

Right to Digital Justice in Indonesia: The Integration of Social Media Algorithm in The Age of Digital Constitutionalism

Amatulloh Azizah^{1*}, Ridlo Ifran Addiasar², Intan Tiara³

¹Faculty of Law, Universitas Islam Indonesia, 55584, Indonesia

²Faculty of Law, Universitas Islam Indonesia, 55584, Indonesia

³Faculty of Law, Universitas Islam Indonesia, 55584, Indonesia

Corresponding author's email: 22410546@students.uii.ac.id

Abstract

Advances in technology have made social media a primary information source yet its content flow is controlled by algorithms that can be manipulated, including through political buzzers. Such manipulation generates informational bias, shapes public perception, and presents significant challenges to maintaining a fair and constitutionally aligned digital sphere. This research analyzes how social media algorithms influence constitutional principles in Indonesia and examines how social media algorithms can be integrated into the digital constitutionalism framework to realize the right to digital justice in Indonesia. This research uses normative legal methods through a regulatory and conceptualization approach to analyze regulations and theories related to social media algorithms within the framework of Indonesian digital constitutionalism. This research finds that algorithms threaten Indonesia's constitutional principles by reducing digital freedom, transparency, and equality through biased filtering and digital authoritarianism. Realizing the right to digital justice requires integrating social media algorithms within the framework of digital constitutionalism through specific regulations grounded in accountability, transparency, meaningful participation, and human dignity.

Keywords: Algorithm; Social Media; Digital Justice; Digital Constitutionalism

1. Introduction

The development of information technology has drastically transformed the ways in which society interacts, communicates, and participates in public life, including through social media. Social media, as one of the central instruments of the digital sphere, has become a primary medium that shapes social life, influencing the equilibrium of social relations and patterns of social behavior.[1] It also functions as a global forum that allows individuals to express opinions, criticism, and political participation without spatial limitations.[2] For this reason, the rapid growth of digital technology requires society to be increasingly adaptive, since technological advancements deeply affect social life and even fundamental rights within the constitutional order.

However, despite this openness, social media is not merely a communication space it is governed by algorithms that determine what content appears to users.[3] These algorithms are designed to personalize digital experiences by presenting information based on users' preferences and past interactions.[4] Although intended to enhance convenience and

engagement, the operation of these algorithms often results in filter bubbles and echo chambers, where users are exposed only to content aligned with their existing views, while differing or critical perspectives tend to be excluded.[5]

This situation creates the risk of algorithmic bias that may affect public access to information, narrow the digital public sphere, and potentially compromise the fulfillment of human rights and constitutional rights, including freedom of expression, the right to access information, and even decision-making processes that affect vulnerable groups.[6] Another issue related to algorithmic systems is the use of political buzzers to amplify influence over the public. This strategy relies on leveraging social media algorithms to circulate specific messages by following trending mechanisms, thereby increasing user engagement. As a result, buzzers and algorithmic systems significantly shape political public opinion on social media.[7]

In response to these challenges, the state has implemented several measures. The government has attempted to regulate the digital sphere through various laws concerning content moderation, disinformation, and cybersecurity, such as Law Number 1 of 2024, which amends Law Number 11 of 2008 on Electronic Information and Transactions, and Law Number 27 of 2022 on Personal Data Protection. In practice, however, these regulations often become overly restrictive, lack clear urgency, and even pose risks to freedom of expression.[8] Based on these conditions, regulatory measures and implementation frameworks concerning algorithmic operations are necessary to ensure alignment with constitutional principles.

The idea of a digital constitution emerges as a new concept that expands the practice of constitutionalism by extending constitutional principles to accommodate societal life in the digital era. Its core purpose is to ensure that the state in the digital age continues to uphold human rights and remain consistent with constitutional values.[9] The notion of digital justice, as explained in Chen's research, refers to a condition in which society receives equitable access, benefits, and protections from digital technologies, including vulnerable groups, in terms of their capacity for digital information participation in democratic, economic, and social life.[10] When this idea is situated within the framework of a digital constitution, the right to digital justice becomes the central aim of the digital constitution, guaranteeing that digital transformation proceeds without undermining fundamental rights and while maintaining checks and balances within state governance.[11]

Previous studies have mostly focused on the impact of algorithms from the user's perspective, such as how algorithms influence behavior, exposure to information, and societal polarization. Hani Adhani explains that the adaptation of digital transformation within the digital constitution of the Constitutional Court supports the fulfillment of digital rights, but does not address the role of algorithms or their relationship to the digital constitution.[12] Muhammad Khaidir Kahfi Natsir emphasizes the importance of a digital constitutionalism framework in safeguarding constitutional values in digital governance, yet does not specifically examine the role of algorithms within it.[13] Bambang Mudjiyanto notes that algorithmic power can challenge constitutional democratic principles such as transparency and accountability, but does not explore how algorithms should be integrated into a digital constitution.[14]

Considering the findings of earlier research, the present study offers the concept that integrating algorithmic governance into the digital constitutional framework enhances transparency, protects digital rights, and supports the realization of the right to digital justice in

Indonesia's evolving landscape of digital governance. This study is therefore expected to provide a new perspective for developing normative and regulatory standards for algorithmic practices and to encourage all actors, including the state, to build a digital environment that is more just, transparent, and consistent with constitutional principles.

2. Method (intan)

This research uses a normative legal research method oriented towards the study of positive legal norms, legal principles, and doctrines related to digital constitutionalism and the application of social media algorithms in the Indonesian system. This research focuses on a juridical analysis of the legal structure, theories, and concepts related to algorithms and the constitutional rights of people in the digital world. The approaches used in this research are a legislative approach and a conceptual approach. The legislative approach is used to examine various legal provisions that serve as the legal umbrella that forms the basis for regulating algorithms in Indonesia, such as the 1945 Constitution of the Republic of Indonesia, Law Number 27 of 2022 concerning Personal Data Protection, Law Number 11 of 2008 concerning Information and Electronic Transactions and its amendments, and Presidential Regulation Number 32 of 2024 concerning the Responsibilities of Digital Platform Companies in Supporting Quality Journalism, which regulates digital platform algorithms. The conceptual approach is used to examine theories such as constitutionalism and digital justice. The legal materials used include primary legal materials (statutory regulations), secondary legal materials (scientific literature, journals), and tertiary legal materials (legal dictionaries). The legal materials were gathered through a literature review. This analysis aims to determine how the principles of Indonesia's digital constitution can accommodate the integration of social media algorithms to realize the Right to Digital Justice.

3. Result and Discussion

3.1. Results

This study finds that the rapid development of modern technology has created a new sphere that is expected to serve a deliberative and participatory space for the expression of civil and political freedoms. However, in practice, this development has also generated serious challenges, particularly the threat to freedom of expression. This is largely due to the widespread restrictions on internet access, censorship of online content, and the growing trend toward digital authoritarianism. Moreover, the algorithmic mechanisms embedded within social media platforms have the power to

determine what content users are exposed to, producing filter bubble and echo chamber effects that reinforce informational bias and polarization.

Algorithms have consequently narrowed the digital public sphere, undermining its primary purpose as a forum for broad, rational discourse. The lack of algorithmic transparency weakens democratic values and contradicts the constitutional principles of Indonesia. Algorithms can lead to violations of constitutionally guaranteed human rights, such as the right to accurate information, freedom of speech and expression, the right to privacy, and protection from discrimination.

Thus, algorithms clearly and significantly influence and even threaten the implementation of constitutional principles, particularly in the protection of human rights. Consequently, the state must reassert its role in ensuring that algorithms operate within the boundaries of constitutional values, thereby safeguarding the fundamental rights of citizens. The state should foster a digital environment that is open, accountable, transparent, and consistent with constitutional principles. On this basis, the concept of digital constitutionalism provides a necessary and normative framework to address these emerging challenges in the governance of the digital sphere.

This study also finds that social media algorithms can be subjected to constitutional scrutiny when their operation affects the exercise of citizens' constitutional rights, such as freedom of expression, the protection of personal data, and the right to access information. Algorithms are bound by the constitution not because of their technological nature, but because of their functional impact on the realization of constitutional rights.

On the other hand, digital constitutionalism emerges as a framework that accommodates the interest of both public and private actors through the application of constitutional principles in the digital sphere. This concept provides a normative foundation requiring that social media algorithms operate in accordance with principles of accountability, transparency, human dignity, proportionality, due process and meaningful participation to realize the right to digital justice. To achieve the right to digital justice, Indonesia should consider enacting a specific regulation on algorithm and artificial intelligence (AI) grounded in the principles of digital constitutionalism.

3.2. The Influence of Social Media Algorithms to Constitutional Principles in Indonesia

The development of digital technology has expanded the scope for public participation in democratic life. Public space is no longer limited to physical spaces, but has also expanded into the digital world, providing new avenues for citizens to access civil and political freedoms. The internet now functions as a deliberative and participatory space, enabling citizens to discuss and monitor power more openly.[8] Social media platforms, for example, have thrived in the digital space, aided by publicly accessible internet access, helping to create spaces for public debate, including various forms of public communication involving citizens from all walks of life and social classes. Digital space plays a crucial role in strengthening democracy and promoting government transparency. However, this development also brings new challenges, particularly when technology is used not only as a means of communication but also as an instrument of social control that can threaten freedom of expression.[15]

Democracy inherently demands free and equal public participation based on open access to information. In the digital world, these principles are being transformed through the emergence of digital public spaces that facilitate rapid, broad interaction, and are not limited by physical space. However, digital democracy brings challenges, particularly related to polarization, misinformation, and reliance on algorithms that regulate the flow of information, which can undermine the quality of democracy.[16] Digital democracy has significantly diminished in the digital civil space, resulting in the loss of many opportunities to gather in digital spaces due to the lack of state-guaranteed freedoms. The proliferation of political issues in the digital space and the integration of civil society within it have made the meaning of politics more fluid, and activism no longer displays the rigidity of the previous period. Today, with the help of the internet, participation can be achieved through the simplest method: clicktivism. Clicktivism is online activism that uses the internet and social media to disseminate ideas. However, various policies and regulations related to the digital world often narrow the space for public participation. Freedom House reports for the past three years have placed Indonesia in the "partly free" category due to restrictions on internet access, censorship of online content, and digital surveillance practices. This phenomenon is the reason for the findings, namely the emergence of digital authoritarianism, a situation where technology is used by state authorities to control public opinion, limit the circulation of information, and monitor citizens' activities. This situation indicates that democratic principles in the digital space remain fragile and require strengthening regulations and enforcement of human rights in the digital space.[8] Constitutionalism, which has historically focused on state restrictions and the protection of citizens' fundamental rights, now needs to be expanded to encompass new forms of power emerging in the digital space. Digital actors with significant control over data, information, and virtual public spaces have the potential to influence the lives of individuals and society at large, often without adequate oversight mechanisms for transparency or accountability.

In the current context, news has emerged regarding the Ministry of Communication and Digital (Komdigi)'s authority to remove content through a new digital mechanism designed to remove content across various platforms. This system, known as saman, is a content moderation compliance platform that serves as the government's official dashboard for instructing various digital platforms to take down or remove certain content. One of the priority categories within this system is content deemed disturbing to the public, which is positioned as urgent content, above gambling.[17] Such practices are not only related to takedown orders but also affect how algorithms promote or reduce the visibility of content. When governments can intervene in content moderation systems and information distribution algorithms, the digital space is vulnerable to manipulation, for example through shadow banning, reach restrictions, or altered recommendation patterns.[18] This intervention threatens freedom of expression in the digital space. The legitimacy of government actions through regulations or those that limit freedom of expression in the digital space is a form of digital authoritarianism where the practice of digital authoritarianism is characterized by four reflected tactics, such as supervision or surveillance, this is characterized by the existence of digital technology that is used to monitor society and facilitated by the government. This condition shows that algorithmic authoritarianism fundamentally erodes the right to freedom of expression guaranteed by the constitution regarding Human Rights, namely the right to digital justice, based on the 1945 Constitution,

especially Article 28E paragraph (3) and Article 28F, which regulates the right to freedom of expression and convey opinions, and is further clarified in the Law on Information and Electronic Transactions which regulates freedom of expression and opinion through digital media. Algorithms have a significant role in shaping the polarization of public opinion, this polarization is reinforced by algorithms and filter bubbles that polarize by reinforcing existing perspectives with government control, having a major impact on freedom of expression.[19] This clearly illustrates that there is authoritarianism that has the potential to become a threat to democracy and narrow the space for civil society to move in the digital space, including the fulfillment of digital rights.[8]

Digital algorithms operate by exploiting various types of user data, from online activity history and preference patterns to sensitive information, often processed without the data owner's knowledge and understanding of the extent to which the data is analyzed and used. Profiling practices carried out by algorithms not only increase vulnerability to privacy violations but also pose a serious threat to personal data protection, given that such data is often used for commercial, political, or surveillance purposes without explicit consent.[20] From a conventional perspective, this situation implies weak guarantees for the rights to privacy, personal security, and self-protection, which are fundamental human rights of citizens. Although Indonesia has passed the Personal Data Protection Law No. 27 of 2022 as the primary legal framework, its implementation has not fully protected citizens from invasive, opaque, and abuse-prone algorithmic practices.[21]

Without an adequate regulatory framework, the potential for misuse of technology in the digital world by both the government and the private sector will be difficult to control effectively. Risks such as wiretapping, profiling, and algorithm-based intervention can develop into serious threats if not strictly regulated. In this situation, the supremacy of the constitution and the principle of the rule of law (*rechtsstaat*) are potentially eroded by the dominance of unsupervised technology. Algorithmic technology itself is not neutral; it is designed, operated, and directed by humans who bring their own values, interests, and biases. Therefore, constitutional principles based on popular sovereignty, limitations on power in the digital world, and respect for human rights, namely freedom of expression and protection of privacy, are crucial.[22] Thus, the interaction between constitutional principles and the use of digital algorithms demonstrates the need for an updated regulatory approach to ensure the protection of constitutional rights amidst rapid and complex technological developments.

3.3. The Integration of Social Media Algorithm into Digital Constitutionalism Framework to Realize The Right to Digital Justice in Indonesia

The findings indicate that algorithms have become embedded within new structures of power that influence the realization of constitutional rights. This requires analysis within the framework of the relationship between algorithms and the principles of digital constitutionalism. Algorithms can determine the visibility of public discourse by regulating the circulation of information or even restricting the reach of particular viewpoints.[23] Such algorithmic operations demonstrate that algorithms now perform functions capable of shaping the public

sphere, rather than merely executing technical processes.[24] Consequently, the question arises: when and how should algorithms be subjected to constitutional constraints?

For the first question, In Indonesia, algorithms must be subordinated to the Constitution when they affect the exercise of the people's fundamental rights, namely when:

1. They influence the exercise of constitutional rights, such as freedom of expression as guaranteed in Article 28E (3) of the 1945 Constitution of The Republic of Indonesia, or the right to information under Article 28F;
2. They involve public functions, such as the distribution of news, regulation of political content, or dissemination of public information, as regulated in Presidential Regulation No. 32 of 2024 on the Responsibilities of Digital Platform Companies to Support Quality Journalism; and
3. They involve citizens' personal data, which is regulated under Law No. 27 of 2022 on Personal Data Protection.

These considerations give rise to the emerging concept of Digital Constitutionalism. Suzor's research underscores that technology companies hold structural power warranting constitutional limitations because, through the data they possess, they significantly control the information available to the public and regulate how citizens express their digital rights.[24] The findings of this study reinforce Suzor's argument by demonstrating that algorithmic governance in the Indonesian context produces structural distortions, such as filter bubbles, informational bias, and polarization, which can undermine the quality of public deliberation. This also shows that constitutional principles cannot be restricted to the domain of the state alone but must extend to digital spaces governed by private actors. [9]

This study aligns with and strengthens Mendes and Fernandes' argument that digital constitutionalism is a response to the shifting locus of power toward large technology companies.[25] The logic of content distribution and algorithmic prioritization directly shapes citizens' capacity to exercise their rights, thereby affirming that algorithmic systems have functional effects with constitutional relevance.[11] Thus, algorithms must be subjected to constitutional principles not because of their technological nature, but because of their functional impacts on fundamental rights.

Balkin argues that digital platforms function as a new actor that can regulate the public sphere through technical design and internal policies.[26] Klonick similarly asserts that content moderation and recommendation algorithms represent forms of power requiring legitimacy and accountability.[27] Therefore, this study finds that algorithms must be integrated into the normative framework of digital constitutionalism to safeguard the exercise of fundamental rights.

Within the framework of digital constitutionalism, the protection of fundamental rights must apply to all actors, both the state and private social-media platform companies, when they control the digital sphere through algorithms. This theory emphasizes principles of transparency, accountability, proportionality, human dignity, due process, and democratic participation in the context of:[28]

- a. Transparency and accountability: When platforms fail to disclose content-selection mechanisms or recommendation logic, these principles are not fulfilled. Algorithmic operations must be transparent and allow for diversity of information and content circulating on social media.

- b. Human dignity: Biased algorithmic prioritization can threaten human dignity and equality. Algorithms must preserve individuals' right to accurate information and their right to express opinions.
- c. Due process: When algorithms operate without appeal mechanisms or transparent accountability structures, they violate the principle of due process.
- d. Democratic participation: Indonesia already recognizes the principle of meaningful participation, referring to citizens' rights to be heard, considered, and provided explanations. In the digital sphere, public participation should therefore extend to the law-making process concerning algorithmic governance, ensuring that citizens have opportunities to express their views and receive explanations from the state regarding resulting policies.

Accordingly, the right to digital justice can be realized only when algorithms are subjected to digital constitutional principles. Integrating algorithms within a digital constitutional framework requires regulatory measures that mandate algorithmic auditing, transparency in information-determination processes, personal data protection, safeguards against digital discrimination, and guarantees that citizens may contest algorithmic decisions affecting their rights.

The study's foundational findings may be compared with practices in other jurisdictions that have addressed the challenges of algorithmic governance earlier:[28]

1. Brazil: Regulations governing AI in elections, such as mandatory AI labeling, the prohibition of political deepfakes, and platform liability mechanisms, demonstrate state recognition of algorithmic impacts on public-sphere integrity and political rights.
2. Europe: The Digital Services Act (DSA) serves as a leading example of a framework designed to enhance transparency and platform accountability in content moderation while safeguarding fundamental rights. Additionally, the EU protects media pluralism as a response to filter bubbles and micro-targeting. The GDPR (General Data Protection Regulation) embeds the core principles of proportionality, human dignity, and due process as constitutional limits on data controllers and platform operators, including protections against automated decision-making that require human intervention to prevent discrimination and algorithmic abuse.

These comparative insights reinforce the urgency of integrating algorithms into a digital constitutional framework and provide a model for Indonesia to develop algorithm-specific regulation, at minimum covering transparency obligations, prohibitions on digital manipulation, and mandatory algorithmic audits. Such measures are necessary to protect electoral integrity, the digital public sphere, and digital human rights, thereby realizing the right to digital justice.

Based on the discussion above, the integration of algorithms into Indonesia's digital constitution can begin with improving the interpretation of constitutional rights within algorithmic systems. The rights to information, privacy, freedom of expression, and equality as guaranteed by the 1945 Constitution need to be translated into the algorithmic context, giving rise to rights such as the right to algorithmic transparency, the right to be free from excessive profiling, the right to be protected from algorithmic discrimination, and the right to a digital public sphere that is not manipulated by filter bubbles or echo chambers. In this sense, the reinterpretation of constitutional rights within the algorithmic domain becomes an essential

component of constitutional control in the digital sphere, expanding its reach beyond the state to also encompass technology corporations.[29]

Furthermore, to ensure algorithmic accountability, Indonesia needs to build a regulatory framework that can materialize the integration of algorithms into the digital constitution. This can be carried out by referring to global standards such as the UNESCO Recommendation on the Ethics of Artificial Intelligence 2022, which can at least be summarized into two aspects: the preventive aspect and the law enforcement aspect. The preventive aspect can be carried out as follows:[30]

1. **Ethical Impact Assessment:** The government must establish an assessment framework and procedures to identify the benefits, risks, and concerns related to algorithms. This assessment must include risks to human rights, fundamental freedoms, vulnerable groups, labor rights, the environment, and socio-ethical impacts. In its process, the assessment must include auditability, traceability, and explainability, and allow for external review.
2. **Feasibility Testing, Due Diligence, and Transparency Mechanisms:** The government and technology corporations must have due diligence mechanisms to prevent and reduce the impact of algorithms on human rights, the rule of law, social inequality, and poverty. Transparency must be enforceable, including access to public-interest information held by private entities.
3. **Monitoring the development cycle of algorithms:** The government and technology corporations must also monitor all phases of algorithmic system development, data, and the actors involved, especially in public services that directly interact with citizens. Human rights obligations must become a component of ethical assessment.

Meanwhile, in the law enforcement aspect, the author describes it into several points as follows:

1. **A system of algorithmic management that is inclusive, transparent, and controlled:** This system must be institutionalized by the Government of Indonesia through governance mechanisms that involve diverse stakeholders and remain open.
2. **Independent Oversight (AI/Algorithm Ethics Officer):** The government and private sector must involve the public and encourage the existence of an AI Ethics Officer or another mechanism to oversee audits, ethical assessments, and monitoring.
3. **The Formation and Harmonization of Laws regarding the use of algorithms:** The DPR, as the holder of legislative authority, must create laws that explicitly regulate the use of algorithms, especially concerning technology corporations, along with their obligations and sanctions. In addition, lawmaking must be followed by harmonization to align the newly formed laws with existing regulations such as the 2022 Personal Data Protection Law, the 2024 amendment to the Law on Information and Electronic Transactions, and especially the 1945 Constitution.

At the institutional level, constitutional integration requires a very strong system of checks and balances. From the legislative side, the DPR has the responsibility to formulate laws governing algorithmic governance, including principles of transparency, accountability, and public participation in the use of algorithms. The Constitutional Court, as the judicial institution, needs to be proactive in reviewing and deciding cases related to the constitutionality of

algorithmic systems. In addition, the government as the executive is responsible for implementing algorithm governance policies, including system certification, ethical impact assessments, and oversight of algorithmic implementation based on the 1945 Constitution, especially in public service sectors. Independent institutions such as Komnas HAM may apply digital human rights standards to examine algorithmic discrimination and violations of freedom of expression, while the Ombudsman may function as a forum for receiving and resolving public complaints related to harms involving the right to information.[31]

This research lies in the argument that integrating algorithms into digital constitutionalism entails a reconfiguration of the relationship among the state, technology, and citizens. Thus, this research aligns with the previously mentioned studies and provides further explanations as well as complements the discussion that in Indonesia, algorithms have some serious constitutional effects; constitutional protection must extend beyond state power to include private algorithmic governance on social-media platforms; and the right to digital justice belongs to all citizens and constitutes the primary objective of digital constitutionalism, consistent with the values of the 1945 Constitution.

This contribution flows from the finding that algorithms affect the exercise of constitutional rights and may threaten the structure of public deliberation. The implications are significant for the government to formulate a model of algorithmic transparency consistent with constitutional standards; the government must develop algorithmic regulations grounded in digital constitutionalism principles to accommodate the interests of all stakeholders; the government must pursue harmonization and synchronization of regulatory frameworks related to algorithms. Furthermore, future research should explore indicators for assessing the realization of the right to digital justice, as well as further studies on harmonization and synchronization of regulations governing algorithms and AI within Indonesia's legal system.

4. Conclusion

The development of modern technology has generated significant transformations. Social media has emerged as one of the primary instruments within the digital environment, functioning as a public sphere for expressing opinions, accessing information, and engaging in digital political participation. However, social media also contains a crucial element, algorithms. Those algorithms can become problematic because they may be manipulated, including through the involvement of political buzzers. Such manipulation generates informational bias, shaped public perception, and presents significant challenges to maintaining a fair and constitutionally aligned digital sphere.

This study concludes that the rapid advancement of digital technology and the algorithmic mechanisms embedded in social media have narrowed the digital public sphere and affected constitutional values by threatening the exercise of fundamental rights, such as freedom of speech, freedom of expression, and the right to accurate information. Algorithms even raise concerns regarding the emergence of digital authoritarianism through the restriction of citizens' rights in the digital domain.

Accordingly, algorithms must be subjected to constitutional principles through a digital constitutionalism framework, particularly by enforcing transparency, accountability and the protection of human rights. Indonesia must develop regulatory and oversight mechanisms for algorithms, including monitoring, audit systems, transparency obligations, personal data protection, and safeguards against digital discrimination. The formation of such regulations must also be accompanied by the harmonization of existing legal frameworks to ensure the realization of digital justice, which is a right guaranteed to all individuals in accordance with the values of the 1945 Constitution of The Republic Indonesia.

5. Acknowledgement

The authors express sincere gratitude to the Faculty of Law, Universitas Islam Indonesia, for providing the opportunity and support that enabled the completion of this research. We also extend our deepest appreciation to our lecturer, Mrs. Catur Septiana Rakhmawati, for her continuous motivation and encouragement that has guided the authors' academic growth. In addition, the authors convey heartfelt thanks to our close friend, Sabil Arif Zhafran, for his unwavering support throughout this process. Lastly, the authors express appreciation to the reviewers and readers for the time and attention devoted to this research.

6. References

- [1] A. S. Cahyono, "Pengaruh Media Sosial Terhadap Perubahan Sosial Masyarakat di Indonesia," *publiciana*, vol. 9, no. 1, pp. 140–157, 2017.
- [2] A. Suheri, Mantili, Rosmawiah, and Albert, "Pengaruh Media Sosial Terhadap Nasionalisme dan Integrasi Bangsa di Era Modern," in *Proceedings of the National Seminar PGRI Palangkaraya University*, 2022, pp. 327–341.
- [3] J. Wallace, "Modelling Contemporary Gatekeeping: The rise of digital gatekeepers and the implications for information flow," *J. Information, Commun. Soc.*, vol. 21, no. 14, pp. 2080–2094, 2018.
- [4] N. Briliyanda, T. W. Areifien, L. P. Ghanistyana, and E. Al., "Peran Algoritma AI dalam Personalisasi Konten dan Filter Bubble," *J. Ris. Public Relations*, vol. 5, no. 1, pp. 43–54, 2025.
- [5] S. D. Fajarini, F. Yuliani, and J. Kurniawati, "Peran Algoritma Media Sosial dalam Membentuk Filter Bubble dan Echo Chamber di Kalangan Milenial dan Gen Z Kota Bengkulu," *J-SIKOM*, vol. 6, no. 1, pp. 205–229., 2025.
- [6] A. W. Fazil, M. Hakimi, and A. K. Shahidzay, "A Comprehensive Review of Bias in AI Algorithms," *NHJ*, vol. 3, no. 8, pp. 1–11, 2024.
- [7] M. Nainggolan, A. Piliang, D. Silalahi, R. J. Ulandari, S. K. A. Girsang, and S. M. Silitonga, "Pengaruh Buzzer di Media Sosial terhadap Pembentukan Opini Publik dalam Pilpres 2024," *JoE*, vol. 7, no. 1, pp. 550–559, 2024.
- [8] T. A. Maheswari *et al.*, "Hak Digital untuk Demokrasi dan Civic Space: Studi Pemetaan

- Regulasi Internet di Indonesia,” Denpasar, 2025. Accessed: Nov. 04, 2025. [Online]. Available: <https://safenet.or.id/id/2025/06/studi-pemetaan-regulasi-internet-di-indonesia>.
- [9] N. Subekti, I. G. A. K. R. Handayani, and A. Hidayat, “Konstitusionalisme Digital di Indonesia: Mengartikulasikan Hak dan Kekuasaan di Era Digital,” *Perad. J. Law Soc.*, vol. 2, no. 1, pp. 1–22, 2023.
- [10] D. Ginanjar, M. F. Firdausyi, S. Suswandy, and N. T. Andini, “Perlindungan HAM dalam Era Digital: Tantangan dan Solusi Hukum,” *JoE*, vol. 4, no. 4, pp. 2080–2094, 2022.
- [11] Edoardo Celeste, “Digital constitutionalism: a new systematic theorisation,” *Int. Rev. Law, Comput. Technol.*, vol. 33, no. 1, pp. 76–99, 2019.
- [12] H. Adhani, “Mahkamah Konstitusi Indonesia di Era Digital: Upaya Menegakan Konstitusi, Keadilan Substantif dan Budaya Sadar Berkonstitusi,” *JPHK*, vol. 2, no. 2, pp. 130–146, 2021.
- [13] M. K. K. Natsir and M. T. Todingrara, “Konstitusionalisme Digital: Membangun Kerangka Hukum untuk Tata Kelola Penyelenggaraan Negara di Era Teknologi,” *Terang J. Kaji. Ilmu Sos. Polit. dan Huk.*, vol. 2, no. 3, pp. 51–60, 2025.
- [14] B. Mudjiyanto, Launa, F. Yanuar, and M. Mansur, “Politik Kontestasi: Antara Narasi Digital, Algoritma Politik, dan Plot Twist Politik dalam Dinamika Pemilu Indonesia Pasca Reformasi,” *JPIP J. Paradig. Ilmu Pemerintah.*, vol. 2, no. 2, pp. 1–19, 2025.
- [15] Selvi Amelia, “Ruang Cyber vs kebebasan Berpendapat: Menyeimbangkan Regulasi dan Ekspresi di Era Digital,” *Staatsr. J. Huk. Kenegaraan dan Polit. Islam*, vol. 4, no. 2, pp. 219–233, 2024.
- [16] D. Rahmawati, “Risiko Polarisasi Algoritma Media Sosial: Kajian terhadap Kerentanan Sosial dan Ketahanan Bangsa,” *J. Kaji. LEMHANNAS*, vol. 33, pp. 37–50, 2018.
- [17] D. Sabrina, “SAMAN Komdigi Dinilai Berpotensi Mempersulit Kebebasan Berekspresi.” <https://www.tempo.co/politik/saman-komdigi-dinilai-berpotensi-mempersempit-kebebasan-berekspresi-2092008> (accessed Nov. 22, 2025).
- [18] Nurjannah, A. Humairoh, and Alif, “Moderasi Konten dan Literasi Digital: Tantangan Komunikasi Publik di Era Disinformasi di Indonesia,” *J. Cent. Publ.*, vol. 2, no. 12, pp. 2891–2898, 2024.
- [19] M. Bahram, “Tantangan Hukum dan Etika (Rekayasa Sosial Terhadap Kebebasan Berpendapat di Dunia Digital),” *SENTRI J. Ris. Ilm.*, vol. 2, no. 12, pp. 592–5109, 2023.
- [20] A. Listiyanto, “Dialektika Keamanan Siber terhadap Perlindungan Data Pribadi atas Algoritma Media Sosial,” *J. Rechtsvinding Media Pembn. Huk. Nas.* 14, No. 2, vol. 14, no. 2, pp. 271–284, 2025.
- [21] Sarjana, K. rima A. Suari, and Imade, “Menjaga Privasi di Era Digital: Perlindungan Data Pribadi di Indonesia,” *J. Anal. Huk.*, vol. 6, no. 1, pp. 132–146, 2023.
- [22] C. Santika, F. Maksun, M. Raflih, and B. Irawan, “Konstitusi dan Kekosongan Regulasi AI: Tantangan Bagi Perlindungan Hak Asasi Manusia di Indonesia,” *LPIM Lentera Publ. Ilm.*

- Multidisipliner*, vol. 1, no. 2, pp. 27–38, 2025.
- [23] L. H. D. Araujo, “Digital Constitutionalism: Freedom of Speech and Platform Accountability,” *Rev. Investig. Const.*, vol. 12, no. 2, pp. 1–27, 2025.
- [24] A. Silvanie, R. Subekti, D. S. Permana, and A. Kurniawan, “Tinjauan Komprehensif tentang Dampak Algoritma Media Sosial,” *Madani J. Ilm. Multidisiplin*, vol. 2, no. 8, pp. 189–195, 2024.
- [25] S. Gupta, “Constitutionalism In The Age Of Artificial Intelligence: Bridging Innovation And Public Interest,” *Int. J. Creat. Res. Thoughts*, vol. 13, no. 6, pp. 955–960, 2025.
- [26] J. M. Balkin, “Free Speech in the Algorithmic Society: Big Data, Private Governance, and New School Speech Regulation,” *Yale Law Sch. Public Law Res. Pap.*, vol. 51, no. 15, pp. 1149–1210.
- [27] K. Klonick, “The New Governors: The People, Rules, and Processes Governing Online Speech,” *Harv. Law Rev.*, vol. 131, pp. 1598–1670, 2017.
- [28] G. De Gregorio, *Digital Constitutionalism in Europe: Reframing Rights and Powers in the Algorithmic Society*. Cambridge: Cambridge University Press, 2022.
- [29] Hidayat and E. Wahyu, “Studi Literatur Konstitusionalisme Digital Di Era E-Governance,” *J. Stud. Interdisip. Perspekt.*, vol. 24, no. 2, pp. 94–99, 2025.
- [30] UNESCO, “UNESCO Recommendation on the Ethics of Artificial Intelligence,” Paris, 2022. [Online]. Available: <https://unesdoc.unesco.org/ark:/48223/pf0000381137>.
- [31] M. Bahram, “Tanggung Jawab Konstitusional Pemerintah dalam Menjamin Hak Konstitusional Atas Informasi di Era Digital,” *J. Ris. Ilm.*, vol. 2, no. 9, pp. 4380–4406, 2025.