspirations can be made an official part of popular sovereignty, without compromising the security, transparency, and legitimacy of Indonesia's democratic process.

Lawmaking in Indonesia is based on Article 20, paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia, which affirm that the People's Representative Council (DPR) together with the President holds the authority to enact laws. These provisions are detailed in Law No. 3 of 2023 amending Law No. 12 of 2011 on the Formation of Legislation (P3UU Law), which governs the technical procedures of the legislative process, ranging from the initiation of a bill, deliberation in the DPR, presidential approval, to the promulgation process. Additionally, the DPR's Regulations on Rules of Procedure and Legislative Mechanisms serve as internal guidelines for discussing draft laws at the committee and legislative body levels. (Nugraha, 2018)

Under the conventional mechanism, the legislative process begins with the initiation of a bill, which may be proposed by the DPR, the President, or the Regional Representatives Council (DPD). (Sjarif & Anggraeni, 2025) Subsequently, deliberations take place within the DPR's committees or the Legislative Body (Baleg), which are internal and limited in scope; the results are then submitted for the President's approval. Once signed by the President, the bill is officially enacted into law. At this stage, public participation remains limited, typically occurring only through hearings, public hearings, or specific consultations that have not yet been formally integrated into a digital system. (Wardana dkk., 2023)

Legislative planning is governed by the National Legislation Program (Prolegnas), established by the DPR in collaboration with the Government (every five-year term), although it has never been

effective. (Hermanto dkk., 2025) Prolegnas serves as a medium-term and annual planning instrument to ensure the legislative process proceeds systematically, purposefully, and in accordance with national legal needs. Every bill (RUU) included in Prolegnas is a legislative priority, whether originating from the DPR, the President, or the DPD, thereby providing certainty regarding the direction of national legal policy.

In addition to Prolegnas, there is a mechanism for open cumulative draft laws, namely draft laws that, although not listed in the Prolegnas priority list, can still be discussed and enacted due to their urgent nature or as a consequence of legal obligations. Open cumulative bills generally include: (1) ratification of international treaties, (2) follow-up to Constitutional Court rulings, (3) the enactment or revocation of Government Regulations in Lieu of Law (Perppu), and (4) the State Budget (APBN).

Meanwhile, laws born out of public need can also be formulated through initiatives by the House of Representatives or the government, taking public aspirations into account—whether through public hearings, input from academics and civil society organizations, or pressing social dynamics. In practice, however, the incorporation of these public aspirations is often merely a formality and has not yet been integrated into a transparent digital mechanism. This limits public participation in legislative planning, making the space for strengthening digital democracy crucial to ensure that public needs are genuinely reflected in the resulting legal products.

This process is referred to as the conventional mechanism in lawmaking, where public aspirations remain sectoral and dependent on electoral districts (Dapil). Members of the House of Representatives' visits to their constituencies often amount to little more than a formal ritual that consumes a large budget without yielding any substantive public aspirations. In practice, a significant portion of legislative costs is spent on ceremonies, official travel, and bureaucratic overhead, while the substantive discussion of legislation is sidelined. Even more ironically, corrupt practices often infiltrate through the misuse of budgets for overseas visits or fictitious activities disguised as legislative activities. This underscores the structural waste within conventional mechanisms, where the people are merely symbolic objects in the legislative process, not active participants. In fact, in the digital age, mechanisms for public participation can be implemented in a more effective, transparent, and participatory manner through digital democratic channels that cut ceremonial costs, reduce opportunities for budget misuse, and simultaneously strengthen the legitimacy of laws as a reflection of the people's will.

To eliminate these harmful and undemocratic practices, a fundamental breakthrough is needed in the lawmaking mechanism. This breakthrough is not merely a procedural patchwork but a paradigm shift recognizing that popular sovereignty must be realized through transparent, participatory, and accountable channels. One strategic step is the digitization of the legislative process, where public aspirations are no longer filtered exclusively through wasteful conventional mechanisms but are facilitated through open and verified digital platforms. In this way, ceremonial costs—which have long served as a loophole for budget misuse—can be reduced, while ensuring that every proposal and aspiration genuinely originates from the broader public, not just the political elite. The digitization of legislation is not merely a matter of technical efficiency but also a reconstruction of legitimacy, as it positions the people as active participants in the legal processes that govern their lives. The following are some of the proposed innovations:

3.1. Digitization of the National Legislation Program (E-Prolegnas)

The Prolegnas, currently drafted through the political mechanisms of the House of Representatives (DPR) and the government, can be transformed into a participatory digital system. This means the legislative priority list will not only originate from the political elite but also from verified public proposals submitted through the government's official portal. The mechanism is as follows:

Any citizen can submit a draft bill (RUU) digitally, provided it meets a minimum threshold of support through digital signatures to be included in the public aspirations list. This mechanism must be integrated with national ID (KTP) verification to ensure that proposals are submitted through the designated official portal and to prevent tampering.

Proposals that meet the support threshold must be discussed by the DPR and the government during the drafting of the Prolegnas.

All academic documents, draft bills, and the status of discussions must be published in real time so the public can monitor the process.

3.2. Public Aspirations and Needs as the Basis for Digital Legislation

In addition to the formal National Legislation Program (Prolegnas), a mechanism for digital-based public-need bills should be established;

A permanent public participation portal should be established, allowing the public to submit socio-economic issues deemed to require legislation, such as environmental issues, the digital workforce, and consumer protection.

These aspirations should then be reviewed by an independent team consisting of academics, practitioners, and civil society organizations to assess whether they are suitable as the basis for drafting a bill. The government and the House of Representatives must be obligated to transparently report why specific aspirations are accepted or rejected.

In this way, the legislative process does not merely await the formal Prolegnas agenda but is truly responsive to the public's real needs, thereby reducing the perception that laws are born solely from specific political interests.

Each year, the DPR not only drafts annual and five-year Prolegnas through formal political mechanisms but can also directly involve the public through the digitization of Prolegnas (E-Prolegnas). With this system, the public can submit draft bill proposals through the government's official portal, which are then verified and required to meet a minimum support threshold (digital signatures) to be included in the public aspirations list. Proposals that meet the threshold must be considered by the DPR and the government, ensuring that legislative priorities are no longer the exclusive domain of the political elite. All academic documents, draft bills, and the status of discussions are published in real time so the public can monitor the legislative process and prevent the rushed passage of laws without public participation. Furthermore, this system is equipped with a permanent public participation portal that allows citizens to raise real-world issues, such as online consumer protection, the environment, or digital labor. These aspirations are curated by an independent team (comprising academics, practitioners, and civil society organizations) before being submitted as the basis for drafting bills. The House of Representatives and the government are obligated to provide transparent justifications for why a particular aspiration is accepted or rejected. Thus, the digital legislative mechanism is not only responsive to public needs but also strengthens legal legitimacy and narrows the gap between the people and parliament.

Digital legislative reform demands fundamental revisions to a number of laws to ensure they possess both normative and operational legitimacy. The primary instrument that must be immediately amended is Law No. 13 of 2022 on the Formation of Laws (P3U Law). The scope of this law must be expanded to include mechanisms for proposing digital-based bills through digital signatures integrated with electronic ID cards. Additionally, real-time data transparency must be mandated, from the Prolegnas list, academic papers, to draft bills, so the public can conduct direct oversight. The DPR and the government must also be legally obligated to discuss every public proposal that meets the threshold for digital support, rather than merely treating them as formalities.

Furthermore, the revision must also address Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD (MD3 Law). This regulation governs the DPR's internal mechanisms, so a clause must be added that explicitly requires the DPR to receive, discuss, and follow up on digital-based public input. Furthermore, the DPR's scope to amend bill drafts after they are passed must be limited to prevent the practice of manipulating drafts, which frequently occurs after a law is enacted.

The DPR's Rules of Procedure (Tatib DPR) must also be amended to integrate the National Legislation Program (Prolegnas) with the state's official digital system. These rules must include clear technical provisions, such as identity verification via electronic ID cards, establishing thresholds for digital support, the obligation to publish meeting results online, and transparency mechanisms at every stage of deliberation.

Digital security aspects cannot be overlooked either. Therefore, the Law on Information and Electronic Transactions (ITE Law) needs to be strengthened with specific provisions regarding the

security of legislative participation platforms. Legal guarantees must be provided for the integrity of digital signatures, identity authentication via e-ID cards, and protection against algorithm manipulation and hacking. These provisions must align with the Personal Data Protection Act (Law No. 27 of 2022), which requires the E-Prolegnas system to manage public support data securely, transparently, and free from potential political or commercial misuse.

Finally, to operationalize the entire system, a Government Regulation (PP) or Presidential Regulation (Perpres) is required to govern the technical procedures for drafting the Digital Prolegnas. These implementing regulations must cover the design of the public feedback portal, the management of public proposals by an independent team, and system integration with the Dukcapil database to ensure the validity of user identities.

3.3. Toward Digital Legislation

The enactment of laws in Indonesia is based on Article 20, paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia, which stipulates that the People's Representative Council (DPR) and the President have the authority to enact laws. These provisions are detailed in Law No. 3 of 2023 amending Law No. 12 of 2011 on the Formation of Legislation (P3UU Law), which regulates the technical procedures of the legislative process, ranging from the initiation of a bill, deliberation in the DPR, presidential approval, to the promulgation process. Additionally, the DPR's Regulations on Rules of Procedure and Legislative Mechanisms serve as internal guidelines for discussing draft laws at the committee and legislative body levels. (Nugraha, 2018)

Under the conventional mechanism, the legislative process begins with the initiation of a bill, which may be proposed by the DPR, the President, or the Regional Representatives Council (DPD). (Sjarif & Anggraeni, 2025) Subsequently, deliberations take place within the DPR's committees or the Legislative Body (Baleg), which are internal and limited in scope; the results are then submitted for the President's approval. Once signed by the President, the bill is officially enacted into law. At this stage, public participation remains limited, typically occurring only through hearings, public hearings, or specific consultations that have not yet been formally integrated into a digital system. (Wardana dkk., 2023)

Legislative planning is governed by the National Legislation Program (Prolegnas), established by the DPR in collaboration with the Government (every five-year term), although it has never been effective. (Hermanto dkk., 2025) Prolegnas serves as a medium- and long-term planning instrument to ensure the legislative process proceeds systematically, purposefully, and in accordance with national legal needs. Every bill (RUU) included in Prolegnas is a legislative priority, whether originating from the DPR, the President, or the DPD, thereby providing certainty regarding the direction of national legal policy. In addition to Prolegnas, there is a mechanism for open cumulative draft laws, namely draft laws that, although not listed in the Prolegnas priority list, can still be discussed and enacted due to their urgent nature or as a consequence of legal obligations. Open cumulative bills generally include: (1) ratification of international treaties, (2) follow-up to Constitutional Court rulings, (3) the enactment or revocation of Government Regulations in Lieu of Law (Perppu), and (4) the State Budget (APBN).

Meanwhile, laws born out of public need can also be formulated through initiatives by the House of Representatives or the government, taking public aspirations into account—whether through public hearings, input from academics and civil society organizations, or pressing social dynamics. In practice, however, the incorporation of these public aspirations is often merely a formality and has not yet been integrated into a transparent digital mechanism. This limits public participation in legislative planning, making the space for strengthening digital democracy crucial to ensure that public needs are truly reflected in the resulting legal products.

This process is referred to as the conventional mechanism in lawmaking, where public aspirations remain sectoral and dependent on electoral districts (Dapil). MPs' visits to their constituencies often amount to little more than a formal ritual that consumes a large budget without yielding any substantive public aspirations. In practice, a significant portion of legislative costs is spent on ceremonies, official travel, and bureaucratic overhead, while the substantive discussion of legislation is sidelined. Even more

ironically, corrupt practices often infiltrate through the misuse of budgets for overseas visits or fictitious activities disguised as legislative activities.

This underscores the existence of structural waste within conventional mechanisms, where the people are merely symbolic objects in the legislative process, not active participants. Yet, in the digital age, mechanisms for public participation can be implemented in a more effective, transparent, and participatory manner through digital democratic channels that cut ceremonial costs, reduce opportunities for budget misuse, and simultaneously strengthen the legitimacy of laws as a reflection of the people's will.

To eliminate such practices that are detrimental and undermine democracy, a fundamental breakthrough is needed in the lawmaking mechanism. This breakthrough is not merely a procedural patchwork but a paradigm shift recognizing that popular sovereignty must be realized through transparent, participatory, and accountable channels. One strategic step is the digitization of the legislative process, where public aspirations are no longer filtered exclusively through wasteful conventional mechanisms but are facilitated through open and verified digital platforms. In this way, ceremonial costs—which have long served as a loophole for budget misuse—can be reduced, while ensuring that every proposal and aspiration genuinely originates from the broader public, not just the political elite. The digitization of legislation is not merely a matter of technical efficiency but also a reconstruction of legitimacy, as it positions the people as active participants in the legal processes that govern their lives. Some of the proposed innovations include:

3.4. Digitization of the National Legislation Program (E-Prolegnas)

The National Legislation Program, which is currently formulated through political mechanisms involving the House of Representatives and the government, can be transformed into a participatory digital platform. This means that the list of legislative priorities would not only originate from the political elite but also from public proposals verified through an official government portal. The mechanism: Every citizen can propose a bill digitally, provided it meets a minimum threshold of support (digital signatures) to be included in the public aspirations list. This must, of course, be integrated with national ID (KTP) verification to ensure proposals are submitted through the designated portal (to prevent tampering), proposals meeting the support threshold must be discussed by the DPR and the government during the Prolegnas drafting process, all academic documents, draft bills, and the status of discussions are published in real time so the public can monitor them.

With this model, the Prolegnas is no longer the exclusive domain of the political elite but also substantively reflects the will of the people. Until now, nothing has been truly transparent; even laws that have already been enacted can still have their text altered.

3.5. Public Aspirations and Needs as the Basis for Digital Legislation

In addition to the formal Prolegnas, a mechanism for digital-based public-need bills must be established; A permanent public participation portal, where the public can submit socio-economic issues (such as environmental concerns, the digital workforce, and consumer protection) deemed to require legislation, these aspirations are then reviewed by an independent team (academics, practitioners, CSOs) to assess whether they are suitable as the basis for drafting a bill, the government and the House of Representatives are obligated to transparently report why certain aspirations are accepted or rejected.

In this way, the legislative process does not merely await the formal Prolegnas agenda but is truly responsive to the public's real needs, thereby reducing the perception that laws are born solely from specific political interests. Each year, the DPR not only drafts annual and five-year Prolegnas through formal political mechanisms but can also directly involve the public through the digitization of Prolegnas (E-Prolegnas). With this system, the public can submit draft bill proposals through the government's official portal, which are then verified and required to meet a minimum support threshold (digital signatures) to be included in the public aspirations list. Proposals that meet the threshold must be considered by the DPR and the government, ensuring that legislative priorities are no longer the exclusive domain of the political elite. All academic documents, draft bills, and the status of discussions are published in real time so the public can monitor the legislative process and prevent the rushed passage of laws

without public participation. Furthermore, this system is equipped with a permanent public participation portal that allows citizens to raise real-world issues, such as online consumer protection, the environment, or digital labor. These proposals are curated by an independent team (comprising academics, practitioners, and civil society organizations) before being submitted as the basis for drafting bills. The House of Representatives and the government are obligated to provide transparent justifications for why a proposal is accepted or rejected. Thus, the digital legislative mechanism is not only responsive to public needs but also strengthens the legitimacy of the law and narrows the gap between the people and parliament.

Digital legislative reform requires fundamental revisions to a number of laws and regulations to ensure they possess both normative and operational legitimacy. The primary instrument that must be amended immediately is Law No. 13 of 2022 on the Formation of Laws and Regulations (P3U Law). The scope of this law must be expanded to include a mechanism for proposing digital-based bills through digital signatures integrated with electronic ID cards. Additionally, real-time data transparency must be mandated, ranging from the Prolegnas list, academic papers, to draft bills, so that the public can conduct direct oversight. The DPR and the government must also be legally obligated to discuss every public proposal that meets the threshold for digital support, rather than merely treating them as formalities.

Furthermore, the revision must also address Law No. 17 of 2014 on the MPR, DPR, DPD, and DPRD (MD3 Law). This regulation governs the DPR's internal mechanisms, so a clause must be added that explicitly requires the DPR to receive, discuss, and follow up on digital-based public input. Furthermore, the DPR's scope to amend bill drafts after they are passed must be limited to prevent the practice of manipulating drafts, which frequently occurs after a law is enacted.

The DPR's Rules of Procedure (Tatib DPR) must also be amended to integrate the National Legislation Program (Prolegnas) with the state's official digital system. These rules must include clear technical provisions, such as identity verification via electronic ID cards, establishing thresholds for digital support, the obligation to publish meeting results online, and transparency mechanisms at every stage of deliberation.

Digital security aspects cannot be overlooked either. Therefore, the Law on Information and Electronic Transactions (ITE Law) needs to be strengthened with specific provisions regarding the security of legislative participation platforms. Legal guarantees must be provided for the integrity of digital signatures, identity authentication via e-ID cards, and protection against algorithm manipulation and hacking. These provisions must align with the Personal Data Protection Act (Law No. 27 of 2022), which requires the E-Prolegnas system to manage public support data securely, transparently, and free from potential political or commercial misuse.

Finally, to operationalize the entire system, a Government Regulation (PP) or Presidential Regulation (Perpres) is required to govern the technical procedures for drafting the Digital Prolegnas. These implementing regulations must cover the design of the public feedback portal, the management of public proposals by an independent team, and system integration with the Civil Registration and Population Administration (Dukcapil) database to ensure the validity of user identities. Thus, legislative digitization becomes not merely a political buzzword, but a legitimate, measurable, and responsive legal framework that addresses the needs of the people.

4. CONCLUSION

Based on the analysis conducted, this study produces three main conclusions: First, normatively, a fundamental tension is found between the doctrines of the people manifested in the digital public space and the legislative analogy mechanism that is still elitist and closed. This tension triggers a legitimacy crisis in national legal products because the formal aspiration channels in the current legislative process are unable to adequately accommodate the dynamics of digital public discourse. Second, conceptually, this study proposes the idea of People's Sovereignty 2.0 which is removed in the Digital Constitutional Democracy paradigm. This concept reformulates sovereignty not merely as periodic participation in elections, but as the substantive presence of citizens in the digital space recognized as an integral part of the deliberative and inclusive law-making process. Third, operationally, this study calls for the restoration

of normative institutions through reform of the P3U Law, the MD3 Law, and the DPR's Rules of Procedure. Concrete steps are taken by integrating the E-Prolegnas instrument, establishing a permanent public aspiration portal, and using digital identity verification. This transformation aims to align formal parliaments with digital parliaments, thereby creating a legislative model that is responsive, transparent, and has strong constitutional legitimacy in the digital era.

Ethical Approval

This study does not require ethical approval because it is a discussion of the results of a previously published study.

Informed Consent Statement

The informed consent did not need for this research because it only taking data only from the previously research that already been published.

Authors' Contributions

G.M.S. contributed to conceptualization, methodology, formal analysis, investigation, literature review, and writing—original draft preparation. F.E. contributed to methodology, formal analysis, and writing—review and editing. Both authors have read and approved the final version of the manuscript.

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The data presented in this study are available

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