

The Urgency of Implementing E-Participation Based Crowdsourcing Law in Addressing Abusive Legislation

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Abstract. Public participation in the legislative process is a crucial pillar in determining the quality of legal products. However, recurring controversies in lawmaking reflect the persistent problem of abusive legislation in Indonesia. The enactment of revisions to the State-Owned Enterprises Law, the Mining Law, and the Military Law in early 2025 illustrates Indonesia's continued failure to realize the principle of meaningful participation. On the other hand, technological developments present an opportunity to optimize digital-based public participation as a means of addressing abusive legislation. Therefore, an appropriate solution is needed through the implementation of the crowdsourcing law model (hereafter "CrowdLaw") to strengthen e-participation in Indonesia. Based on these issues, this article aims to answer two main questions: (1) why is it urgent to optimize public consultation amid the practice of abusive legislation, and (2) how can the crowdsourcing law model be applied in the consultation process to ensure meaningful participation in the digital era? This article employs a normative juridical (doctrinal legal research) method, using statutory, conceptual, and comparative approaches. The article concludes that meaningful participation has yet to be fully realized, as public consultation is still often treated as a mere formality. The presence of CrowdLaw offers a more inclusive and interactive alternative. Accordingly, reformulation of the Law on the Formation of Laws and Regulations, along with revision of the relevant DPR Regulation, is necessary to provide legal certainty and legitimacy for the implementation of CrowdLaw.

Keywords: abusive legislation, crowdsourcing law, meaningful participation.

Abstrak. Partisipasi publik dalam proses legislatif merupakan pilar penting dalam menentukan kualitas produk hukum. Namun, kontroversi yang berulang dalam pembuatan undang-undang mencerminkan masalah penyalahgunaan kekuasaan legislatif yang terus berlanjut di Indonesia. Pemberlakuan revisi Undang-Undang Badan Usaha Milik Negara, Undang-Undang Pertambangan, dan Undang-Undang Militer pada awal tahun 2025 menggambarkan kegagalan menghadirkan peluang untuk mengoptimalkan partisipasi publik berbasis digital sebagai sarana untuk mengatasi penyalahgunaan kekuasaan legislatif. Oleh karena itu, diperlukan solusi yang tepat melalui implementasi model hukum crowdsourcing (selanjutnya disebut "CrowdLaw") untuk memperkuat partisipasi elektronik di Indonesia. Berdasarkan isu-isu tersebut, artikel ini bertujuan untuk menjawab dua pertanyaan utama: (1) mengapa penting untuk mengoptimalkan konsultasi publik di tengah praktik penyalahgunaan kekuasaan legislatif, dan (2) bagaimana model hukum crowdsourcing dapat diterapkan dalam proses konsultasi untuk memastikan partisipasi yang bermakna di era digital? Artikel ini menggunakan metode yuridis normatif (penelitian hukum doktrinal), dengan menggunakan pendekatan hukum statutori, konseptual, dan komparatif. Artikel ini menyimpulkan bahwa partisipasi yang bermakna belum sepenuhnya terwujud, karena konsultasi publik masih sering dianggap sebagai formalitas belaka. Kehadiran CrowdLaw menawarkan alternatif yang lebih inklusif dan interaktif. Oleh karena itu, reformulasi Undang-Undang tentang Pembentukan Hukum dan Peraturan, beserta revisi Peraturan DPR terkait, diperlukan untuk memberikan kepastian hukum dan legitimasi bagi implementasi CrowdLaw.

Kata Kunci: legislasi abusif, pembentukan hukum berbasis urun daya, partisipasi bermakna.

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INTRODUCTION

Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia mandates the realization of the principles of democracy and popular sovereignty within the state administration system. These principles are closely connected to the actualization of meaningful participation, which constitutes an essential factor in determining the quality of legal products and ensuring adequate space for public involvement throughout every stage of the legislative process. The purpose of participation is to prevent laws from deviating from public needs and the general will. In this regard, the principle of transparency becomes equally important as it facilitates active and substantive public engagement.

However, Indonesia has frequently witnessed a series of controversial legislative products that risk undermining public trust in the integrity of the legislative process. This is evidenced by several concrete examples in recent years, including: (1) Law Number 11 of 2020 concerning the Job Creation enacted through the omnibus law mechanism; (2) Law Number 19 of 2019 on the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission (KPK Law); (3) the amendment to Law Number 34 of 2004 concerning the Indonesian National Armed Forces (TNI Law), now enacted as Law Number 3 of 2025; (4) the amendment to the Mineral and Coal Law (Minerba Law), now enacted as Law Number 2 of 2025; (5) the amendment to Law Number 39 of 2008 concerning the State Ministries, now enacted as Law Number 61 of 2024; and (6) Law Number 1 of 2025 concerning the State-Owned Enterprises. These six legal products illustrate how laws are often formulated not to respond to public needs, but rather to preserve political power.¹ Such practices constitute what is commonly referred to as abusive legislation, which reflects a law-making process heavily influenced by political interests.² This pattern aligns with Kim Lane Scheppele's concept of autocratic legalism, defined as a phenomenon in which

¹ Lusia Indrastuti and Susanto, *Hukum Tata Negara Dan Reformasi Konstitusi Di Indonesia* (Yogyakarta: Total Media, 2019).

² Miftah Faried Hadinatha, "Peran Mahkamah Konstitusi Mencegah Gejala Autocratic Legalism Di Indonesia," *Jurnal Konstitusi* 19, Number 4 (December 1, 2022), <https://doi.org/10.31078/jk1941>.

laws are manipulated by authoritarian actors to maintain their political dominance.³ The concept of autocratic legalism reflects the essence of abusive legislation. When law is employed as a tool to perpetuate political dominance rather than to uphold justice, it constitutes a clear manifestation of abusive law making, characterized by the prioritization of political interests and the undermining of the public's constitutional rights.⁴

This disparity is further reflected in Indonesia's modest score in the 2024 Democracy Index published by the Economist Intelligence Unit (EIU). Under the EIU framework, democratic quality is classified into four categories: full democracy (8–10), flawed democracy (6–7.9), hybrid regime (4–5.9), and authoritarian regime (below 4). Indonesia obtained a score of 6.44, remaining within the category of flawed democracy, with its lowest indicators in political culture (5.00) and civil liberties (5.29).⁵ These figures illustrate the limited public space available for expressing opinions in legislative processes, which in turn contributes to diminishing public trust in legislative outputs. In this context, Ismail Sunny's perspective becomes particularly relevant. He argues that the rule of law stands in direct opposition to governance exercised through unilateral orders or decrees (rule by decree).⁶ This view underscores that law must not serve as an instrument of power; rather, it must function as a constraint and a guide to ensure that state authority remains within constitutional boundaries. Accordingly, the principle of the rule of law requires not only the existence of laws but also that those laws be enacted through democratic and transparent procedures that uphold the public interest.

One of the essential stages in ensuring meaningful participation is the conduct of public consultations, as mandated by Law Number 13 of 2022 concerning the Second

³ Kim Lane Scheppele, "Autocratic Legalism," *The University of Chicago Law Review* 85, Number 2 (December 26, 2018): 545–84, <https://www.jstor.org/stable/26455917>.

⁴ Pusat Kajian Hukum Dan Keadilan Sosial (LSJ), "DPR Dan Presiden Langgengkan Praktik *Abusive Law Making* Pula Melanggar Hak Konstitusional Warga Negara", LSJ, accessed December 30, 2025, <https://rumahbacakomunitas.org/pandangan-hukum-pusat-kajian-hukum-dan-keadilan-sosial-lsj-fakultas-hukum-universitas-gadjah-mada/>.

⁵ Economist Intelligence Unit, "EIU Report Democracy Index 2024," *EIU*, February, 2025, <https://www.eiu.com/n/campaigns/democracy-index-2024/>.

⁶ Ismail Sunny, *Mekanisme Demokrasi Pancasila*, 5th ed. (Jakarta: Aksara Baru, 1984).

Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations. Public consultation provides an institutionalized forum for coordination between the government and society, and therefore constitutes a procedural step that cannot be omitted from the legislative process.⁷ Although the doctrine of *praesumptio iuris et de iure* presumes that everyone is aware of the law, the implementation of legislation cannot be effective without adequate public consultation.⁸ In practice, however, opportunities for public participation remain limited and insufficiently substantive. Against this backdrop, the potential of digital technology should be utilized to improve public consultation mechanisms and make them more responsive. The expansion of digital technology through e-participation enables a more inclusive form of engagement that is not constrained by distance or time.⁹ Kneuer classifies e-participation into top down mechanisms initiated by the government and bottom up mechanisms originating from citizens.¹⁰ Although the government has introduced several digital participation platforms, their effectiveness in incorporating public input remains far from optimal. Most existing channels operate in a one-directional manner and are largely ceremonial. When public aspirations are neither meaningfully heard nor accommodated, a gap inevitably emerges between citizens and policymakers.

Based on these issues, there is a need for a more open and adaptive public consultation model suited to the demands of the digital era. With this in mind, CrowdLaw (Crowdsourcing Law) has become a relevant solution in responding to the challenges posed by indications of abuse in the formation of laws. CrowdLaw itself is understood as a method of gathering ideas, input, and opinions from the wider community

⁷ Dunga Mustajab, Evi Noviawati, and Hendi Budiaman, "Pelaksanaan Pasal 4 Ayat (1) Peraturan Bupati Pangandaran Nomor 12 Tahun 2022 Tentang Pedoman Penyelenggaraan Forum Konsultasi Publik Di Daerah Di Desa Mangunjaya Kecamatan Mangunjaya Kabupaten Pangandaran," *Pustaka Galuh Justisi* 2, Number 2 (May 31, 2024): 477–91, <https://doi.org/10.25157/PUSTAKA.V2I2.4152>.

⁸ Arief Fahmi Lubis, "Partisipasi Aktif Masyarakat Dalam Proses Legislasi Pasca Putusan Mahkamah Konstitusi," *PESHUM: Jurnal Pendidikan, Sosial Dan Humaniora* 4, Number 1 (December 8, 2024): 390–95, <https://doi.org/10.56799/PESHUM.V4I1.6693>.

⁹ Jumalia Mannayong, Muh. Rizal S Herling, and Muhammad Faisal, "Transformasi Digital Dan Partisipasi Masyarakat: Mewujudkan Keterlibatan Publik Yang Lebih Aktif," *Jurnal Administrasi Publik* 20, Number 1 (June 30, 2024): 53–75, <https://doi.org/10.52316/JAP.V20I1.260>.

¹⁰ Marianne Kneuer, "E-Democracy: A New Challenge for Measuring Democracy," *International Political Science Review* 37, Number 5 (November 1, 2016): 666–78, <https://doi.org/10.1177/0192512116657677>.

through digital platforms.¹¹ This approach can open up more equitable and efficient participation, while strengthening transparency and accountability in the legislative process.¹² Based on the complexity of the issues described above, the author aims to examine two questions. First, how urgent is it to optimize the public consultation stage amid the problem of abusive legislation? Second, how can the crowdsourcing law model be applied in the public consultation stage to ensure meaningful participation in the digital era? Furthermore, in compiling this article, the author draws on several constitutional theories and principles, such as the principle of meaningful participation, the theory of deliberative democracy, and the theory of people's sovereignty.

Numerous studies in Indonesia have examined the challenges of public participation in the digital era; however, only a limited number have explored the application of the CrowdLaw model within Indonesia's legislative process. Most existing studies focus on the technical barriers that continue to hinder broad public engagement, including low levels of digital literacy, inadequate technological infrastructure, and the suboptimal use of digital platforms as channels for dialogue between citizens and the government.

For instance, Mochamad Adli Wafi and Muhammad Machshush Bill Izzi emphasize the urgency of e-participation in enhancing meaningful public participation in the legislative process, arguing that a reformulation of e-participation regulations is necessary.¹³ Achmad Buchori also emphasizes the importance of strengthening digital literacy as a foundation for enhancing civic participation in development through social media as an inclusive medium of public communication.¹⁴ Furthermore, a study by Ahmad Faris Rivaldi Harahap and Arifuddin Muda Harahap demonstrates that

¹¹ Alfonso Renato Vargas-Murillo et al., "Crowdlaw: Application of Emerging Technologies and Collective Intelligence in Law and Policy Making," in *2024 International Conference on Inventive Computation Technologies (ICICT)* (Lalitpur: IEEE, 2024), 288–93, <https://doi.org/10.1109/ICICT60155.2024.10544756>.

¹² Vargas-Murillo et al.

¹³ Mochamad Adli Wafi dan Muhammad Machshush Bill Izzi, "Integrating Electronic Participation in the Legislative Process to Optimize the Fulfillment of Meaningful Participation" in *Jurnal Konstitusi* 21, Number 4 (December 2024), 518–41, <https://doi.org/10.31078/jk2141>.

¹⁴ Achmad Buchori, "Pentingnya Literasi Digital untuk Meningkatkan Partisipasi Masyarakat dalam Sosialisasi Pembangunan melalui Media Sosial," *Omnicom: Jurnal Ilmu Komunikasi Universitas Subang* 4, Number 1, (May, 2018): 12–20. <https://ejournal.unsub.ac.id/index.php/FIKOM/article/view/531>

digitalization holds significant potential to expand opportunities for public participation in governmental decision-making. Nevertheless, they note that structural and technical challenges, such as limited access to digital technologies and insufficient human resource capacity, remain substantial obstacles that must be addressed.¹⁵ Accordingly, studies that specifically examine the potential of crowdsourcing as an alternative mechanism for public participation to address the challenges posed by abusive legislation in Indonesia's law-making process remain relatively scarce.

METHODOLOGY

To answer these questions, this article uses a normative juridical method aimed at providing prescriptive solutions to the legal issues examined.¹⁶ This article employs three approaches. First, a statutory approach is applied to analyze laws and regulations related to the legislative process and the realization of meaningful participation in Indonesia. Second, a conceptual approach is used to examine relevant legal doctrines and principles, including meaningful participation and deliberative democracy. Third, a comparative approach is employed by examining the experiences of Brazil and Taiwan, both of which have successfully implemented CrowdLaw-based public participation platforms. As this is normative legal research, the data used are secondary in nature, consisting of primary legal materials (i.e., relevant laws and regulations) and secondary legal materials (i.e., legal literature, journal articles, and other relevant legal publications).¹⁷

¹⁵ Ahmad Faris Rivaldi Harahap, Arifuddin Muda Harahap, "Peran Digitalisasi dalam Meningkatkan Partisipasi Publik pada Pengambilan Keputusan 'Tata Negara,'" *Jurnal EDUCATIO: Jurnal Pendidikan Indonesia* 9, Number 2 (2023): 771. <https://doi.org/10.29210/1202323208>

¹⁶ Peter Mahmud Marzuki, *Penelitian Hukum*, Revisi (Jakarta: Kencana Prenada Media Group, 2021).

¹⁷ Marzuki, 181.

RESULT AND DISCUSSION

The Urgency of Optimizing Public Consultation Stages Amidst the Problem of Abusive Legislation

A. Status Quo of Public Consultation Stage Regulations Reviewed from the Process of Formulating Legislation

Public participation in the law-making process has been normatively recognized since the enactment of Article 53 of Law Number 10 of 2004 concerning the Formation of Legislation. This provision affirms that the public has the right to participate in the formation of laws by providing input either verbally or in writing. The substance of this provision was then expanded by Article 96 of Law Number 12 of 2011, which not only maintains the principle of participation, but also strengthens the mechanism for community involvement through various forums as a means of conveying the opinions and aspirations of the community.¹⁸ In line with this, according to Philipus M. Hadjon, public participation in state administration can only be effectively realized if it is supported by transparency in government administration. Transparency not only serves as a bridge between the government and the public, but also strengthens control over government power so that it is exercised responsibly and not abused.¹⁹ Furthermore, Constitutional Court Decision Number 91/PUU-XVIII/2020 has broadened the interpretation of the principle of public participation in the process of forming legislation, namely that community involvement must be realized in the form of meaningful participation. Therefore, society needs to be given the right to be heard, the right to be considered, and right to be explained.²⁰

However, the implementation of public participation as stipulated in Law Number 12 of 2011 still faces a number of normative issues, particularly in relation to Article 96. This provision does recognize the right of the public to provide input in the process of

¹⁸ Nur Fathimah Azzahra Syafril and Fitriani Ahlan Sjarif, "Politik Hukum Pengaturan Partisipasi Publik Dalam Pembentukan Undang-Undang Di Indonesia Dari Masa Depan," *PALAR (Pakuan Law Review)* 9, Number 2 (June 10, 2023): 1–15, <https://doi.org/10.33751/PALAR.V9I2.8152>.

¹⁹ Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia*, 1st ed. (Surabaya: Bina Ilmu, 1987).

²⁰ Helmi Chandra SY and Shelvin Putri Irawan, "Perluasan Makna Partisipasi Masyarakat Dalam Pembentukan Undang-Undang Pasca Putusan Mahkamah Konstitusi," *Jurnal Konstitusi* 19, Number 4 (December 1, 2022): 766–93, <https://doi.org/10.31078/JK1942>.

drafting legislation, but it does not provide clarity regarding the mechanism for such participation. This uncertainty opens the door to superficial participation, which in practice can undermine the principle of meaningful participation.²¹ As a follow-up to the mandate of public participation in Law Number 12 of 2011, the implementing regulations are further elaborated in DPR Regulation Number 2 of 2020 and Presidential Regulation Number 87 of 2014, both of which still lack regulation related to public participation. DPR Regulation Number 2 of 2020 only explains that in order to obtain public input, the National Legislative Body will announce its legislative program plans to the public both online and offline.²² Meanwhile, Presidential Regulation Number 87 of 2014 only repeats the wording of Article 96 paragraph (1) of Law Number 12 of 2011²³ and then delegates further provisions to Ministerial Regulations.²⁴ The government then issued Regulation of the Minister of Law and Human Rights (Permenkumham) Number 11 of 2021 concerning Procedures for the Implementation of Public Consultation in the Formation of Laws and Regulations as a normative instrument regulating the procedures for conducting public consultations.²⁵ The regulation states that public consultations can be conducted through electronic and non-electronic media using an information system prepared by the Directorate General of Legislation (*Direktorat Jenderal Peraturan Perundang-undangan*).²⁶

In accordance with Constitutional Court Decision Number 91/PUU-XVIII/2020 and as a refinement of several provisions in Law Number 12 of 2011, a new regulation was established, namely Law Number 13 of 2022.²⁷ This regulation then accommodates a

²¹ Antoni Putra, "PENERAPAN OMNIBUS LAW DALAM UPAYA REFORMASI REGULASI," *Jurnal Legislasi Indonesia* 17, Number 1 (March 31, 2020): 1–10, <https://doi.org/10.54629/JLI.V17I1.602>.

²² DPR Regulation on the Formation of Laws, DPR Regulation Number 2 of 2020, BN of 2020 Number 668, Article 41 paragraph (7).

²³ Presidential Regulation on the Implementation of Law Number 12 of 2011 on the Formation of Legislation, Presidential Regulation Number 87 of 2014, LN Year 2014 Number 199, Article 188 paragraph (1).

²⁴ Presidential Regulation on the Implementation of Law Number 12 of 2011 on the Formation of Legislation.

²⁵ DPR Regulation on the Formation of Laws, DPR Regulation Number 2 of 2020, BN of 2020 Number 668, Article 41 paragraph (7).

²⁶ Regulation of the Minister of Law and Human Rights concerning Procedures for Conducting Public Consultations in the Formulation of Legislation", BN of 2021 Number 104, Article 3.

²⁷ Moh Ishomuddin, "PENYIMPANGAN UNDANG-UNDANG NOMOR 13 TAHUN 2022 TERKAIT PENERAPAN PARTISIPASI YANG BERMAKNA," *Jurnal Ilmu Hukum Wijaya Putra* 3, Number 1 (June 10, 2025): 54–64, <https://doi.org/10.38156/JIHP.V3I1.210>.

new form of public participation, namely participation carried out online as stipulated in Article 96 (2) and categorizes it as a form of e-participation. Furthermore, Article 96(6)(d) broadens the avenues for public engagement by recognizing "other public consultation activities," allowing for the development of innovative participatory mechanisms.

Unlike Law Number 12 of 2011, which contained no explicit provision on this authority, Article 96 paragraph (9) of Law Number 13 of 2022 expressly attributes the authority to issue technical regulations on public participation – including e-participation – to the President, DPR, and DPD, rather than to the Minister of Law and Human Rights. Consequently, Permenkumham Number 11 of 2021 has lost its legal basis, resulting in a regulatory vacuum pending the issuance of new technical regulations by the authorized institutions.²⁸ Thus, there is currently a legal vacuum in terms of technical regulations governing online public participation. This vacuum has the potential to hinder the effectiveness of public participation in the legislative process, particularly through digital mechanisms, which have become a crucial means of participation in this era of information technology.

B. The Problem of Abusive Legislation Practices that Ignore the Principle of Meaningful Participation

The trend of lawmaking that ignores public participation is now increasingly worrying and will ultimately reduce the quality of the resulting legal products. This is evidenced by the explosion in the number of requests for judicial review of laws submitted to the Constitutional Court each year. According to the Constitutional Court's Recapitulation of Law Review Cases, there have been a total of 102 petitions registered by the Constitutional Court with 98 decisions as of June 2025.²⁹ This figure has even exceeded half of the total decisions in 2024, which amounted to 158 decisions. The large number of judicial reviews that have taken place shows that the legislative

²⁸ Mochamad Adli Wafi and Muhammad Machshush Bill Izzi, "Integrasi Electronic Participation Dalam Proses Legislasi Sebagai Optimalisasi Pemenuhan Meaningful Participation," *Jurnal Konstitusi* 21, Number 4 (December 1, 2024): 518–41, <https://doi.org/10.31078/JK2141>.

²⁹ Mahkamah Konstitusi RI, "Rekapitulasi Perkara PUU," [mkri.id](https://www.mkri.id/perkara/rekapitulasi-perkara/puu), accessed December 30, 2025, <https://www.mkri.id/perkara/rekapitulasi-perkara/puu>.

process is inadequate in considering philosophical, sociological, and legal aspects.³⁰ One of the crucial issues that has contributed to the practice of abusive legislation is the minimal and insubstantial involvement of the society. Wicipto Setiadi also stated that the issue of participation is a problem faced in the formation of laws.³¹ In fact, the Law Number 12 of 2011 mandates the principle of openness, that the formation of laws and regulations must be transparent and open to all levels of society.

As of the time this research was conducted, in June 2025, three laws had been passed this year. However, in reality, all three laws have also drawn widespread criticism from the public regarding their substance and the process of their formation.

Law	Summary of Characteristics of Abusive Legislation
Law Number 1 of 2025 concerning the Third Amendment to Law Number 19 of 2003 about State-Owned Enterprises (BUMN) .	The articles contained in the BUMN Law have sparked controversy and are considered unconstitutional in many aspects, such as restrictions on the role of state supervisory agencies, covert immunity for BUMN officials, the transfer of shares to Danantara, and the delegation of presidential authority. ³²
Law Number 2 of 2025 concerning the Fourth Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining .	The BUMN Law is considered to be more beneficial to large mining companies, weakens regional authority, and ignores the interests of local communities and environmental protection. ³³

³⁰ Achmad Hafy Akmal Moeslim and Boy Dawud Mochamad Fadillah, "Konsekuensi Sistem Proporsional Terbuka Terhadap Kesadaran Hukum," *Transgenera: Jurnal Ilmu Sosial, Politik, Dan Humaniora* 2, Number 1 (December 21, 2025): 30–40, <https://doi.org/10.35457/TRANSGENERA.V2I1.4101>.

³¹ Henny Andriani, "Partisipasi Bermakna Sebagai Wujud Asas Keterbukaan Dalam Pembentukan Undang-Undang," *Unes Journal of Suara Justisia* 7, Number 1 (May 18, 2023): 306–18, <https://doi.org/10.31933/UJSJ.V7I1.337>.

³² Firwanda Sandi Pradipta and Ermania Widjajanti, "Pembaharuan Hukum Pidana Korupsi Dalam Pengelolaan BUMN Pasca Revisi UU No 1 Tahun 2025," *Locus Journal of Academic Literature Review* 04, Number 02 (2025): 80–90, <https://doi.org/https://doi.org/10.56128/ljoalr.v4i2>.

³³ Nanda Vico et al., "Eskalasi Hukum Dan Politik Dalam Revisi Undang-Undang Mineral Dan Batu Bara," *Ranah Research: Journal of Multidisciplinary Research and Development* 7, Number 3 (March 10, 2025): 1495–1512, <https://doi.org/10.38035/RRJ.V7I3.1295>.

Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 concerning The Indonesian National Armed Forces.	The discussions were held in closed session and the draft bill was difficult to access, resulting in a lack of transparency for the public. ³⁴
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Table 1: Summary of Abusive Legislation Practices in the 2025 Law

Source: compiled from various sources

Besides that, there are other examples from previous years such as the enactment of the Job Creation Law using the omnibus law method, without meaningful public involvement. This law is considered to prioritize the interests of large investors, harm workers' rights, and weaken environmental protection. Not only that, the Constitutional Court also stated that its formation was conditionally unconstitutional.³⁵ Furthermore, the revision of the KPK Law also reflects similar practices, namely non-participatory and closed. Moreover, the drafting and discussion process only took 14 days. The KPK as an institution was never invited to participate in discussions, and KPK leaders never received an official draft of the revision from the DPR. Not only was the KPK ignored, but public aspirations were also not heard. During the discussions, several members of the DPR even stated that input from the public was unnecessary because they felt that their own understanding and logic were sufficient in regulating the KPK.³⁶ Finally, there is a bill on the amendment of Law Number 39 of 2008 concerning the State Ministries, which has also drawn criticism because it seeks to remove the limit on the number of ministries and has the potential to open up space for transactional politics in the formation of the cabinet.³⁷

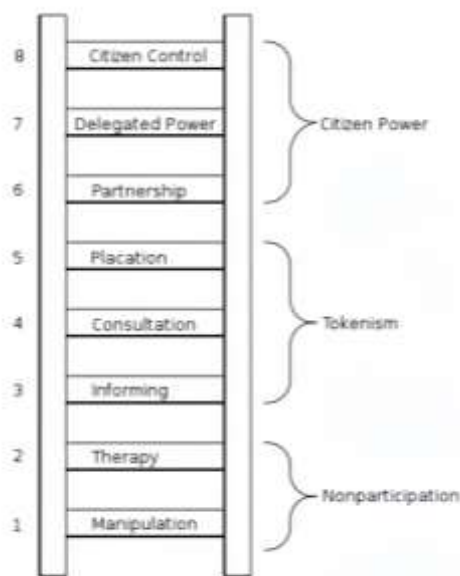
³⁴ Fika Nurul Ulya, "Draf RUU TNI Sulit Diakses, Pakar: Memangnya Serahasia Apa?", Kompas.com, accessed December 30, 2025, <https://nasional.kompas.com/read/2025/03/20/08560051/draf-ruu-tni-sulit-diakses-pakar-memangnya-serahasia-apa?page=all>.

³⁵ Siska Mariza and Imam Budi Santoso, "Understanding the Legal Implications of Regulatory Transfers: A Post-Decision Analysis of MK Number 27/PUU-IX/2011 under the Omnibus Law Framework," *Sulian Jurisprudence: Jurnal Riset Ilmu Hukum* 4, Number 1 (June 9, 2024): 123–40, <https://doi.org/10.51825/SJP.V4I1.24735>.

³⁶ Agil Oktaryal, "Lima Argumen Revisi UU KPK Cacat Hukum dan Harus Dibatalkan," PSHK, accessed December 30, 2025, <https://www.pshk.or.id/rr/lima-argumen-revisi-uu-kpk-cacat-hukum-dan-harus-dibatalkan/>.

³⁷ Muhammad Taufiq Firdaus, "Urgensi Paradigma Legisprudence: Praktik Abusive Legislation Dalam Revisi Undang-Undang Kementerian Negara," *JAPHTN-HAN* 4, Number 1 (January 10, 2025): 45–64, <https://doi.org/10.55292/JAPHTNHAN.V4I1.169>.

One relevant approach to assessing the quality of public participation in the legislative process is Sherry Arnstein's Ladder of Citizen Participation theory. Arnstein describes public participation as a ladder with eight levels grouped into three main categories, namely non-participation, tokenism, and citizen power.³⁸ At the non-participation level, citizens are only given information after decisions have been made, with no room to influence the direction of policy. The cases of the Job Creation Law, the KPK Law, and the TNI Bill are clear examples, where public outreach was conducted after major decisions had been made, merely to justify the government's actions. At the tokenism level, even though consultation forums such as hearings are held, there is no guarantee that the public's voice will actually be taken into consideration, as was the case in the drafting of the Minerba Law. The aspirations of academics, civil society organizations, and affected communities often become mere formalities without substance. Meanwhile, the level of citizen power, where the public has equal power with decision-makers in determining policy outcomes, is almost never achieved in the legislative process in Indonesia.



Picture 1: Arnstein's Participation Ladder

Source: Sherry R. Arnstein

³⁸ Sherry R. Arnstein, "A Ladder Of Citizen Participation," *Journal of the American Planning Association* 35, Number 4 (2007): 216–24, <https://doi.org/10.1080/01944366908977225>.

Based on the cases described above, it can be seen that each law was enacted in a non-participatory and closed manner. Looking at the elements of each level of participation according to Arnstein, the level of public participation in Indonesia is still at the level of tokenism, which revolves around consultation, namely the government holds discussions with the community, but the input provided is only accommodated without any guarantee that these aspirations will determine the final decision, because the decision remains entirely in the hands of the government.³⁹ In this context, Archon Fung's view is relevant. He emphasizes that the ideal legislative process must fulfill the elements of legitimacy and justice. A policy is only valid if it has broad public support, while minimal public involvement in the formulation of regulations often results in regulations that are detrimental to the rights of the people. Furthermore, Fung asserts that "Injustice is often rooted in political inequality," so that equal participation in the legislative process is a must in order to achieve justice and legitimacy in lawmaking.⁴⁰

C. The Urgency of Utilizing Digitalization as an Effort to Optimize Participatory Public Consultation

In the global order, it is undeniable that digitization has developed rapidly and given rise to information technology transformation in various sectors. In principle, the use of the internet by the public in their daily lives can open up new opportunities for policymakers to take advantage of the digital era as a means to realize democratization, transparency, evaluation, control, and public interaction.⁴¹ This is considering the vast territory and large population that can be a challenge in realizing democracy in Indonesia. Furthermore, Ahmad Ahsin Thohari then emphasized the benefits and urgency of public participation through digital systems. He said that the unique characteristics of digitalization have great potential to support the creation of

³⁹ Siti Hidayati, "Partisipasi Masyarakat Dalam Pembentukan Undang-Undang (Studi Perbandingan Indonesia Dengan Afrika Selatan)," *Jurnal Bina Mulia Hukum* 3, Number 2 (March 11, 2019): 224–41, <https://doi.org/10.23920/JBMH.V3N2.18>.

⁴⁰ Archon Fung, "Varieties of Participation in Complex Governance," *Public Administration Review* 66, Number SUPPL. 1 (December 2006): 66–75, <https://doi.org/10.1111/J.1540-6210.2006.00667.X>.

⁴¹ Marzuki, *Penelitian Hukum*.

broad, more active, and more sustainable public participation.⁴² Thus, it can be concluded that digitalization plays a significant role in increasing the effectiveness of public consultation mechanisms in the legislative process. This view is in line with that expressed by Suherlan, that digital technology will open up new opportunities that will enable increased public participation at every stage of the democratic process.⁴³

The idea of using technology for the legislative process has actually been implicitly mentioned in Law Number 13 of 2022, specifically in Article 96, with the words “online” and “public input.” Furthermore, it can also be examined from the importance of the right to access information as regulated in Law Number 14 of 2008 concerning the Public Information Disclosure, so that there is a requirement for the formation of legislation to be easily accessible and transparent to the public. The aim is none other than to serve as an essential prerequisite so that the laws formed truly represent the aspirations of the people. This can be realized by expanding the reach of public consultation forums through the optimization of information technology.⁴⁴ It is not impossible that such innovation will become a catalyst for more meaningful participation. Furthermore, the academic text of Law Number 13 of 2022 explicitly states that e-participation supported by an algorithm is an approach that can facilitate the process of gathering aspirations.

In addition, based on Permenkumham Number 11 of 2021, the authority to implement e-participation was delegated to the Directorate General of Legislation (Ditjen PP), which then launched the website e-partisipasi.go.id. However, under the auspices of the Ministry of Law and Human Rights itself, there was a dualism in the implementation of e-participation. This is because Badan Pembinaan Hukum

⁴² Rr. Silvi Habsari and Duria Sumariyastuti, “Pentingnya Pelaksanaan Partisipasi Masyarakat Dalam Pembentukan Peraturan Perundang-Undangan Bidang Ketenaganukliran Di BAPETEN,” *Prosiding Seminar Keselamatan Nuklir*, 352–60, accessed December 27, 2025, <https://elib.bapeten.go.id/index.php?p=fstream-pdf&fid=3548&bid=8280>.

⁴³ Suherlan Suherlan, “Digital Technology Transformation in Enhancing Public Participation in Democratic Processes,” *Technology and Society Perspectives (TACIT)* 1, Number 1 (August 31, 2023): 10–17, <https://doi.org/10.61100/TACIT.V1I1.34>.

⁴⁴ Yuni Putri Dewantara and Agustin Widjiastuti, “Peran Masyarakat Dalam Pembentukan Peraturan Perundang-Undangan Sebagai Pilar Negara Hukum,” *Al Qodiri : Jurnal Pendidikan, Sosial Dan Keagamaan* 22, Number 3 (February 3, 2024): 439–50, <https://doi.org/10.53515/QODIRI.2025.22.3.439-450>.

Nasional (BPHN) itself has been developing the Partisipasiku platform since 2018. In fact, to date, there are no legal provisions, either explicit or implicit, that provide a legal basis or delegation of authority to BPHN to organize the e-participation system. The absence of a legal basis illustrates the overlapping of authority in the implementation of e-participation, which ultimately has the potential to reduce the effectiveness of coordination and institutional legitimacy in the implementation of public participation based on digital technology.⁴⁵

Furthermore, referring to DPR Regulation Number 2 of 2020, the Indonesian House of Representatives has also made a number of efforts, one of which is through the Partisipasi Masyarakat dalam Perancangan Undang-Undang (SIMAS PUU) channel and the official DPR website (dpr.go.id). Judging from the “About SIMAS PUU” page, this site is an online system that functions to provide information, receive input, and convey the results of input regarding Academic Papers and draft bills. However, this channel, which was originally intended to facilitate public participation, has instead received various criticisms. Based on the survey results, several respondents felt that the legislative products produced were not fully in line with public aspirations.⁴⁶ Other criticisms include restrictions on the publication of draft legislation that is considered potentially controversial, limited operational resources that affect the performance of the application, a lack of feedback, and a minimal number of strategic partners.⁴⁷ In addition, the legal certainty of SIMAS PUU is still unclear, given that its technical aspects have not been strictly regulated through relevant regulations.⁴⁸

On the other hand, the official website of the House of Representatives (dpr.go.id) also reflects the efforts of the legislative body to encourage online participation through the submission of written responses to a bill. Through this website, there is only a “Feedback” submenu that can be used to submit comments on bills in the

⁴⁵ Moeslim and Fadillah, “Konsekuensi Sistem Proporsional Terbuka Terhadap Kesadaran Hukum.”

⁴⁶ Muhamad Arby Hariawan, Djonet Santoso, and Jatmiko Yogapriyatno, “Evaluasi Aplikasi Partisipasi Masyarakat Dalam Perancangan Undang-Undang (SIMAS PUU),” *Jurnal Governance Dan Administrasi Publik* 6, Number 2 (December 31, 2022): 77–86, <https://doi.org/10.33369/JGOAP.V6I2.24793>.

⁴⁷ Muhammad Arby Hariawan, Djonet Santoso, and Jatmiko Yogapriyatno, *Ibid*, 81-82.

⁴⁸ Presidential Regulation on the Implementation of Law Number 12 of 2011 on the Formation of Legislation, Presidential Regulation Number 87 of 2014, LN Year 2014 Number 199, Article 3 paragraph (1).

“Legislation” menu list.⁴⁹ However, the participation in question is merely a formality because the response column provided is rarely filled in correctly and does not mention the specific bill being discussed.⁵⁰ Not limited to the two sites mentioned above, but basically, the implementation of e-participation today is not effective. Other electronic media, such as the Legislation Information System (SILEG) and Partisipasiku, are also considered suboptimal.⁵¹ This is because the development of e-participation is still considered slow according to E-Government Development Index (EDGI) and the e-participation Index.⁵² Therefore, optimizing the use of digital technology is a strategic step in the legislative process, particularly regarding the implementation of public consultations that ensure broader public participation.

Implementing the Crowdsourcing Law Model in Public Consultation Stages to Ensure Meaningful Participation in Digital Era

A. The Development and Potential of the Crowdsourcing Law Concept in Advancing Digital-Based Meaningful Participation

Considering the urgency to listen to, consider, and respond to public voices through the utilization of an integrated participation channel, a more participatory public consultation stage is required. The use of information and communication technologies as a means of public participation in the legislative process can be carried out through interactive applications, legislative crowdsourcing, and big data.⁵³ Ahmad Ahsin Thohari also states that one form of public participation within a digital

⁴⁹ R. Wahjoe Poernomo Soeprapto, “Meaningful Participation Through Online Channels in Legislation Making in Indonesia via Dpr.Go.Id Page,” *Trunojoyo Law Review* 6, Number 2 (September 7, 2024): 189–210, <https://doi.org/10.21107/tlr.v6i2.25960>.

⁵⁰ R. Wahjoe Poernomo Soeprapto, *Ibid*.

⁵¹ Entol Zaenal Muttaqin and Sahrul Hikam, “Konsep Meaningful Participation Dalam Proses Legislasi Di Indonesia Pasca Putusan Mahkamah Konstitusi Nomor 91/PUU XVIII/2020,” *Amnesti: Jurnal Hukum* 6, Number 1 (February 2, 2024): 62–80, <https://doi.org/10.37729/AMNESTI.V6I1.4091>.

⁵² Junior Hendri Wijaya et al., “E-Partisipasi Masyarakat Dalam Pelaksanaan E-Government Di Indonesia Tahun 2003-2020,” *Jurnal Administrasi Pemerintahan Desa* 3, Number 1 (March 1, 2022): 37–53, <https://doi.org/10.47134/VILLAGES.V3I1.27>.

⁵³ Dodi Jaya Wardana, “Prinsip Partisipasi Masyarakat yang Demokratis dalam Pembentukan Undang-Undang,” *Online Public Access Catalog* (Dissertation, Universitas Airlangga, 2022) <https://ir.unair.ac.id/opac/detail-opac?id=aa8f7c88f1b0d35841741a41f45f41226aab288b>.

system may take the form of a crowdsourcing channel.⁵⁴ Therefore, this article recommends adopting the crowdsourcing law model as a proposed solution.

Crowdsourcing is defined as an online participation model that enables users to contribute ideas and solutions regarding particular matters, including decision-making.⁵⁵ Based on this understanding, crowdsourcing can be utilized to support the implementation of online public consultations in the law-making process. Over time, the concept of crowdsourcing law commonly referred to as “CrowdLaw” has also gained recognition, initiated by the New York University Governance Lab (GovLab) in 2014.⁵⁶ Through its platform catalog.crowd.law, GovLab has documented more than 100 CrowdLaw initiatives around the world and categorized them according to geographical region, level of implementation, stage of the legal process, type of participation, and the channels employed.⁵⁷

There are at least 6 reasons for distinguishing CrowdLaw from previously existing forms of participation.

Aspect	Traditional Participation	CrowdLaw
Form of Participation	A mechanism for delivering input through representative systems, such as referendums, citizen initiatives, or through indirect input, such as campaigns and street protests.	Direct participation that is institutionalized and has the potential to influence the exercise of power, decision-making, and budgeting.

⁵⁴ Achmad Hafy Akmal Moeslim and Boy Dawud Mochamad Fadillah, “Konsekuensi Sistem Proporsional Terbuka Terhadap Kesadaran Hukum”, *TRANSGENERA: Jurnal Ilmu Sosial, Politik, dan Humaniora* 2, Number 1 (January 2025): 30-40, <https://doi.org/10.35457/transgenera.v2i1.4101>.

⁵⁵ Achmad Hafy Akmal Moeslim and Boy Dawud Mochamad Fadillah, *Ibid.*

⁵⁶ Victòria Alsina and José Luis Martí, “The Birth of the CrowdLaw Movement: Tech-Based Citizen Participation, Legitimacy and the Quality of Lawmaking,” *Anahye Und Kritik* 40, Number 2 (November 27, 2017): 337–58, <https://doi.org/10.1515/AUK-2018-0019/XML>.

⁵⁷ Vargas-Murillo et al., “Crowdlaw: Application of Emerging Technologies and Collective Intelligence in Law and Policy Making.”

Participation Focus	Aggregating public opinions or polls without a deep dialogue process.	Focused on gathering expertise, experience, ideas, and data—not merely opinions—so that interactions between society and public institutions occur in a two-way manner to improve the quality of decisions.
Main Purpose	Merely creating a space to listen to more voices or ensuring greater political equality.	Participation aimed at improving the quality and effectiveness of laws and public decisions by processing ideas from society.
Openness and Control	Control remains in the hands of representative institutions; citizens only exert pressure or provide opinions.	Public decision-making is more open for citizens to be involved in thinking through and formulating decisions together.
Stage of Engagement	Merely focused on the early stages of the cycle, such as initiatives and consultations.	Expanding the scope of public participation at every stage of lawmaking and policymaking.
Use of Technology	Engagement carried out in a general manner and usually without deep interaction.	CrowdLaw involves the use of digital technology to support collective intelligence and democratic legitimacy.

Table 2: Comparison Between CrowdLaw and Traditional Public Participation

Source: Victòria Alsina and José Luis Martí (2018)

CrowdLaw offers twelve opportunities and advantages when successfully implemented in practice, namely: (1) Cost Efficiency; (2) Legislative Effectiveness; (3) Openness; (4) Inclusivity; (5) Diversity; (6) Transparency; (7) Accountability; (8) Equity; (9) Epistemic Benefits (Enhancing the Quality of Legislation); (10) Public Activeness; (11) A Sense of Empowerment; and (12) Legitimacy.⁵⁸ However, it must be understood that CrowdLaw is not merely about providing tools to facilitate public

⁵⁸ Ana Luisa De Moraes Azenha, “E-Participation in Lawmaking: Background, Promises & Challenges,” in *ACM International Conference Proceeding Series* (Association for Computing Machinery, 2022), 274–78, <https://doi.org/10.1145/3560107.3560151>.

participation; it must also be supported by the integrity of the initiating institutions (such as representative bodies) in order to genuinely achieve substantive democracy.

B. Comparative Study of the Crowdsourcing Law Model in Brazil and Taiwan

1. E-Democracia in Brazil

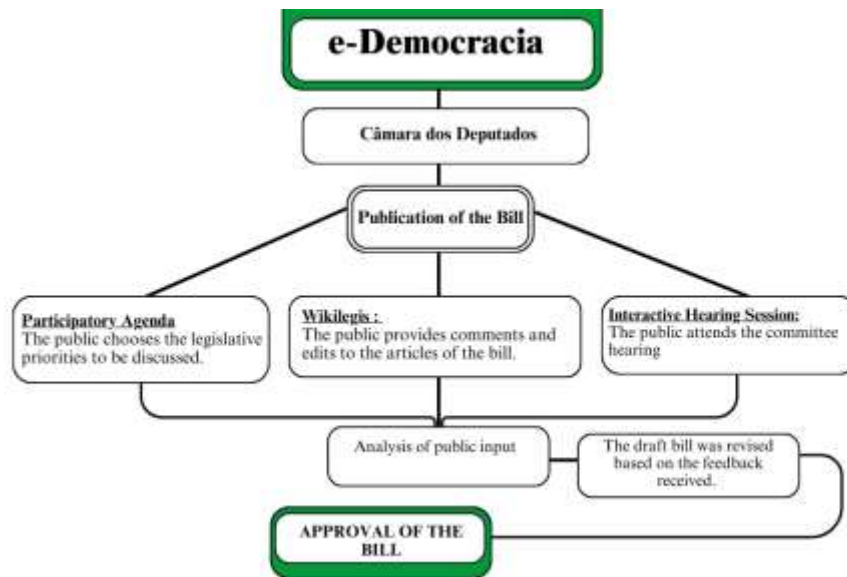
Brazil is one of the countries that shares similarities with Indonesia, particularly in its adoption of the Civil Law legal system. Brazil regulates online public participation in policy-making through Law Number 14.129 of 2021 concerning the Digital Government and Public Efficiency. Article 3 affirms debureaucratization, modernization, and the strengthening and simplification of relations between public authorities and society through accessible digital services, including those available on mobile devices.⁵⁹

This law serves as the legal foundation that enables the enhancement of technology-based public participation, one of which is through an official parliamentary platform known as e-Democracia, established and managed by the Brazilian Legislative Assembly.⁶⁰ The platform has existed since 2009, but in 2016, a reformulation was undertaken to improve the mechanisms that allow the public to actively engage in the legislative process.⁶¹

⁵⁹ “Lei de Governo Digital” (2021).

⁶⁰ Vivian Cristina Lima López Valle, Gustavo Martinelli Tanganelli Gazotto, and Claudio Roberto Barbosa Filho, “Participação No Processo Legislativo Como Direito Fundamental: Um Olhar Sobre as Ferramentas de e-Democracy No Congresso Nacional Brasileiro,” *Revista Eurolatinoamericana de Derecho Administrativo* 7, Number 1 (September 30, 2020): 143–66, <https://doi.org/10.14409/REDOEDA.V7I1.9107>.

⁶¹ Câmara dos Deputados do Brasil, “Breve Histórico Do E-Democracia,” Câmara dos Deputados, accessed December 27, 2025, <https://www2.camara.leg.br/atividade-legislativa/participe/portal-e-democracia-sera-reestruturado>.



Picture 2: Stages of Online Public Participation Through e-Democracia

Source: Author's Compilation, 2025.

To participate in the e-Democracia portal, citizens log in using a Gov.br account or their personal email address.⁶² The participation process through e-Democracia begins when the legislative body publishes a draft bill on the official portal and grants public access to it. After this stage, the public may contribute through several online mechanisms provided by the platform. One of these mechanisms is Wikilegis, a feature that enables citizens to provide comments, propose amendments, and even edit specific provisions of the draft bill.⁶³ In addition, e-Democracia also organizes Interactive Public Hearings, in which the public can directly follow the legislative committee's public sessions and submit questions or statements through online channels.⁶⁴ To determine discussion priorities, the platform further offers a Participatory Agenda, which allows citizens to vote on which draft bills should be prioritized for inclusion in the plenary session agenda.⁶⁵ From these three mechanisms, the legislative team then analyzes the comments, proposals, and overall

⁶² Câmara dos Deputados, "Termo de Uso e Política de Privacidade," Câmara dos Deputados, accessed December 27, 2025, <https://www2.camara.leg.br/termo-de-uso-e-politica-de-privacidade/termo-de-uso-e-politica-de-privacidade>.

⁶³ Maria Raquel Mesquita Melo, "Inovação Para a Participação Popular No Processo Legislativo: O Caso Da Câmara Dos Deputados" (Escola Superior de Guerra (Campus Rio de Janeiro), 2019), <https://repositorio.esg.br/handle/123456789/838>.

⁶⁴ Maria Raquel Mesquita Melo, *Ibid*.

⁶⁵ Maria Raquel Mesquita Melo, *Ibid*, 57.

outcomes of public participation to assess the extent to which such inputs are relevant, realistic, and capable of being integrated into the draft bill. Based on this evaluation, revisions are made to the prepared draft bill.⁶⁶ After the revision stage is completed, the draft bill is submitted for enactment.⁶⁷

Through the e-Democracia platform, various legal products grounded in public participation have been produced. One example is the 2020 Law on Freedom, Responsibility, and Transparency on the Internet, which, during its drafting process through Wikilegis, recorded 802 comments, 665 active participants, and more than 7,000 votes on the proposed provisions.⁶⁸

2. V-Taiwan in Taiwan

The form of crowdsourcing law developed by Taiwan since 2014 through vTaiwan involves four stages: (1) the Proposal Stage; (2) the Opinion Stage; (3) the Reflection Stage; and (4) the Legislative Stage.⁶⁹ The Proposal Stage is carried out through online and offline discussions using platforms such as Slack for discussions, Sli.do for document sharing, and Typeform for frequently used questionnaires. The Opinion Stage is the phase in which public views are visualized and aggregated to determine a consensus on the urgency of an issue; in this stage, citizens may express agreement or disagreement through an AI-assisted tool known as *Pol.is*. The Reflection Stage involves direct meetings with lawmakers, and these sessions are livestreamed with a comment feature to maximize transparency. The Legislative Stage constitutes the culmination of the entire vTaiwan deliberative process, during which the outcomes of prior discussions and reflections are formulated into a draft bill to be submitted to the

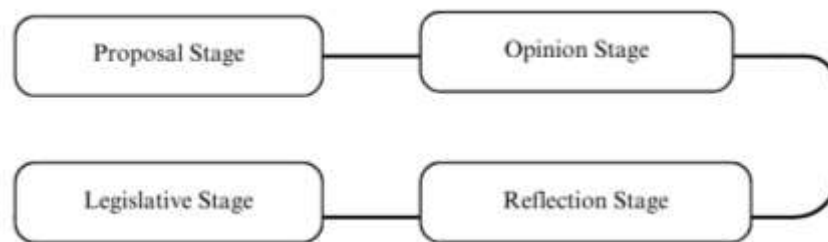
⁶⁶ Maria Raquel Mesquita Melo, *Ibid.* 62.

⁶⁷ Maria Raquel Mesquita Melo, *Ibid.* 63.

⁶⁸ Congresso Nacional, “Projeto de Lei Nº 2630, de 2020 - Matérias Bicamerais Congresso Nacional,” Congresso Nacional, accessed December 27, 2025, <https://www.congressonacional.leg.br/materias/materias-bicamerais/-/ver/pl-2630-2020>.

⁶⁹ César Rentería and Edgar Alejandro Ruvalcaba-Gomez, “Crowdsourcing: An Instrument for Opening Policymaking,” *Research Handbook on Open Government*, January 1, 2025, 45–59, <https://doi.org/10.4337/9781035301652.00010>.

Yuan (Taiwan's Legislative Body), accompanied by transparent explanations regarding the reasons a bill may not be enacted.⁷⁰



Picture 3: Stages of Online Public Participation Through v-Taiwan

Source: The GovLab.org, 2015.

The government has utilized vTaiwan in the formulation of several regulations, including those on online alcohol sales (2016), UberX (2016), policies promoting the sharing economy (2018), and civil aviation regulations (2018).⁷¹ In addition, in 2023, the Yuan also enacted regulations on the Personal Data Protection Authority, which constituted an output derived from public input.⁷²

C. Implementing the Crowdsourcing Law Model in Public Consultation Stages in the Digital Era

The paradigm shift brought about by the digital ecosystem can be strategically optimized by policymakers. Drawing from the success of Brazil and Taiwan in expanding public participation through CrowdLaw, it becomes increasingly relevant for Indonesia to likewise actualize this model. Such a strategy directly aligns with efforts to fulfill the three core criteria of meaningful participation: the right to be heard, the right to be considered, and the right to be explained.⁷³ This is not without reason; digitalization inherently enables a more inclusive form of participation, allowing

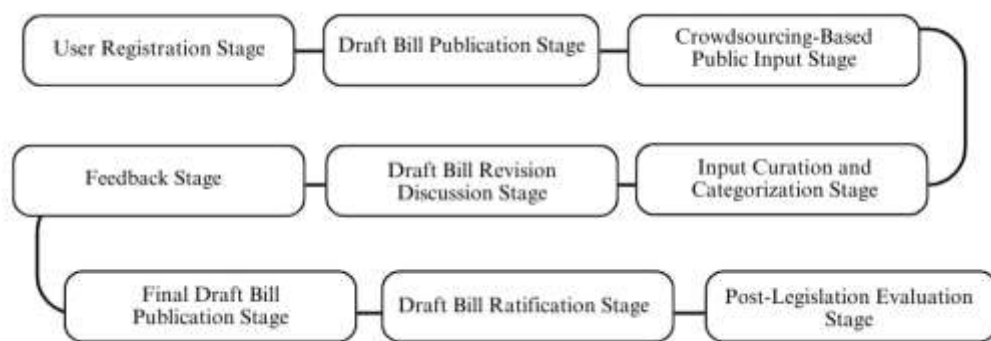
⁷⁰ The GovLab.org, "vTaiwan Using Digital Technology to Write Digital Laws," thegovlab.org, accessed December 27, 2025, <https://congress.crowd.law/case-vtaiwan.html>.

⁷¹ vTaiwan, "Remote Control UAV Application and Management Mechanism," vtaiwan.tw, accessed December 27, 2025, <https://vtaiwan.tw/topic/uav>.

⁷² vTaiwan, "Taxation of Internet Transactions," vtaiwan.tw, accessed December 27, 2025, <https://vtaiwan.tw/topic/etax>.

⁷³ Ali Imran Nasution and Rahmat Bijak Setiawan Sapii, "Aktualisasi Konsep Meaningful Participation Dalam Pembentukan Peraturan Perundang-Undangan," *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum Dan Keadilan* 9, Number 2 (December 2022): 202–20, <https://doi.org/10.32493/SKD.V9I2.Y2022.26207>.

individuals who previously faced barriers to accessing political processes to now engage and contribute.⁷⁴ The design and implementation of CrowdLaw in Indonesia should be carried out under the supervision of the House of Representatives (DPR RI). The CrowdLaw mechanism would be integrated into a new dedicated platform established as a response to the inefficacy of existing e-participation channels. Consequently, this new platform must be ensured as the sole CrowdLaw-based e-participation system to prevent overlap with other channels. Nevertheless, Indonesia's formal public consultation procedures must be maintained and not replaced entirely by digital mechanisms. The subsequent stages of CrowdLaw implementation are outlined in the following diagram.



Picture 4: Stages of implementing the CrowdLaw

Source: Author's Compilation, 2025.

a) User Registration Stage

The first step that must be taken by the public is registering an account through the available CrowdLaw platform. When signing in or logging in, users are required to use their National Identification Number (NIK). The system will automatically conduct verification through an OTP code sent to the phone number registered in the Civil Registry (Dukcapil). The integration between the NIK and the phone number aims to ensure that participation truly comes from legitimate legal subjects, as well as to prevent system misuse by automated accounts or fictitious identities. However, it

⁷⁴ Hartiwiningsih, "Peran Transformasi Digital dalam Meningkatkan Demokrasi yang Berkepastian Hukum," Mahkamah Konstitusi Republik Indonesia (2017): 13-2, <https://en.mkri.id/icjf/public/upload/papers/Peran%20Transformasi%20Digital%20dalam%20Meningkatkan%20Demokrasi%20yang%20Berkepastian%20Hukum%20dan%20Good%20Governance.pdf>.

should be noted that although the system uses the NIK, users may still choose a username that does not represent their real identity, ensuring that privacy remains protected. As explained by Alan Westin, privacy is not merely a matter of secrecy, but the fundamental right of every person to determine when, how, and to what extent information about themselves is revealed to others.⁷⁵ This means that control over personal data and identity is not entirely surrendered to the system but remains with the individual.

b) Draft Bill Publication Stage

This stage is the most crucial in manifesting openness and transparency, which are core principles of legislative formation as regulated under the Law Number 12 of 2011.⁷⁶ Stakeholders will publish the draft bill openly on the platform, ensuring that it is easily accessible to all registered citizens. Considering existing problems in the legislative process, particularly the lack of transparency it becomes important to mandate that draft bills be openly accessible through this platform.

c) Crowdsourcing-Based Public Input Stage

This stage represents the realization of the CrowdLaw concept, where the public is allowed to submit comments in the form of ideas, suggestions, criticisms, or proposals regarding the draft bill. Users may comment on specific articles or on the bill as a whole. Contributions may include data, perspectives, or personal experiences relevant to the content of the provisions. Public participation should not be limited only to “groups of people” as mentioned in the explanation of Article 96 paragraph (3) concerning the Law Number 12 of 2011. These groups will still receive the highest weight, but inclusivity must be ensured so that ordinary citizens also retain their right

⁷⁵ Alan Westin, *Privacy and Freedom*, 1st ed. (New York: Ig Publishing, 1976).

⁷⁶ Angga Prastyo, Samsul Wahidin, and Supriyadi Supriyadi, “Pengaturan Asas Keterbukaan Dalam Pembentukan Undang-Undang,” *Jurnal Cakrawala Hukum* 11, Number 2 (August 13, 2020): 125–35, <https://doi.org/10.26905/IDJCH.V11I2.4136>.

to participate. This aligns with Habermas's view that the legitimacy of a policy only arises when its formation is grounded in equal communication among citizens.⁷⁷

d) Input Curation and Categorization Stage

At this stage, submitted comments undergo a curation and categorization process to ensure that the information can be analyzed effectively. This is intended to filter out spam, hoaxes, and irrelevant information so that the quality of the input is maintained. Data-processing technologies may be utilized, such as natural language processing or other relevant tools. Categorization allows inputs to be grouped based on particular themes or issues.

e) Draft Bill Revision Discussion Stage

After the curation and categorization processes are completed, the curated inputs are delivered and used as material for refining the draft bill. As in the current legislative process, plenary sessions will still be held to discuss the results of the CrowdLaw process. This ensures that participation is guaranteed and that public proposals are indeed represented. This reflects the theory of popular sovereignty, which emphasizes the right of every individual to participate in decisions that affect themselves and society.⁷⁸

f) Feedback Stage

Responsive law theory by Nonet and Selznick emphasizes that law functions not merely as an instrument for enforcing individual claims but also as a medium for democratic political participation.⁷⁹ Implementation of this principle is reflected in the mechanism for refining the draft bill, which requires all stages of deliberation to be recorded and documented systematically. Video recordings and minutes of every discussion session are then published through the CrowdLaw platform, granting the public open access to the entire drafting process. Through this openness, the public can understand the

⁷⁷ Melki Nino, "Demokrasi Deliberatif Juergen Habermas Dan Relevansinya Bagi Demokrasi Pancasila," *AKADEMIKA: Jurnal Ilmiah Mahasiswa* 23, Number 2 (October 2024): 50–62, <https://doi.org/10.31385/JAKAD.V23I2.27>.

⁷⁸ Frans Suseno Magnis, *Etika Politik; Prinsip-Prinsip Moral Dasar Kenegaraan Modern* (Jakarta: PT. Gramedia, 1987).

⁷⁹ Philippe Nonet, and Philip Selznick, *"Hukum Responsif, Pilihan di Masa Transisi"*, Translator Rafael Edy Bosco, (Jakarta: Ford Foundation-HuMa, 2003).

reasoning behind the acceptance or rejection of submitted inputs. Providing feedback to contributors represents the realization of the right to an explanation.

g) Final Draft Bill Publication Stage

Transparency is built through the openness of information relevant to the public interest.⁸⁰ This stage follows the deliberation of the draft bill by experts and represents concrete transparency. The revised draft is uploaded back to the CrowdLaw platform, enabling the public to view the changes made, compare versions before and after deliberation, and monitor the process to prevent abusive lawmaking or closed legislative practices.

h) Draft Bill Ratification Stage

This stage manifests the principle of checks and balances to prevent domination by any single institution.⁸¹ This corresponds with Law Number 12 of 2011, which requires that a bill jointly approved by the legislature and the executive be submitted to the President for signature within a prescribed period. If the President does not sign within that period, the bill automatically becomes law and must be promulgated.

i) Post-Legislation Evaluation Stage

After the legal product is enacted and promulgated, the role of the state does not end at the moment of formal adoption. This stage aims to evaluate the efficiency and relevance of the law's implementation over time, ensuring that legal products remain adaptive to societal needs. Post-legislative evaluation therefore opens the door for ongoing public participation.

Furthermore, to ensure that the initiation and implementation of CrowdLaw can be effectively realized, it is necessary to undertake a reformulation and reconstruction of several Indonesian legislative instruments. First, the Law Number 12 of 2011 must be reformulated to strengthen the legal basis of CrowdLaw, including by adding a new

⁸⁰ Mardiasmo, *"Akuntansi Sektor Publik,"* (Yogyakarta: ANDI, 2018).

⁸¹ I Gusti Ngurah Krisna Arimbawa, Putu Eka Trisna Dewi, and Benyamin Tungga, "Rekonstruksi Prinsip Check and Balance Dalam Kerangka Hukum: Membangun Fondasi Kekuasaan Yang Seimbang," *RIO LAW JURNAL* 5, Number 2 (July 2024): 548–56, <https://doi.org/10.36355/RLJ.V5I2.1425>.

provision in Article 1 to define crowdsourcing law and the CrowdLaw-based platform that will later be established to replace the existing e-participation mechanisms. In addition, a new paragraph should be inserted into Article 96 of Law Number 12 of 2011, as amended by Law Number 13 of 2022, to establish a mandatory obligation to implement a CrowdLaw mechanism in the legislative process. A subsequent paragraph should further provide that the technical implementation and procedures governing the CrowdLaw mechanism shall be regulated through implementing regulations, including a Regulation of the House of Representatives. This reform would introduce new provisions governing the procedural steps for applying crowdsourcing law in the legislative process, comprising the stages previously explained.

CONCLUSION

Based on the analysis presented in this article, several conclusions can be drawn. First, the series of concrete cases illustrating practices of abusive legislation demonstrates the urgency of implementing a more participatory public consultation mechanism in the legislative process. However, the current legal framework has not yet been able to accommodate the realization of meaningful participation. Consequently, the existing challenges require policymakers to utilize digitalization in conducting public consultations. Second, CrowdLaw serves as an appropriate solution for ensuring meaningful participation, enabling the public to be actively involved in the legislative process. The implementation of CrowdLaw in Indonesia comprises the following stages: (1) User Registration; (2) Draft Bill Publication; (3) Crowdsourcing-Based Public Input; (4) Input Curation and Categorization; (5) Draft Bill Revision Discussion; (6) Feedback; (7) Final Draft Publication; (8) Bill Ratification; and (9) Post-Legislative Evaluation.

In light of the conclusions above, two recommendations are proposed to address the existing issues. First, there must be an increased utilization of technology in the legislative process to guarantee meaningful participation in Indonesia and to ensure

inclusive public involvement. Second, the CrowdLaw model must be implemented within Indonesia's participation channels. To ensure its legitimacy, this implementation must be accompanied by a reformulation of Law Number 12 of 2011, as amended by Law Number 13 of 2022, by introducing a definition of CrowdLaw and the CrowdLaw-based platform in Article 1 and revising Article 96 to mandate its implementation and provide the legal basis for its further regulation, as well as a revision of the Regulation of the House of Representatives of the Republic of Indonesia (DPR Regulation).

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COMPETING INTEREST

The author declares that there is no conflict of interest in the publication of this article.

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