

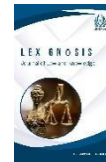


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The Impact of Artificial Intelligence Based Disinformation on Popular Sovereignty and the Stability of Constitutional Democracy in Indonesia

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ABSTRAK

Indonesia's constitutional democracy is founded on the principle of popular sovereignty as stipulated in Article 1 paragraph (2) of the 1945 Constitution, which affirms that the people are the highest source of legitimacy in state governance. However, the development of digital technology presents serious challenges to the implementation of this principle, particularly through the phenomenon of disinformation and artificial intelligence (AI)-based manipulation. The misuse of technologies such as deepfakes and biased algorithms has created a public sphere saturated with engineered information, causing public opinion to be shaped not by rational awareness but by digital manipulation. This condition has the potential to weaken popular sovereignty because the general will no longer reflects authentic public aspirations. Theoretically, this illustrates a deviation from the concept of *volonte generale* proposed by Jean-Jacques Rousseau, in which the true will of the people should arise from collective consciousness free from distortion. This research employs a normative legal research method with three main approaches: the statute approach to examine Article 28F of the 1945 Constitution and Law Number 1 of 2024, the second amendment to Law Number 11 of 2008 on Electronic Information and Transactions; the conceptual approach to understand the relevance of the theory of popular sovereignty in the dynamics of the digital sphere; and the case approach by analyzing examples of AI-based hoaxes during public demonstrations that influenced public opinion. The findings indicate that Indonesian legal regulations are not yet fully responsive to the complexities of digital technological developments. Therefore, adaptive legal reform, enhanced public digital literacy, and strengthened legal accountability for the dissemination of disinformation are required to safeguard the integrity of democracy and popular sovereignty in the digital era.

Keywords: Artificial Intelligence, Constitutional Democracy

INTRODUCTION

Democracy in Indonesia is founded on the principle of popular sovereignty as stipulated in Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that "sovereignty is in the hands of the people and is exercised according to the Constitution." This principle affirms that all state authority originates from the people, who channel it through constitutional mechanisms such as general elections, political participation, and freedom of expression.¹ In the classical theory proposed by Jean Jacques Rousseau, popular sovereignty is manifested through the general will (*volonte generale*), namely the collective consciousness of the people in determining the direction and policies of the state. However, in the modern digital context, this general will faces serious distortion due to the massive flow of unverified information.²

¹ Qoroni, W. (2021). Kedaulatan Rakyat dalam Konteks Demokrasi di Indonesia. *Journal Inicio Legis*, 2(1). <https://journal.trunojoyo.ac.id/iniciolegis/article/view/11079>

² Siswanto, M. R. E. (2025). Kedaulatan rakyat dalam pergulatan konsep Islam dan Barat: Analisis pemikiran Al-Mawardi dan Jean-Jacques Rousseau. *Qanun: Jurnal Hukum Islam dan Tata Negara*, 1(2). <https://ejournal.stital.ac.id/index.php/Qanun>

The transformation of communication technology, especially through social media and Artificial Intelligence (AI), has changed the landscape of public participation. Whereas constitutional democracy was previously conducted through physical public spaces such as parliaments and conventional mass media, the democratic process has now largely shifted to a digital public sphere that is fast-paced, open, and global.³ The public sphere serves as a space for rational deliberation and the formation of public opinion. However, this ideal is now threatened by the rise of digital disinformation practices, such as deepfakes, bot-driven narratives, and the spread of hoaxes crafted with advanced algorithms to influence public perception. In recent demonstrations, the circulation of fake videos and manipulative information has proven capable of triggering social polarization and blurring the line between fact and fabrication.

Recent phenomena show the misuse of artificial intelligence (AI), particularly deepfake technology, in spreading misleading information. The incident that occurred during the late-August demonstrations illustrates how AI-based hoaxes can manipulate public opinion. Reports from the Indonesian Anti-Hoax Community (Mafindo) noted the circulation of riot videos claimed to have taken place in Jakarta, whereas they actually originated from Baghdad, as well as fabricated news about looting at the Parliament Building and Atrium Senen Mall. Content enhanced with AI technology is difficult to distinguish from reality, thereby provoking anger, uncertainty, and even potential violence. These facts demonstrate how the digital public sphere is losing its rationality and objectivity, ultimately threatening the essence of popular sovereignty within a constitutional democratic system.⁴

Digital disinformation fundamentally creates a crisis in constitutional democracy because it disrupts its three main pillars: transparency, justice, and public participation. When the information received by society is inaccurate, the political decisions made by the people become constitutionally flawed. This is where the role of regulation becomes crucial. Article 28F of the 1945 Constitution affirms that every individual has the right to communicate and obtain information as a means of personal development and social interaction. Everyone also has the right to seek, obtain, possess, store, process, and disseminate information through any available media. On the other hand, Law Number 1 of 2024, as the second amendment to Law Number 11 of 2008 on Electronic Information and Transactions (ITE), establishes prohibitions against the dissemination of false news or misleading information that may harm the public. Undang-Undang Republik Indonesia Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik

In this context, the issue of digital disinformation is not merely a technological problem, but also a matter of law and public morality. The state is required to ensure that the digital sphere remains a healthy democratic arena, not a manipulative instrument that undermines popular sovereignty⁵. The issue of digital disinformation is not merely a technical matter, but a true test for Indonesia's democracy. Hoaxes or false information, including deliberately spread disinformation intended to confuse and deceive the public, pose a serious and dangerous threat to democratic life.

When the public receives inaccurate or distorted information, it can affect their political decision-making process and ultimately erode public trust in democratic institutions. The spread of AI-generated hoaxes during demonstrations shows how technology can trigger a

³ Wahyudi, B. R. (2025). Tantangan penegakan hukum terhadap kejahatan berbasis teknologi AI. *Innovative: Journal of Social Science Research*, 5(1). <https://j-innovative.org/index.php/Innovative/article/view/17519>

⁴ Kasumbala, J. F. (2025, September 2). Mafindo ingatkan bahaya hoaks dan deepfake di tengah gelombang demonstrasi. Zonautara. <https://zonautara.com/2025/09/02/mafindo-ingatkan-bahaya-hoaks-dan-deepfake-di-tengah-gelombang-demonstrasi/>

⁵ Hendrawan, D. S., Dohamid, A. G., & Afifuddin, M. (2025). Strategi menghadapi disinformasi dalam konteks perang asimetris. Aurelia: Jurnal Penelitian dan Pengabdian Masyarakat Indonesia, 4(2). <https://ejournal.aurelia.id/>

constitutional democratic crisis, undermining transparency, fairness, and the quality of public participation⁶. Thus, this research is important to examine how digital disinformation affects the principle of popular sovereignty and to assess the extent to which Indonesia's legal regulations are capable of safeguarding the integrity of constitutional democracy amid digital disruption. This study is expected to provide both theoretical and practical contributions to the development of national laws that are responsive to technological advancements while remaining grounded in constitutional principles.

METHOD

This research employs a normative legal research method by focusing its analysis on norms, principles, and positive legal regulations related to issues of constitutional democracy in the context of digital developments. Marzuki, P. M. (2017). *Penelitian hukum*. Prenadamedia Group This method is carried out through three main approaches. First, the statute approach, namely by comprehensively examining the provisions of Article 28F of the 1945 Constitution Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 28F which serves as the constitutional foundation for the right to obtain information, as well as the provisions contained in Law Number 1 of 2024⁷ as the second amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. Through this approach, the research seeks to examine the extent to which the existing regulatory framework can respond to the challenges of disinformation and digital manipulation in an era of advancing artificial intelligence technology.

This research employs a conceptual approach to examine the relevance and application of the theory of popular sovereignty within the context of the modern digital space. This approach is used to understand how classical concepts such as Rousseau's *volonte generale* Rousseau, J.J. (1762). *The social contract*. may shift or become distorted when public opinion is shaped through algorithms, search engines, and deepfake technology, all of which have significant potential to influence public perception. Through conceptual analysis, this research seeks to connect the principles of normative democracy with the evolving socio-political realities that emerge as a result of technological intervention.

This research also employs a case approach by analyzing a concrete event involving the spread of AI-generated hoaxes during a demonstration that went viral on social media⁸ and has been proven to significantly influence the formation of public opinion. This case study is used as a concrete illustration of how digital manipulation operates within the social sphere, as well as how gaps in legal regulations allow such disinformation to develop without adequate oversight. This approach also enables an analysis of dissemination patterns, socio-political impacts, and the responses of both the government and society in confronting this phenomenon. Through the combination of these three approaches, this research not only analyzes the existing legal framework but also evaluates its effectiveness in addressing the actual problems emerging in the digital era.

⁶ Listiawati, N. (2025, Februari 13). *Ancaman hoaks dan disinformasi terhadap demokrasi di era digital*. PID Polda Kepri. <https://pid.kepri.polri.go.id/ancaman-hoaks-dan-disinformasi-terhadap-demokrasi-di-era-digital>

⁷ Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik.

⁸ Kasumbala, J. F. (2025). *Mafindo ingatkan bahaya hoaks dan deepfake di tengah gelombang demonstrasi*. Zonautara. <https://zonautara.com/2025/09/02/mafindo-ingatkan-bahaya-hoaks-dan-deepfake-di-tengah-gelombang-demonstrasi/>

RESULTS AND DISCUSSION

The Influence of Artificial Intelligence–Based Disinformation on the Implementation of Popular Sovereignty within Indonesia’s Constitutional Democratic System

Popular sovereignty is a fundamental principle in Indonesia’s constitutional system as stipulated in Article 1 paragraph (2) of the 1945 Constitution, which affirms that “sovereignty is in the hands of the people and is exercised according to the Constitution.” This concept positions the people as the highest source of authority in a democratic state. Undang-Undang Dasar 1945, Pasal 1 ayat (2). In Jean-Jacques Rousseau’s view, popular sovereignty is not merely a form of political legitimacy, but also a manifestation of the *volonte generale* or the general will the collective consciousness of the people in determining the direction of state policy without external intervention. True sovereignty can only be realized when the people have the freedom to think, express opinions, and obtain accurate information as the foundation of their political participation.⁹

However, in the digital era, this principle faces serious challenges due to the widespread presence of artificial intelligence (AI) based disinformation. AI technology enables the creation and dissemination of false information on a massive, rapid, and difficult-to-verify scale, such as through deepfake content, biased algorithms, and bot systems that engineer public opinion. This phenomenon results in a distortion of public information, where citizens no longer participate based on objective facts but are instead influenced by digital manipulation. Consequently, the general will, which should emerge from rational awareness, transforms into an artificial will shaped through illusions and algorithmic propaganda.¹⁰

The impacts of this condition are multidimensional. First, from a political perspective, digital disinformation creates social polarization and diminishes trust in democratic institutions. When the public is divided by false narratives, the deliberative processes that characterize constitutional democracy can no longer function in a healthy manner. Second, from a legal perspective, the spread of hoaxes and manipulative content violates Article 28F of the 1945 Constitution, which guarantees citizens’ rights to obtain and disseminate accurate information, as well as Law Number 11 of 2008 on Electronic Information and Transactions (ITE) and its amendment through Law Number 1 of 2024, which explicitly prohibits the distribution of misleading information that may create public unrest. Third, from a social perspective, the prevalence of disinformation results in the erosion of trust among citizens, weakens solidarity, and undermines the social cohesion that forms the foundation of democratic life.¹¹

This phenomenon aligns with Jürgen Habermas’s analysis of the crisis of the public sphere. Habermas emphasizes that deliberative democracy can function only when the public sphere is filled with rational communication free from distortion. In the digital context, this public sphere is now dominated by the logic of algorithms and the economic–political interests of platforms, causing public discourse to lose its neutrality. When information is controlled by systems that prioritize sensationalism and virality over truth, citizens lose their rational capacity to evaluate political issues objectively. In other words, AI-based disinformation has “colonized the digital

⁹ Siswanto, M. R. E. (2025). *Kedaulatan rakyat dalam pergulatan konsep Islam dan Barat: Analisis pemikiran Al-Mawardi dan Jean-Jacques Rousseau*. Qanun: Jurnal Hukum Islam dan Tata Negara, 1(2). <https://ejournal.stital.ac.id/index.php/Qanun>

¹⁰ Zahro, A., et al. (2024). *Dampak penyalahgunaan deepfake dalam memanipulasi visual: Menguk potensi infopocalypse di era post-truth terhadap asumsi masyarakat pada media massa*. Kawistara: The Journal of Social Sciences and Humanities, 14(3). <https://doi.org/10.22146/kawistara.98339>

¹¹ Rambe, A., Ginting, R. R. M., Azzahra, Z., & Siregar, F. H. (2025). *Pengaruh propaganda dan disinformasi tentang opini publik*. Madani: Jurnal Ilmiah Multidisiplin, 3(1). <https://doi.org/10.5281/zenodo.14725846>

public sphere,” making public participation no longer a reflection of free will, but the result of systemic manipulation.¹² The failure of the law to respond to technological developments will only strengthen the democratic crisis, as it allows the people to lose control over the information that shapes their awareness.

In addition, popular sovereignty is not only measured by the people’s ability to choose their leaders, but also by the ability of the law to guarantee the availability of accurate and healthy information. When citizens can no longer distinguish between facts and fabricated content, the legitimacy of power that emerges from such participation becomes constitutionally flawed. Yuhana, A. (2020). *Kedaulatan rakyat menurut sistem ketatanegaraan Indonesia: Gagasan dan implementasi*. Fokusmedia Therefore, adaptive regulations, legal digital literacy, and ethical oversight in the use of AI technology are integral components of efforts to safeguard popular sovereignty in the era of digital democracy. AI-based disinformation has shifted the essence of popular sovereignty from being deliberative to becoming manipulative.¹³

Challenges in Upholding the Principles of the Rule of Law (Rechtsstaat) in Confronting the Misuse of Digital Technology

The principle of the rule of law (Rechtsstaat) is a key pillar of Indonesia’s constitutional system, as affirmed in Article 1 paragraph (3) of the 1945 Constitution, which states that “The State of Indonesia is a state based on law.” According to Friedrich Julius Stahl, there are four fundamental elements of a state governed by law: (1) the protection of human rights, (2) the separation of powers, (3) governance based on law, and (4) an independent administrative judiciary. These four principles serve as the ideal standards for how state authority should be exercised lawfully, fairly, and accountably. Siallagan, H. (2016). *Penerapan prinsip negara hukum di Indonesia*. Sosiohumaniora, 18(2). However, in the modern digital era, the application of the Rechtsstaat principle faces new challenges due to the rapid development of technology, particularly artificial intelligence (AI) and digital disinformation.

One of the main challenges is the erosion of the principles of legal and governmental transparency. In a constitutional democratic system, transparency serves as the foundation for public legitimacy in state administration. However, when the dissemination of information is dominated by opaque algorithms and digital manipulation, the public’s access to truth becomes limited.¹⁴ The government, legal institutions, and the public often struggle to distinguish between authentic facts and technologically engineered content such as deepfakes. This condition not only creates legal uncertainty but also disrupts the accountability of state administrators, as public opinion can easily be distorted by false information. Within the framework of the Rechtsstaat, this represents a threat to the principle of open governance and truth-based state administration. Nikhio, A., Amalia, C. S., & Irawan, Z. (2025). *Penegakan hukum di Indonesia: Peran pemerintah dalam mewujudkannya*. Indigenous Knowledge, 2(6).

The next challenge lies in the aspect of legal justice. In practice, the implementation of regulations such as the Electronic Information and Transactions Law (ITE Law) often leads to inconsistencies in interpretation. Several provisions are overly flexible and may be misused to restrict freedom of expression in the digital sphere. As a result, laws that are intended to protect citizens’ constitutional rights instead risk suppressing public participation. Ayu, R. O. (2025). *Tantangan penerapan konsep negara hukum dalam era digital: Studi kasus UU ITE dan*

¹² Prasetyo, A. G. (2012). *Menuju demokrasi rasional: Melacak pemikiran Jürgen Habermas tentang ruang publik*. Jurnal Ilmu Sosial dan Ilmu Politik, 16(2). <https://doi.org/10.22146/jsp.10901>

¹³ Syaiful. (2025, Maret 15). *Tantangan penegakan hukum di Indonesia: Antara regulasi dan realita*. Hukum UMA. <https://hukum.uma.ac.id/2025/03/15/tantangan-penegakan-hukum-di-indonesia-antara-regulasi-dan-realita/>

¹⁴ Zahran, A. M., Putratama, F., Pamungkas, R. A., & Nurgiansah, T. H. (2025). *Demokrasi dan keterbukaan informasi: Pentingnya transparansi dalam sistem demokrasi*. Rayyan, 1(1). <https://www.rayyanjurnal.com/index.php/real/article/view/4337>

kebebasan berekspresi. *Jurnal Pengabdian Masyarakat dan Riset Pendidikan*, 3(4). From the perspective of Philippe Nonet and Philip Selznick, this condition reflects the characteristics of repressive law, law that focuses on control and order rather than empowerment.¹⁵ In fact, the ideal form of law in the digital era is responsive law, law that is able to balance the protection of society with respect for freedom of expression. Therefore, the reformulation of digital regulations must be directed toward becoming more adaptive to social realities and the highly dynamic development of technology. Pradana, A. E., et al. (2025). Tantangan kecerdasan buatan dalam implikasi kebijakan pemerintah di Indonesia: Studi literatur. *Jurnal Good Governance*, 21(1).

From the perspective of public participation, the greatest challenge is the gap in legal digital literacy. A large portion of Indonesian society still lacks adequate understanding of how digital technology and algorithms work, including how their personal data is collected, processed, and utilized to shape public opinion. Mannayong, J., S, M. R., Herling, & Faisal, M. (2024). Transformasi digital dan partisipasi masyarakat: Mewujudkan keterlibatan publik yang lebih aktif. *Jurnal Administrasi Publik*, 20(1). This weakness in literacy makes the public easily influenced by misleading information and ultimately unable to exercise their constitutional rights effectively. According to Jürgen Habermas, deliberative democracy can function only when citizens have equal access and capacity in public communication processes. Muthhar, M. A. (2020). Membaca demokrasi deliberatif Jürgen Habermas dalam dinamika politik Indonesia. *Ushuluna: Jurnal Ilmu Ushuluddin*, 2(2). Inequality in digital literacy and access to information ultimately gives rise to a new form of injustice digital inequality which has the potential to create a gap in political participation between technologically literate groups and those who are left behind.

In the context of Indonesia's rule of law, these challenges demonstrate that the law must not be static, but rather progressive and responsive to social and technological changes. According to Satjipto Rahardjo, law is not merely a rigid collection of norms, but a means to achieve substantive justice. Aulia, M. Z. (2018). Hukum progresif dari Satjipto Rahardjo: Riwayat, urgensi, dan relevansi. *Undang: Jurnal Hukum*, 1(1). Therefore, efforts to uphold the principles of the Rechtsstaat in the digital era must go beyond legal-formal approaches and move toward public policy reforms that ensure a balance between information security, freedom of expression, and the people's right to political participation. Muabezi, Z. A. (2017). Negara berdasarkan hukum (rechtsstaat) bukan kekuasaan (machtsstaat): Rule of law and not power state. *Jurnal Hukum dan Peradilan*, 6(3).

CONCLUSION

Referring to the analysis presented earlier, it can be concluded that AI-based disinformation has a significant impact on the implementation of popular sovereignty within Indonesia's constitutional democratic system. Disinformation generated through AI technologies such as deepfakes and biased algorithms manipulates public opinion and blurs the line between fact and fabrication. As a result, the will of the people loses its authenticity because it is formed from misleading digital constructions.

The challenge of upholding the principles of the rule of law (Rechtsstaat) in confronting the misuse of digital technology lies in the fact that the Rechtsstaat, which emphasizes the supremacy of law, the protection of human rights, and substantive justice, faces dilemmas arising from the complexity of digital crimes, regulatory lag, and low levels of digital legal literacy. Overall, digital disinformation is not merely a technological issue but also a

¹⁵ Simatupang, E. F. P. (2021, Juli 8). *Teori hukum responsif (Philippe Nonet dan Philip Selznick)*. Beranda Hukum. <https://berandahukum.com/a/Teori-Hukum-Responsif-Philippe-Nonet-dan-Philip-Selznick>

constitutional challenge in safeguarding constitutional democracy so that it remains grounded in truth, justice, and popular sovereignty.

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