

Web-Based Citizen Contribution: An Model to Optimize Political Participation in the Legislation Function of the Representative Council

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ABSTRACT: At present, legal products do not reflect public justice; rather, they serve the interests and triumph of political groups or elites that are technical, insubstantial, and short-term. This, of course, significantly interferes with the operation of the government system, which in turn disrupts the stability of society, particularly in terms of legal certainty. The objective of this research is to evaluate and develop a political participation scheme that can effectively engage the community at the grassroots level in the legislative function of the People's Representative Council. In terms of methodology, this research is normative legal research, which is evaluative in nature. Qualitative analysis techniques are employed to analyze secondary data. This reasearch indicate that the laws enacted by the People's Representative Council thus far have not been aspirational. This implies that they have not been able to take into account and implement the aspirations of all societal segments, resulting in their implementation being at odds with the community's desire. Consequently, we suggest the implementation of a web-based system for information, aspirations, and voting, which we refer to as WASIT. The utilization of website media is due to the fact that the internet is a daily necessity for the Indonesian populace. The KOMINFO and DUKCAPIL community have appointed an NGO that is specifically dedicated to legislative supervision to establish this system. NGOs are assigned the responsibility of developing a website with the assistance of KOMINFO. The Directorate General of DUKCAPIL will collect community data by logging in with the Citizen Identity Number

KEYWORDS: Optimization; WASIT; People's Representative Council; Laws.



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I. INTRODUCTION

Development constitutes a deliberate endeavor by humans to alter their destiny; hence, the fundamental nature of development is transformation.¹ In Indonesia's developmental history, the 1998 reform process and subsequent amendments to the Constitution (UUD) have instigated significant transformations in politics, law, and state administration,² particularly regarding legislative formation aimed at achieving the nation's noble aspirations of establishing a just and prosperous society.³

A substantive change that was made in the context of the first amendment to the 1945 Constitution of the Republic of Indonesia at the 1999 People's Consultative Assembly general session was regarding the legislative branch of power which was expressly transferred from the President to the People's Representative Council (DPR).⁴ This is regulated clearly in the provisions of Article 20 paragraph (1) which states, "*The People's Representative Council holds the power to form laws*". This confirms the position of the legislative institution, in this case the DPR, as a key institution *in* determining the political map for national legal reform.⁵

The public was granted the right to participate in the development of laws and regulations following the amendment to the 1945 Constitution of the Republic of Indonesia, which was equally significant.⁶ The rights of the community in participating in the process of forming statutory regulations

¹ Sumartini L, *The Role and Function of the National Legislative Plan in the Process of Forming Legislative Regulations* (Jakarta: National Legal Development Agency, 1999).

² Indra Muchlis Adnan, "The Conceptual and Historical Review of Constitutional Law in Indonesia" (2023) 10:1 *Jurnal Pembaharuan Hukum* 43–63.

³ Bambang Soesatyo, Kadir Johnson Rajagukguk & Heri Wahyudi, "Building Legal Foundation for a Prosperous Indonesia: Insights from MPR-RI Four Pillars" (2023) 12:3 *Yustisia Jurnal Hukum* 240–261.

⁴ Enny Agustina et al, "Finding a new direction for Indonesian democracy : analysis of limitations of the president ' s powers in the amendments to the constitution" (2024) 13:1 *Legal Brief* 109–125.

⁵ Maximus Dorisara, "Critical Review of the Journey of Democracy in Indonesia : Functions and Authorities of the Regional Representative Council (DPD) in the Constitutional System" (2024) 5:4 *Journal of Social Science* 975–982.

⁶ Leli Tibaka & Rosdian Rosdian, "The Protection of Human Rights in Indonesian Constitutional Law after the Amendment of the 1945 Constitution of the Republic of Indonesia" (2018) 11:3 *FIAT JUSTISIA: Jurnal Ilmu Hukum* 266–288.

are also regulated by Article 96 paragraphs (1) to (4) of Law No. 12 of 2011 concerning the Formation of Legislative Regulations. This is also a realization that sovereignty is in the hands of the people, which is carried out in accordance with the Constitution (constitutional democracy) to achieve democratization in Indonesia.⁷

Public participation provides legitimacy and accountability to the legislative process.⁸ By involving the public, lawmakers can ensure that the regulations they make are in line with the needs and aspirations of the people. This participation also encourages transparency, reduces opportunities for corruption, and improves the quality of the resulting laws.⁹ Indonesia has several legal frameworks that regulate public participation in the formation of legislation. One of the most significant is Law No. 12 of 2011. This law emphasizes the importance of public involvement in every stage of the formation of regulations, from planning, drafting, to ratification.¹⁰ In addition, the Indonesian government has also implemented various policies to encourage public participation. For example, through a public consultation mechanism, where draft regulations are opened for comments and input from the public. In addition, the role of the media and information technology is also increasingly important in facilitating this participation.¹¹

Despite the legal framework in place, the implementation of public participation often faces various challenges. One of the main challenges is the low level of public awareness and understanding of the rights and

⁷ Luthfi Widagdo Eddyono, "Mahkamah Konstitusi dan Konsolidasi Demokrasi di Indonesia" (2018) 15:1 Jurnal Konstitusi 1–26.

⁸ Fahmi Ramadhan Firdaus, "Public Participation in Law-Making Process: A Comparative Perspective of 5 (Five) Democratic Countries" (2024) 21:2 Jurnal Konstitusi 203–225.

⁹ Yelli Diani & Teguh Kurniawan, "Open Government Indonesia (OGI) in Corruption Eradication: a Literature Study" (2023) 4:1 GOVERNABILITAS Jurnal Ilmu Pemerintahan Semester 1–16.

¹⁰ Rocky Huzaen Mohamad Roky Huzaeni & Izzah Qotrun Nada, "Public Participation Reconstruction in Legislation Formation in Indonesia Post-Pandemic" (2022) 2:1 The Sunan Ampel Review of Political and Social Sciences 46–61.

¹¹ Adi Wahyono et al, "Partisipasi Masyarakat Dalam Pembentukan Peraturan Perundang-undangan" (2024) 4:10 Causa: Jurnal Hukum Dan Kewarganegaraan 31–40.

mechanisms of participation. Many citizens are not yet fully aware that they have the right to be involved in the legislative process.¹² In addition, limited access to information is also an obstacle. Although information on draft laws and regulations should be accessible to the public, in practice, not all of this information is easily obtained by the public. This inequality of access often occurs in remote areas, where information technology infrastructure is still minimal. Another challenge is participation that is formal. There is a tendency for public consultations to be carried out only to fulfill administrative requirements, without really considering input from the community. This causes dissatisfaction and disappointment among the community who feel that their voices are not being heard.

In practice, currently, the DPR's legislative performance is still far from satisfactory.¹³ In terms of quantity, during the 2005-2009 period there were 366 titles of Draft Laws (RUU) adopted by the DPR into the National Legislation Program (Prolegnas), while only 193 Bills had been approved as Laws. During the 2010-2014 period, 352 legislation were introduced, but only 104 bills were ultimately enacted.

Ultimately, the DPR was able to generate only 9 laws out of 143 bill titles in 2015-2017.¹⁴ In direct proportion, in terms of quality, the legal products produced by the DPR bring disappointment to the wider community.¹⁵ Reality shows that there are many legislative products that are contrary to the wishes and needs of society, which triggers public resistance through the Constitutional Court (MK). During the 15 years from 2003-2018, MK recorded that it had received 1,144 legal review cases with a total of 571

¹² Ekawestri Prajwalita Widiati, "Efficient Public Participation in the Local Law-Making Process" (2018) 33:3 *Yuridika* 389-401.

¹³ Zulkarnain Ridlwan & Zainal Arifin Mochtar, "Regulate DPR's Committees: Making Indonesian Presidential System More Representative" (2019) 13:2 *FIAT JUSTISIA: Jurnal Ilmu Hukum* 129-150.

¹⁴ Dewan Perwakilan Rakyat Republik Indonesia, "Program Legislasi Nasional," (2021), daring: *www.dpr.go.id*.

¹⁵ Fitra Arsil, Ariesy Tri Mauleny & Ryan Muthiara Wasti, "Law Making Activities during Lame Duck Sessions in Indonesia (1997-2020)" (2023) 76:2 *Parliamentary Affairs* 421-442.

laws reviewed.¹⁶ This phenomenon demonstrates that the laws produced by the DPR have not been in alignment with the aspirations of the people.

Consequently, the survival of society in the future is directly influenced by the formulation of laws, which is a component of the governance process.¹⁷ Consequently, the nation's legal ideals and Pancasila, which serves as a fundamental state norm (*staatsfundamentalnorm*), must serve as the foundation and guiding principles for community engagement and authority in order to establish prosperous legal products.¹⁸ The fourth principle of Pancasila, which states "*the people are led by wisdom in deliberation/representation*",¹⁹ is a reflection of the popular ideals that aim to honor the voice of the people in politics by acknowledging the significant role and influence that the people play in the decision-making process conducted by the government.²⁰

This study proposes a web-based approach to facilitate individuals' desires and voting on legislation development as a means of political involvement, aimed at generating legal goods that embody the principles of Pancasila. The official title is Optimizing Political Participation Through WASIT (Web-Based Citizen Participation) in the Legislative Function of the People's Representative Council to Actualize Aspirational Laws Aligned with the Legal Ideals of Pancasila. The proposed method is anticipated to generate legal products that embody community interests and include principles of social justice.

¹⁶ Constitutional Court, "Recapitulation of Legal Review Cases," (2021), daring: www.mahkamahkonstitusi.go.id.

¹⁷ Fernando Hasiholan Manalu, Retno Saraswati & Devi Yulida, "Political Law Interpretation on President's Refusal to Sign an Approved Bill with the House of Representatives" (2023) 23:1 Jurnal Dinamika Hukum 37–51.

¹⁸ Suroto Suroto, "Pancasila As the Ideal of Law in Indonesian National Legal and Rule of Law Systems" (2018) 1:1 Viva Themis Jurnal Ilmu Hukum dan Humanior 15–24.

¹⁹ Anak Agung Ngurah Wira Wikrama, "Pemilihan Umum Indonesia Antara Demokrasi Pancasila dan Demokrasi Liberal" (2020) 2:2 Jurnal Ilmiah Cakrawarti 10–18.

²⁰ Muhamad Pelengkahu, *Model Pengaturan Pengelolaan Pertambangan Mineral dan Batubara Berbasis Keadilan Ekologis* Universitas Sebelas Maret, (2024) [unpublished].

II. METHODS

This research is a normative legal study, commonly referred to as doctrinal legal research. Normative legal research is conducted through the analysis of scientific library resources, including primary, secondary, and tertiary legal texts.²¹ The author's writing concentrates on literary analysis and legal doctrines, specifically the perspectives of legal scholars regarding the issues examined, particularly the legislative process of the DPR and the public participation rights enshrined in Law No. 12 of 2011 concerning the Formation of Legislative Regulations. A conceptual approach and a statutory method are implemented to acquire precise facts and data for the purpose of composing this statute. The conceptual approach examines legal perspectives and doctrines that are relevant to the legislative function of the People's Representative Council and the public's right to participate in the formation of laws and regulations, with the objective of developing strategies for the development of aspirational legislation, whereas the statute approach analyzes laws and regulations. The authors employ qualitative analysis to conduct legal material analysis, and the results are presented descriptively to provide a comprehensive understanding of the issues under investigation

III. FAILURE OF THE LEGISLATIVE PROCESS BY THE PEOPLE'S REPRESENTATIVE COUNCIL IN REALIZING ASPIRATIONAL LAWS

The public has the right to be involved in the legislative process, both directly and indirectly.²² Directly, the public can provide input, criticism, or suggestions through mechanisms such as public hearings, hearings, or petition submissions.²³ Indirectly, the public can elect people's

²¹ Sholahuddin Al-Fatih, *Perkembangan Metode Penelitian Hukum di Indonesia* (Malang: UMM Press, 2023).

²² Wand Mei Herry Susilowati, "Application of Fast-Track Legislation Method in Presidential System of Government in Indonesia" (2024) 8:1 Cepalo 49–68.

²³ Ramadhan Dwi Saputra, Kania Venisa Rachim & Vicko Taniady, "Empowering Voices: Building an Electronic Petition System for Strengthening Freedom of Speech in Indonesia" (2023) 25:1 Journal Judicial Review 71–88.

representatives who will fight for their aspirations in legislative institutions.²⁴ The public also plays an important role in overseeing the legislative process to ensure that it is in line with the interests of the wider community. The public can provide criticism, input, or even sue if there are laws and regulations that are considered to be contrary to the interests of the community or violate the constitution.²⁵

The Constitution of the Republic of Indonesia, which has undergone changes to article 20 in the provisions of paragraphs (1) and (2), shows a shift in legislative power which was originally in the hands of the President to the power and authority of the People's Representative Council.²⁶ The DPR and the President are partners in the discussion process until approval, although ratification must be carried out by the President.²⁷

However, the hope of constitutional reform through four amendments to the 1945 Constitution does not seem to be able to provide a satisfactory answer to the current constitutional phenomenon.²⁸ In carrying out its legislative function, the DPR in the 18year period from 2005-2023 formulated 1.147 bills which were stipulated in the DPR's National Legislation Program, while only 35.5% of those produced became laws, namely 356 laws.

No.	Year	Bill	Act
1.	2005	55	14
2.	2006	76	39
3.	2007	78	40

²⁴ Muhammad Syafei & Muhammad Rafi Darajati, "Design of General Election in Indonesia" (2020) 16:1 Law Reform Jurnal Pembaharuan Hukum 97–111.

²⁵ Wahyono et al., *supra* note 11.

²⁶ Widayati et al, "The Urgency of Presidential Institution Regulations in Strengthening the Presidential Government System" (2023) 19:2 Law Reform Jurnal Pembaharuan Hukum 199–220.

²⁷ Saldi Isra & Pan Mohamad Faiz, "The Indonesian Constitutional Court: An Overview" in *Court Divers* (Leiden, The Netherlands: Brill | Nijhoff, 2024) 55.

²⁸ Zen Zen Zanibar, "The Indonesian Constitutional System in the Post Amendment of the 1945 Constitution" (2018) 2:1 Sriwijaya Law Review 45–55.

4	2008	81	61
5	2009	76	39
6	2010	70	16
7	2011	93	24
8	2012	69	30
9	2013	70	22
10	2014	69	31
11	2015	40	2
12.	2016	51	2
13.	2017	52	5
14.	2018	50	6
15.	2019	55	0
16.	2020	50	3
17.	2021	33	8
18.	2022	40	9
19.	2023	39	5

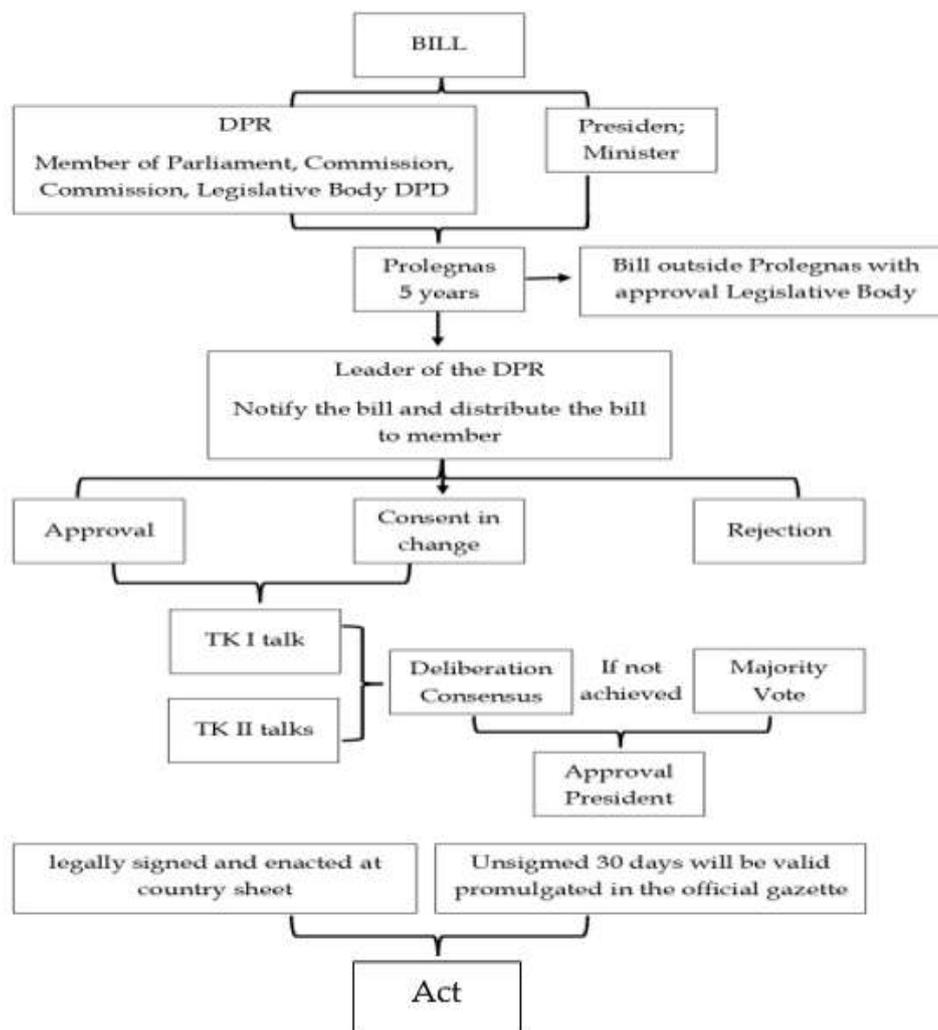
Table 1. Data on the Achievement of Draft Laws into Laws in the Performance of DPR Legislation 2005-2023. Sources: *People's Representative Council Website, 2023.*

Law Number 12 of 2011 concerning the Formation of Legislative Regulations regulates restrictions on the formation of legislation which materially must refer to the law as further regulation of the provisions of the 1945 Constitution, amendments which include:

1. Further regulations regarding the provisions of the 1945 Constitution of the Republic of Indonesia;
2. An order for a law to be regulated by law;
3. Follow-up to the Constitutional Court decision; and/or
4. Fulfillment of legal needs in society.

The process of forming statutory regulations is regulated in Article 1 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislative Regulations which has been explained that the formation of statutory regulations starts from the planning, preparation, drafting techniques, formulation, discussion, ratification or determination in legislation.

Figure 1. Process of Formulating Bills into Acts. Source: Law Number 12 of 2011.



1. The initial phase prior to taking action is planning, which is a component of management. The objectives that are to be accomplished will be illustrated through the planning process, as well as the organization and operation of each related element in order to achieve the desired objectives. Additionally, prolegnas serves as a mechanism for regulating the trajectory of national development, as it is possible to observe the direction of legal development over a specific period of time through the performance of the legislation.²⁹ The National Legislation Program must be prepared in accordance with the vision and mission of national legal development, as well as the aspirations of the people as enumerated in the 1945 Constitution.³⁰ This implies that the Prolegnas is not conceived on the basis of trivial desires, but rather on the spirit and will to achieve the welfare of the people in accordance with the vision and mission of legal development.³¹ Pancasila as the basis of the state which is included in the 1945 Constitution must be used as a reference;
2. The subsequent phase involves the bill's preparation and submission. It is widely recognized that the purpose of legislation is to facilitate the formation of laws, the deliberation of bills, and the ratification of bills. The process of drafting a bill must incorporate the community's aspirations, as the formulation of a law is primarily a function of state institutions to address the community's requirements.³²
3. The subsequent step involves the development of laws through the use of composing techniques. An academic text must be incorporated into the formation and crafting of a measure. The subject and scope of the material to be regulated, as well as the philosophical,

²⁹ Akhmad Safik, "Law-making Process in Indonesia An Analysis On the National Legislation Program (Prolegnas)" (2016) 1:1 Jurnal Magister Ilmu Hukum 20–33.

³⁰ Ahmad Althof 'Athoillah & Muhammad Faisol, "Analysis of Legal Unification toward the National Legislation Program in Indonesia" (2023) 4:1 Rechtenstudent 1–14.

³¹ Giri Ahmad Taufik, "Proportionality Test In The 1945 Constitution: Limiting Hizbut Tahrir Freedom of Assembly" (2018) 4:1 Constitutional Review 45–76.

³² Diya Ul Akmal & Fauzziyyah Azhar Ramadhan, "Legal Ideals: Lawmaking and Law Enforcement Primarily based on Community Social Life in Indonesia" (2023) 23:2 Precedente Revista Jurídica 129–162.

sociological, and juridical foundations, are all included in this academic text.³³ Academic texts necessitate in-depth contemplation due to their inadequate readiness for immediate requirements.

4. The subsequent phase in the drafting of the bill is the discussion of the bill. Discussion of the measure is the fundamental phase of the legislative process.³⁴ In order to achieve mutual accord on the bill that will be enacted as law, the DPR and the President engage in a discussion regarding each bill that is generated by the DPR, President, or DPD. The bill is the subject of a level I and level II discussion in this discussion.

This discussion is the stage where proposals from each faction and body are carried out. In discussions at the DPR, community participation lies in the Public Hearing Meeting (RDPU), but unfortunately at the RDPU, there are more initiatives from the DPR so it is not clear which community groups are being listened to and can provide input.³⁵ In fact, the development of many people's aspirations are locked, it is difficult for people to follow the development of their proposals.

Regrettably, the aspirations of the individuals involved in the discussions have been largely suppressed and have not been effectively directed. Interests and politics are issues that are being discussed. Instead, the interests of the group are prioritized over the aspirations of the individuals who are at the forefront. The community's aspirations have been implemented and are now incorporated into the law.³⁶ The public is entitled to provide oral or written input in the context of the preparation or

³³ Nazaruddin Lathif et al, "Analysis of the Philosophical, Sociological and Juridical Basis for Amendment to Regional Regulations of Bogor Regency Concerning Public Service Retribution on Waste/Cleanliness" (2021) 8:9 *International Journal of Multicultural and Multireligious Understanding* 179–187.

³⁴ Yassar Aulia, Ali Abdurahman & Mei Susanto, "Fundamental Principles of the Legislation Process" (2021) 6:1 *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 41–64.

³⁵ Delfina Gusman, "Menguji Kenegarawanan Hakim Konstitusi Melalui Putusan Mahkamah Konstitusi Nomor 90/PUU-XXI/2023" (2023) 7:2 *Nagari Law Review* 430–439.

³⁶ Jeffrey Kennedy, "Deliberative Experience and the Civic Aspirations of Legal Education" (2023) 19:4 *International Journal of Law in Context* 498–520.

discussion of proposed laws and regional regulations, as stated in Article 96 paragraph (1) of Law Number 12 of 2011. In the meantime, Article 96 paragraph (2) allows for the implementation of oral and/or written input in accordance with the intentions of paragraph (1):

1. Public hearings;
2. Work visit;
3. Socialization; and/or
4. Seminars, workshops and/or discussions.

According to this article, the public has been provided with verbal or written information to facilitate their participation in statutory regulations. Nevertheless, this right has not been effectively executed in actuality. It appears that the aspirations of individuals are merely procedural in nature when it comes to the implementation of a law. The obstacles are the reluctance of legislators to provide formal and substantial space to the community, as well as limited public access.

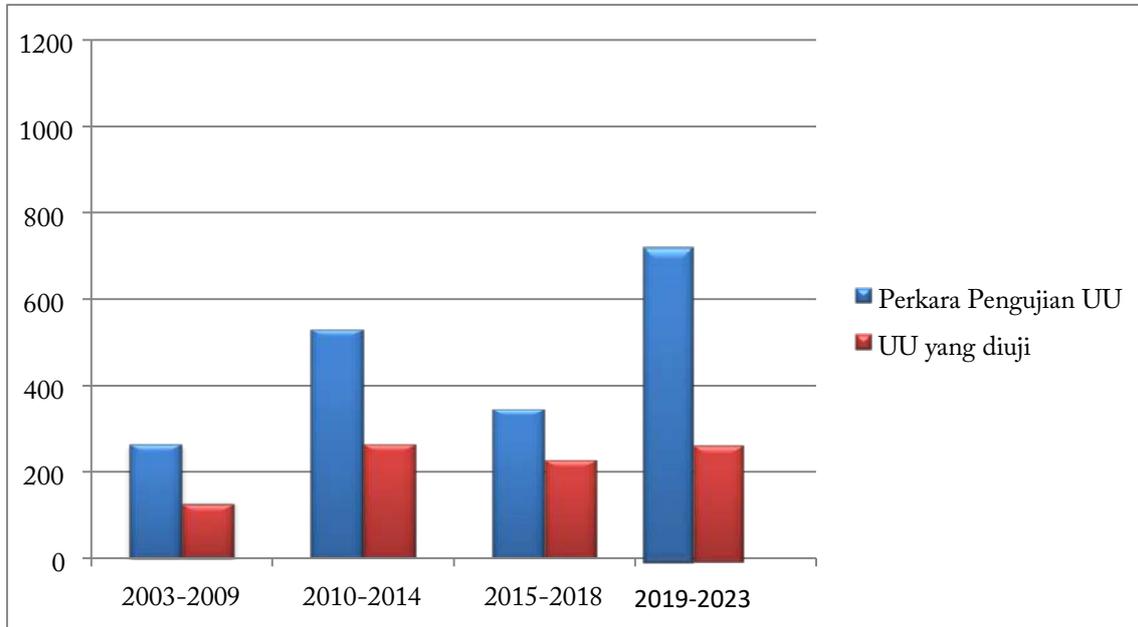
The results of *the judicial review* are evidence of public dissatisfaction with the laws that have been made. According to data from the Constitutional Court, every year there are still applicants requesting *a judicial review* of the law. The Constitutional Court is one of the results of reforms that was formed in 2003. Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states, "The Constitutional Court adjudicates at the first and last level whose decision is final to review laws against the Constitution".

The institutionalization of judicial review is essential due to the fact that "laws are political products" that are not immune from the political interests of the institutions that create them and are highly likely to conflict with the constitution in both the material and formal sense. From 2003 to 2009, the Constitutional Court assessed 108 laws out of the 284 cases that were submitted to it regarding laws.³⁷ From 2010 to 2014, there were 534 legal review cases and 248 tests. In reality, the period that has not yet been finalized is 2014. 215 laws were tested by the Constitutional Court, and

³⁷ Constitutional Court, *supra* note 16.

364 legal review matters were filed between 2015 and 2018. However, in the following year it also increased, between 2019 to 2023 there are 712 legal review and 281 laws were tested by the Constitutional Court.

Figure 2. Judicial Review Data at the Constitutional Court 2003-2023



This data demonstrates that the aspirations of individuals in the process of establishing laws are rarely considered. A significant number of petitioners from the broader community submitted responses requesting that a judicial review of the law be conducted. The public's enthusiasm for conducting a judicial review is perceived as negative and alarming, as it implies that there is an issue with the law.

If the DPR adheres to the principles of statutory regulation formation, which include the clarity of objectives, the appropriate institutions or officials, the compatibility between the types of hierarchy and material content, the effectiveness and usefulness, the clarity of formulation, and the openness, this will not occur. request for judicial review of a measure that has been enacted. The public perceived that the promulgation of this law had resulted in a disadvantage, which led to the request for a judicial review. Therefore, this law is in conflict with the legal requirements of society and causes damage to society.

This circumstance also violates the legal principles of Pancasila, which mandate that laws be formulated in accordance with the democratic process

and implemented by Indonesian society, rather than based on political outcomes that benefit certain individuals or groups.³⁸ Justice that is celebrated in Indonesia must be maintained. The most significant attention must be given to Pancasila as a foundational element of Indonesia's legal development. The Pancasila principles' components of justice and deliberation must also be considered when formulating legislation.

IV. WEB-BASED CITIZEN CONTRIBUTION: STRATEGY IN OPTIMIZING POLITICAL PARTICIPATION TO REALIZE ASPIRATIONAL LAWS BASED ON THE LEGAL IDEAS OF PANCASILA

The development of information and communication technology has brought significant changes in public participation.³⁹ Online platforms such as government websites, social media, and special applications for public participation have made it easier to access information and public involvement.⁴⁰ Through this technology, the public can provide input more quickly and efficiently. The mass media also plays an important role in increasing public participation.⁴¹ The media serves as a link between the government and the public, provides relevant information, and becomes a forum for public discussion.

Thus, the media helps create a more transparent and accountable environment. To increase public participation in the formation of legislation, a comprehensive approach is needed.⁴² Increasing public

³⁸ Yogi Prasetyo, "Indonesia Integral Law Based on Pancasila" (2022) 3:1 *Pancasila Law Review* 1–14.

³⁹ Endang Try Setyasih, "Democracy in the Digital Era as a Challenge and Opportunity for Public Participation" (2023) 15:1 *Jurnal Pemikiran Administrasi Negara* 28–39.

⁴⁰ Francisca Tejedo-Romero et al, "E-government mechanisms to enhance the participation of citizens and society: Exploratory analysis through the dimension of municipalities" (2022) 70:1 *Technology in Society* 1–14.

⁴¹ Catherine Happer & Greg Philo, "The role of the media in the construction of public belief and social change" (2013) 1:1 *Journal of Social and Political Psychology* 321–336.

⁴² Marlan Hutahaean, Ixora Javanisa Eunike & Andri Dayarana K Silalahi, "Do Social Media, Good Governance, and Public Trust Increase Citizens' e-Government

education about their rights and participation mechanisms is essential. Education and outreach campaigns can help increase public awareness and understanding.⁴³

Increasing access to information should be a priority. The government needs to ensure that all information related to the draft regulations can be easily accessed by all levels of society.⁴⁴ The use of information technology must be optimized to disseminate this information.⁴⁵ Community involvement must be carried out in a real and substantial manner. The public consultation process must be carried out seriously, taking into account input from the community, and providing clear feedback on how the input is used in the legislative process.⁴⁶

Public participation in the formation of laws and regulations is a crucial element of a well-functioning democracy.⁴⁷ Despite the many challenges in its implementation, efforts to increase this participation must continue. With a strong legal framework, the use of technology, and the right strategies, public participation can be increased, resulting in laws and regulations that are more legitimate, accountable, and in accordance with the needs of the people.⁴⁸

Under Indonesia's rule of law framework, the public is required to participate in the oversight of the law-making process during each

Participation? Dual Approach of PLS-SEM and fsQCA” (2023) 2023:1 Human Behavior and Emerging Technologies 1–19.

⁴³ Wahyono et al., *supra* note 11.

⁴⁴ Joko Riskiyono, “Public Participation in the Formation of Legislation to Achieve Prosperity” (2015) 6:2 *Aspirasi* 159–176.

⁴⁵ Melisa Arisanty, Gunawan Wiradharma & Isma Fiani, “Optimizing Social Media Platforms as Information Dissemination Media” (2020) 5:2 *Jurnal ASPIKOM* 266–279.

⁴⁶ Victoria Haldane et al, “Community participation in health services development, implementation, and evaluation: A systematic review of empowerment, health, community, and process outcomes.” (2019) 14:5 *PLoS One* 1–25.

⁴⁷ Dodi Jaya Wardana & Hasnan Bachtiar, “Public Participation in the Law-Making in the Digitalization Era” (2022) 2:3 *Indonesian Law Reform Journal* 289–298.

⁴⁸ Rivaldi Aka Akbar, Aji Mulyana & Mia Amalia, “Legal Challenges In The Age Of Social Media: Protecting Citizens From Misuse Of Information” (2023) 3:1 *Golden Ratio of Law and Social Policy Review* 14–25.

legislative session.⁴⁹ Additionally, as a nation that prioritizes communication deliberation, it desires that the representatives of the people in parliament engage in dialogue and communicate with the public as a component of the decision-making process in order to achieve a shared consensus, rather than focusing on political decisions and the interests of the authorities.⁵⁰ This is achieved without the need to open up public spaces, which are typologies of democratic law.

Article 5 of Law No. 11 of 2012 stipulates that the establishment of laws and regulations must be conducted in accordance with the principles of sound law and regulation, one of which is transparency. This principle implies that the process of establishing statutory regulations, which encompasses the planning, drafting, discussion, ratification or determination, and promulgation, is transparent and open.⁵¹ As a result, legislative regulations are developed with the broadest possible input from all societal levels.

In addition, article 171 of Presidential Regulation no. 87 of 2014, which pertains to the Implementing Regulations of Law Number 12 of 2011 concerning the Formation of Legislative Regulations, governs community participation from the dissemination of Prolegnas, preparation of Draft Laws, discussion of Draft Laws, to the promulgation of Laws. This process is conducted through electronic media, print media, face-to-face forums or direct dialogue, and/or legal documentation and information networks. It is evident that the public's right to information is safeguarded by a legal corridor, as evidenced by the aforementioned regulations.⁵²

⁴⁹ Eko Nursetiawan & Riris Ardhanariswari, "Meaningful Participation in Legislative Drafting as a Manifestation of a Democratic Rule of Law" (2022) 5:2 *Jambe Law Journal* 251–270.

⁵⁰ John S Dryzek & Simon Niemeyer, *Foundations and Frontiers of Deliberative Governance* (Oxford: Oxford University Press, 2010).

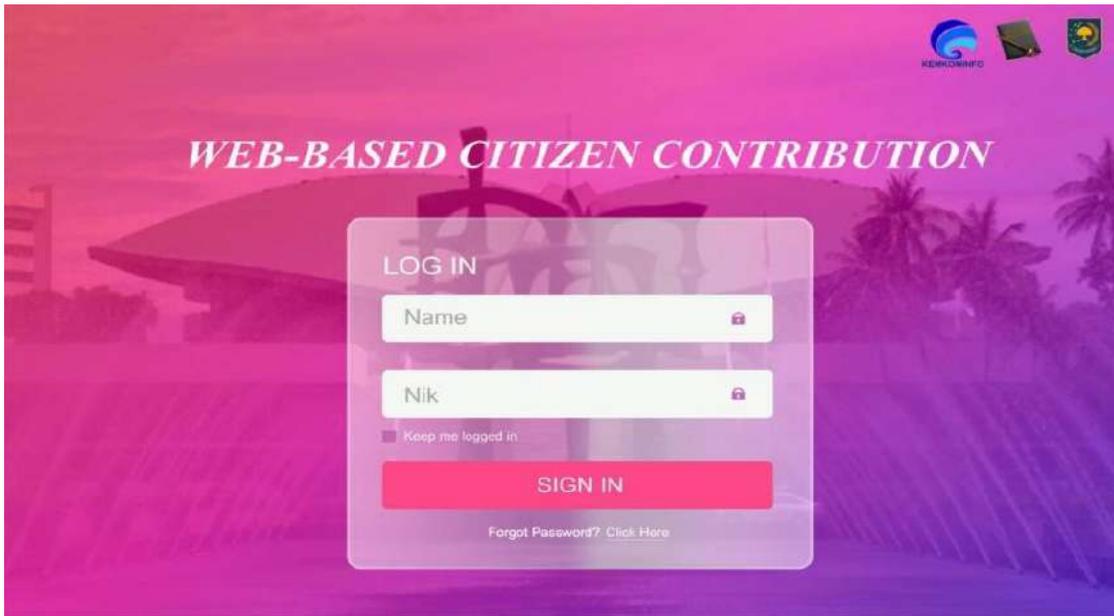
⁵¹ Sirajul Munir, "Cancellation constitution based on the principle of openness in the legislation process (Study To Decision Court Constitution Number 91/PUU-XVIII/2020)" (2023) 1:1 *ICCoLaSS: International Collaboration Conference on Law, Sharia and Society* 157–166.

⁵² Rizal Khadafi et al, "Assessing the Indonesian government's compliance with the public information disclosure law in the context of COVID-19 data transparency" (2024) 6:1 *Frontiers in Political Science* 1–10.

This provision also implies that procedures must be established to enable the public to participate actively in the drafting process during the formulation of a law. Although it has been regulated in a formal juridical manner, the practices that have been implemented thus far in the process of establishing laws regarding the function of society are still symbolic and partial. Certain mass communications are implemented solely to supplement fundamental research procedures that function as the foundation for legislative planning. Nevertheless, this is only implemented during the planning phase. Afterward, individuals who have "already" represented their power to the people's representatives in the People's Representative Council forfeit their voting rights during the discussion stage.

People's Representative Council' plenary session is indeed public; however, it is not subject to criticism due to the session's protocol and regulations. In the interim, individuals who are dissatisfied with the outcomes are limited to expressing their aspirations and interests through demonstrations and protests, which are never effective. In response to the issue of laws that fail to reflect and accommodate the aspirations of the populace, we suggest a strategy that integrates website media into a single database, namely an information, aspirations, and voting system. In an endeavor to realize the nation's ideals of ensuring the welfare of its citizens, the utilization of internet media is a technological development paradigm known as Pancasila.

Figure 3. Front view of the WASIT. Sources: Authors's analysis.



This website is called WASIT (Web-Based Citizen Contribution), where there are several parties who will later be involved and collaborate in implementing WASIT (Web-Based Citizen Contribution), namely:

- 1 **Ministry of Communication and Information (*Kominfo*)**

This is a *web-based information, aspirations, and voting system*. This is in accordance with one of the functions of Kominfo as stated in Presidential Regulation no. 54 of 2015 concerning the Ministry of Communication and Informatics which regulates the functions of Kominfo in the areas of *'Implementation of technical guidance and supervision over the implementation of management of postal and informatics resources and equipment, postal and informatics administration, management of informatics applications, and management of public information and communications'*.⁵³

- 2 **Non-governmental Organization**

Subsequently, the database in WASIT (Web-Based Citizen Contribution) will be administered by a Non-Governmental Organization (NGO) that specifically monitors and critiques

⁵³ R F Putra & A A Nugroho, "The Role of The Ministry of Communications and Information In Preventing The Spread of Hoaxes During The 2024 Election" (2024) 4:4 Journal of Law, Politic and Humanities 1018–1028.

legislative matters. The purpose of creating this database is to streamline data collection regarding diverse community aspirations across Indonesia.

3 Directorate General of Population and Civil Registration (*Ditjen Dukcapil*)

In implementing WASIT (Web-Based Citizen Contribution), the Directorate General of Population and Civil Registration acts as a data archive for the population's Population Identification Number (NIK) which will be used to log in so that they can enter the website and provide their aspirations and voices regarding the formation of laws that are being carried out at that time. This is in accordance with one of the functions of the Directorate General of Dukcapil as stated in Presidential Regulation no. 11 of 2015 concerning the Ministry of Home Affairs in terms of: *implementation of general guidance and coordination in the field of population registration and civil registration, management of population administration information, utilization of population databases, NIK and e-KTP, human resources implementing Population Administration.*

WASIT (Web-Based Citizen Contribution) comprises two principal stages. Specifically, the phase of spreading information and addressing aspirations, together with the e-voting phase of the Draft Law, is elucidated as follows:

a. Stage of Information Dissemination and Aspiration Management

At this stage, NGOs will distribute information and promote the draft bill approved by the DPR, accompanied by scholarly texts and concise historical, sociological, and legal perspectives pertinent to the enactment of this law. Public access to this information requires users to log in to the website using their NIK (refer to figure 1), facilitating easier access without the necessity of an email or password, thereby ensuring equitable rights for the community to offer criticism, feedback, or

suggestions. Subsequently, the thoughts and opinions of the community will be synthesized and presented by NGOs during the Public Hearing Meeting concerning the Level I Bill, ensuring that the community's ambitions are effectively communicated to the legislative and executive bodies.

b. Electronic Voting Phase for Proposed Legislation

E-voting is a voting system that employs electronic devices to record, store, and process data as digital information. The e-voting phase will occur following the level I discussion of the Bill. Subsequently, the public will have the opportunity to observe and evaluate the outcomes of the Bill's discussion during the Public Hearing Meeting. Thereafter, the public may cast their votes to express their agreement or disagreement with the proposed Bill becoming law. To implement e-voting, individuals must re-enter their NIK to verify that the votes cast are authentically from Indonesian nationals, thereby preventing duplicate and fraudulent votes.⁵⁴ The utilization of NIK will be promptly validated if it is recorded in the web database disseminated by the Directorate General of Population and Civil Registration, allowing the public to e-vote on the approval or disapproval of the bill under consideration in the DPR.

Figure 4. Web-based Citizen Contribution homepage display. Sources: Authors's analysis, 2024.

⁵⁴ Fahri Bachmid & Hardianto Djanggih, "The Future of E-voting Implementation in Indonesian General Election Process: Constitutionality, Benefits and Challenges" (2022) 18:1 *Varia Justicia* 34–51.



Moreover, the outcomes of the community's e-voting will be presented by NGOs during the Level II Bill Discussion or the DPR Plenary Meeting. This will enhance the clarity and visibility of the public's influence and participation in the legislative process. The law formation process at each stage utilizing WASIT (Web-Based Citizen Contribution) emphasizes the Level I discussion stage and Level II discussion of the Draft Law.

Process	Mechanisms	Stages	Results
Legislative Planning	<ul style="list-style-type: none"> • Medium term Prolegnas • Prolegnas Priority Annual 	Proporsing legislative plans by the DPR, DPD, or Government Coordination Meeting between the Legislative Body and Government (Menkumham) Ratification by signing meeting	DPR decision regarding Prolegnas Bill

Process	Mechanisms	Stages	Results
		results Coordination by DPR Leadership and Prsident of the Plenary Meeting Determination Prolegnas Bill	
Drafting Laws	of Manuscript Preparation Academic	The government's Initiative Bill is prepared by the Ministry or LPND in collaboration with experts, relevant agencies, higher education institutions, and the public. Meanwhile, the DPR's Initiative Bill is drafted by its members, commissions, and the Legislative Body..	Academic Manuscript

Table 2. Stages of Forming Draft Laws into Laws with the Application of WASIT. Sources: Authors analysis, 2024.

The WASIT (Web-Based Citizen Contribution) strategy will enable the future legal products to reflect the aspirations of society within Indonesia's constitutional law framework, thereby translating the legal ideals of Pancasila into law. The five principles of Pancasila, which are integral to policy formulation and legislative lawmaking, include:

1. The enacted laws facilitate the construction and preservation of the state's and nation's integration or integrity, both ideologically and territorially;
2. The legislation of Indonesia is founded on the dual objectives of fostering democracy (popular sovereignty) and upholding nomocracy (rule of law). Democracy, being the foundation of populist politics, necessitates the formulation of legislation by the consensus of the populace or their legally elected representatives, either via acclamation or majority vote.⁵⁵ Nomocracy, as the principle of rule of law, necessitates that legislation in Indonesia be formulated based on legal content that philosophically aligns with the Pancasila *rechtsidee* and adheres to proper procedures;⁵⁶
3. The enacted laws are designed to establish social fairness for all Indonesian citizens;
4. The legislation of Indonesia is founded on principles of civil religious tolerance, namely rules that neither favor nor discriminate against particular groups based on the number of their religious followers.

Therefore, in the future, all laws, regardless of whether they originate from People's Representative Council or the Government, should be in the planning, design, discussion, ratification, promulgation, and implementation stages to ensure that the community has the maximum opportunity to participate in the political process.⁵⁷ In this manner, it is anticipated that aspirational laws, a critical society, and a government that

⁵⁵ Otto Gusti Ndegong Madung & Adrianus Yohanes Mai, "Populism, Radical Democracy, and the Indonesian Process of Democratization" (2022) 13:1 *Politika: Jurnal Ilmu Politik* 131–148.

⁵⁶ Sarip Sarip, "The Manifestation of Indonesian Democracy; Between Pancasila State of Law and Islamic Nomocracy" (2018) 9:2 *Jurnal Hukum Novelty* 192–204.

⁵⁷ Diya Ul Akmal, "The Regional Representative Council in Indonesia: a View of Unresolved Problems" (2022) 2:2 *Jurnal Res Justitia: Jurnal Ilmu Hukum* 241–251.

is responsive to the requirements of society will emerge, thereby establishing social justice.⁵⁸

VI. CONCLUSION

The process of forming laws starting from the planning stage to ratification must involve the community. Existing community aspirations are merely procedural without being discussed further. It can be seen at the discussion stage that people's aspirations are sometimes ignored. The many problems with reviewing laws show a lack of community participation in the formation of the laws themselves. This situation is very contrary to the legal ideals of Pancasila.

The process of forming aspirational laws in Indonesia can be optimized with the web-based information, aspiration and voting system WASIT (Web-Based Citizen Contribution). WASIT will be managed by an NGO in synergy with Kominfo and the Directorate General of Disdukcapil in its implementation. WASIT is an effective means for conveying information and accommodating views, input and voices from the public which will be collected through *e-voting* and conveyed in the joint discussion of the Draft Law with the DPR and the Government. Through the WASIT (*Web-Based Citizen Contribution*) strategy, in the future the character of legal products that are aspirational towards the wishes of society based on the legal ideals of Pancasila can be transformed into laws.

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