Legal Reform in Indonesia's Response to the Digital Manipulation Era: A Responsive Legal Theory Approach

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Abstract

The rapid advancement of technology has brought Indonesia into the era of digital manipulation, giving rise to various new social problems. This situation reveals the weaknesses and unpreparedness of the national legal system in responding to such challenges. A modern legal framework is therefore required to effectively address the need for legal protection in the digital era. This research aims to analyze the capacity of Indonesia's legal system in addressing challenges arising from digital manipulation and to explore the relevance of responsive law theory as a framework for reform. This study employs a normative juridical method with a descriptive specification. The approaches used include the statutory approach, which examines legislative frameworks, and the conceptual approach, which analyzes the relevance of legal theories to digital manipulation. The findings indicate that Indonesian law has not yet optimally addressed the impacts of the digital manipulation era, particularly due to weak regulations, limited responsiveness, and limited mechanisms for public protection. Responsive law theory is viewed as an appropriate framework for building a modern legal system, as it emphasizes legal reform, flexibility, justice grounded in the public interest, public participation, and openness and transparency. This research contributes to improving the effectiveness of Indonesian law in responding to the challenges of the digital manipulation era. Its implementation requires political commitment, regulatory harmonization, and active public engagement. This research recommends revising and harmonizing digital regulations, strengthening legal literacy and education, and institutionalizing legislative audits based on responsive law indicators. Future studies should empirically test responsive law in practice to ensure that Indonesia's legal system remains adaptive to challenges posed by digital manipulation.

Keywords: *Responsive Law; Digital Manipulation Era; Law Reform.*

Introduction

The emergence of artificial intelligence (AI) stands as a tangible testament to the advancement of human civilization in technology, bringing about profound

transformations across various aspects of human life.[1] According to Erick Thohir, the rapid advancement of technology has led to significant transformations and digital disruptions, particularly in Indonesia. Digitalization has brought numerous benefits, as evidenced by the simplification of tasks across all areas of life. However, it has also introduced significant drawbacks, including the rising threat and increasing sophistication of cybercrime, which poses complex challenges to law enforcement and regulatory systems.[2] One emerging form of cybercrime that poses a significant threat to individuals in the era of Society 5.0 is deepfakes.[3] In simple terms, deepfake technology manipulates a person's facial features, voice, and movements using machine learning algorithms to generate highly realistic content that never occurred.

Initially, deepfake technology was used to create parody videos or replace an actor's face in specific film scenes.[4] However, deepfake technology has been increasingly misused, giving rise to a new form of cybercrime that is difficult to combat, including fraud, extortion, defamation, and online gender-based violence (OGBV) through the dissemination of pornographic content.[5]Thus, every human-created technology does not solely produce positive outcomes; it can also have negative impacts when misused. The misuse of deepfake technology illustrates that technological advancement over time not only requires global society to be proficient in its use but also demands that users exercise wisdom and are supported

[1] I Gusti Bagus Yudas Swastika et al., "Misuse of Personal Data as a Crime from a Cyber Law Perspective," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 22, no. 2 (June 2023), https://doi.org/10.31941/pj.v22i2.3073.
[2] Sindy Ariyaningsih et al., "Korelasi Kejahatan Siber Dengan Percepatan Digitalisasi Di Indonesia," *Justisia: Jurnal Ilmu Hukum* 1, no. 1 (May 2023): 1–11, https://doi.org/10.56457/jjih.v1i1.38.
[3] Meirza Aulia Chairani, Krista Yitawati, and Angga Pramodya Pradhana, "Urgensi Pengaturan Hukum Bagi Penyalahgunaan Aplikasi Deepfake," *Jurnal Rechtens* 13, no. 1 (June 2024): 81–96, https://doi.org/10.56013/rechtens.v13i1.2668.
[4] Muhammad Ariq Abir Jufri and Akbar Kurnia Putra, "Aspek Hukum Internasional Dalam Pemanfaatan Deepfake Technology Terhadap Perlindungan Data Pribadi," *Uti Possidetis: Journal of International Law* 2, no. 1 (June 2021): 31–57, https://doi.org/10.22437/up.v2i1.11093.
[5] Ivana Dewi Kasita, "Deepfake Pornografi: Tren Kekerasan Gender Berbasis Online (KGBO) Di Era Pandemi Covid-19," *Jurnal Wanita Dan Keluarga* 3, no. 1 (July 26, 2022): 16–26, https://doi.org/10.22146/jwk.5202.

by proactive legal protections in addressing the various issues arising from the utilization of such technologies.

This aligns with the Dutch legal adage *Het Recht Hinkt Achter de Feiten Aan*, which means "*the law always lags behind the facts*." In practice, legal norms and regulations often seem powerless to govern events arising from rapid technological developments. Indeed, this reflects the inherent nature of law when confronted with the pace of technological change.[6] Such conditions are likely to lead to the emergence of new forms of crime with increasingly complex modus operandi that are difficult to eradicate. From the perspective of the sociology of law, a good legal system is one that evolves in tandem with societal development.[7] This view is also supported by Friedrich Carl von Savigny, a renowned German legal scholar and historian, who asserted that law is not created, but rather grows and develops organically alongside society.[8] Law must be dynamic, adapting to the reforms and transformations occurring in society. This statement carries significant implications for legal development, emphasizing that law cannot be designed to remain static or absolute (a quo); rather, to be effective and just, it must continuously evolve in accordance with the demands of the times.[9]

According to Nonet and Selznick's theory of responsive law, every legal product must possess a high degree of sensitivity and continuously adapt to society's evolving needs and developments.[10] Law serves as a facilitator in

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[6] Dicky Eko Prasetio and Hananto Widodo, "Ius Constituendum Pengujian Formil Dalam Perubahan Konstitusi," *Al-Manhaj: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 1 (June 2022): 1–12, https://doi.org/10.37680/almanhaj.v4i1.1478.

[7] Gamal Abdul Nasir, "Kekosongan Hukum &Amp; Percepatan Perkembangan Masyarakat," *Jurnal Hukum Replik* 5, no. 2 (September 2017): 172, https://doi.org/10.31000/jhr.v5i2.925.

[8] M. Zulfa Aulia, "Friedrich Carl von Savigny Tentang Hukum: Hukum Sebagai Manifestasi Jiwa Bangsa," *Undang: Jurnal Hukum* 3, no. 1 (July 7, 2020): 201–36, https://doi.org/10.22437/ujh.3.1.201-236.

[9] Tanti Kirana Utami et al., "The Existence of Legal Principles and The Changing Times: Challenges and Adaptations in The Formation of Laws and Regulations," *Indonesian Journal of Law and Justice* 2, no. 4 (May 2025): 12, https://doi.org/10.47134/ijlj.v2i4.3931.

[10] Agam Ibnu Asa, Misnal Munir, and Rr. Siti Murti Ningsih, "Nonet And Selznick's Responsive Law Concept In A Historical Philosophy Perspective," *Crepido* 3, no. 2 (November 2021): 96–109, https://doi.org/10.14710/crepido.3.2.96-109.

responding to society's needs and aspirations in accordance with its development. In the context of Indonesian law, Satjipto Rahardjo, through his theory of Progressive Law, asserts that "*law is a process, law in the making*." Law is not an absolute or final institution, it is continuously in the process of being formed and reformed.[11] Satjipto Rahardjo's foundational assumption is that law exists for human beings, not the other way around. Therefore, when problems arise within society, it is the law that must be reviewed/revised or reformed, not the people who should be forced to conform to rigid legal frameworks. By shifting the focus to the interaction between society and the law in practice, it becomes possible to assess the extent to which the legal system is responsive to the challenges of the digital manipulation era in Indonesia. Fundamentally, the law is expected to serve as a responsive authority in realizing dignified justice in this digital age. It must act proactively, not only in preventing but also in addressing contemporary issues emerging from digital manipulation, thus driving continuous (responsive) legal reform aimed at achieving dignified justice within a digitally driven society.

Several previous studies have addressed the challenges faced by Indonesian law in the digital era, including research by Itsna Hidayatul and Sri Pangestuti (2019), which examined deepfake technology as a new threat and challenge for netizens.[12] A study conducted by Ivan Dewi Kasita in 2022 discussed the urgency of preventing the misuse of artificial intelligence (AI) technology, particularly in the context of online gender-based violence (OGBV) perpetrated through deepfake technology.[13] Additionally, a 2023 study by Ferry Irawan Febriansyah examined emerging models of cybercrime to inform the development of national legal

[11] Rr Rina Antasari, "Telaah Terhadap Perkembangan Tipe Tatanan Hukum Di Indonesia Perspektif Pemikiran Nonet-Selznick Menuju Hukum Yang Berkeadilan," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 19, no. 1 (2019): 103–18, https://doi.org/10.19109/nurani.v19i1.3344.
[12] Itsna Hidayatul Khusna and Sri Pangestuti, "Deepfake Tantangan Baru Untuk Netizen," *PROMEDIA* 5, no. 2 (2019): 1–24, https://doi.org/10.52447/promedia.v5i2.2300.
[13] Kasita, "Deepfake Pornografi: Tren Kekerasan Gender Berbasis Online (KGBO) Di Era Pandemi Covid-19."

frameworks.[14] Building on previous research, this study examines the threats and legal challenges facing Indonesia in the current digital era. However, the present study analyzes the responsiveness of Indonesian law to the era of digital manipulation through the lens of legal theory, particularly from the perspective of Responsive Law. The novelty of this study lies in applying Responsive Law theory to analyze Indonesia's legal responsiveness to digital manipulation, offering a theoretical reform perspective beyond prior studies that mainly focused on technological threats.

This study is significant as it offers a responsive law framework to strengthen Indonesia's regulatory capacity in addressing the challenges of the digital manipulation era, emphasizing legal reform, flexibility, and public justice. The findings are expected to serve as a reference for policymakers in formulating adaptive legal strategies. The study's limitation is its normative approach, which lacks empirical data, and it will require further testing of the recommendations to ensure their effectiveness. Based on this background, the main research questions addressed in this study are as follows: (1) What is the current legal reality in Indonesia in responding to the digital manipulation era? and (2) How can Indonesian law be reformed to address digital manipulation from the perspective of responsive legal theory?

Methods

This study employs a descriptive specification with a normative juridical research type. Two approaches are applied: the statute approach and the conceptual approach. The statute approach focuses on examining relevant legislative provisions, including Law No. 12 of 2011 on the Formation of Laws and Regulations as amended by Law No. 13 of 2022 (Law on the Formation of Laws and Regulations), Law No. 19 of 2016 amending Law No. 11 of 2008 on Electronic Information and

[14] Ferry Irawan Febriansyah, Alfalachu Indiantoro, and Afiful Ikhwan, "Model Kejahatan Dunia Maya (Cybercrime) Sebagai Upaya Pembentukan Hukum Nasional," *Legal Standing Jurnal Ilmu Hukum* 7, no. 2 (2023): 183–96, https://doi.org/10.24269/ls.v7i2.6878.

Transactions (EIT Law), Law No. 27 of 2022 on Personal Data Protection, and other regulations related to digitalization. The conceptual approach is used to understand concepts and theories that form the theoretical foundation of this study, namely, responsive law theory. In this research, legal responsiveness is assessed through three indicators: (1) the degree of legal reform and adaptability to technological developments, (2) the extent to which laws reflect public interest and incorporate public participation, and (3) the openness and transparency of legal processes and institutions.[15]

The analysis is conducted through several procedural steps, including the identification of laws, policies, and legal documents relevant to the digital manipulation era; classification of legal provisions based on thematic areas such as data protection, cybercrime, and digital content regulation; and mapping of legal instruments using the responsive law indicators to evaluate adaptability, inclusiveness, and fairness. The study relies entirely on secondary data, comprising primary, secondary, and tertiary legal materials. These data were obtained through library research and analyzed using descriptive qualitative methods.[16] Deductive reasoning is applied, beginning with general theoretical constructs and moving toward the resolution of specific legal issues.

Discussion

The Legal Reality of Indonesia in Confronting the Digital Manipulation Era

1) Overview of Indonesian law in the Digital Manipulation Era

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) explicitly states that Indonesia is a state based on law. This constitutional provision affirms that Indonesia is founded upon the rule of law,

[15] Eko Nurisman and Antony Antony, "Unmasking Xenophobia: Exploring Anti-Chinese Sentiments in Indonesia through a Criminological Lens," *Journal of Judicial Review* 25, no. 1 (June 2023): 89, https://doi.org/10.37253/jjr.v25i1.7731.
[16] Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies," *Journal of Judicial Review* 24, no. 2 (November 2022): 289, https://doi.org/10.37253/jjr.v24i2.7280.

reflecting a civil law tradition influenced by the continental European legal system, particularly the concept of Rechtsstaat.[17] However, following the constitutional amendments, Indonesia no longer adheres purely to the Rechtsstaat concept. Instead, it has begun to incorporate elements of the Anglo-Saxon legal tradition, which is based on the common law system.[18] As a developing country, Indonesia's legal system continues to transform, seeking the most appropriate legal framework to adapt to evolving demands.[19]

The Dutch legal adage "Het Recht Hinkt Achter de Feiten Aan" conveys the idea that law, as a discipline, tends to lag behind the events it seeks to regulate. In reality, statutory law often appears powerless in addressing the rapid developments that arise over time, particularly those driven by technological advancement. This is indeed the inherent nature of law when confronted with the pace of innovation. The notion of law "lagging behind" refers to situations where written legal norms (positive law) become outdated and fail to fulfill the fundamental objectives of law: justice, legal certainty, and societal benefit.[20] The lag in the legal system is attributed to the dynamic evolution of social life, particularly during periods of disruption during the industrial and technological revolutions.

The disruptive period of the industrial and technological revolutions marks a cultural shift toward a fully digital era. However, this digital transformation simultaneously brings numerous negative impacts, presenting new challenges to human life.[21] These negative impacts have ushered humanity into a new era, the post-truth era, or the era of digital manipulation. The post-truth era can be

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[17] Diya Ul Akmal, "Legal Ideals: Mewujudkan Perlindungan Hukum Dalam Kerangka Negara Hukum," *Esensi Hukum* 7, no. 1 (August 2025): 18–27, https://doi.org/10.35586/esensihukum.v7i1.417.
[18] S Masribut Sardol, "Human Rights Arrangement on Indonesian Law," *Rechtsidee* 1, no. 1 (June 2014): 85–100, https://doi.org/10.21070/jihr.v1i1.105.
[19] Diya Ul Akmal, "Politik Reformasi Hukum: Pembentukan Sistem Hukum Nasional Yang Di Harapkan," *Jurnal Ilmiah Hukum Dan Keadilan* 8, no. 1 (March 2021): 21–35, https://doi.org/10.59635/jihk.v8i1.138.
[20] Yati Nurhayati, *Pengantar Ilmu Hukum*, ed. Irfani (Bandung: Penerbit Nusa Media, 2020).
[21] Kadek Mery Herawati, "Legal Challenges and Opportunities in the Digitalization Era," *Formosa Journal of Science and Technology* 4, no. 7 (July 2025): 2213–22, https://doi.org/10.55927/fjst.v4i7.189.

understood as a time when falsehoods masquerade as truth, and objective facts and realities are easily displaced by deceptive opinions that, through emotional and affective appeals, are widely accepted by the public in the digital age.[22]

As Joseph Goebbels once said, "A lie told once remains a lie, but a lie told a thousand times becomes the truth."[23] The post-truth era, or era of digital manipulation, has been further intensified by the emergence of artificial intelligence (AI). The advent of AI stands as concrete evidence of the advancement of human civilization in technology, bringing profound changes across various aspects of human life.[24]

Digitalization has brought numerous benefits, as evidenced by the increased efficiency it offers across all sectors of society. However, it has also introduced significant drawbacks, including the growing threat and increasing sophistication of cybercrime, which remains difficult to address. One of the emerging forms of cybercrime posing a serious threat to humanity in the era of Society 5.0 is known as deepfake.[25] In simple terms, deepfake technology manipulates a person's facial features, voice, and movements using machine learning algorithms to produce highly realistic content that never occurred in real life. Deepfake is an advanced technology that uses self-training algorithms to recognize patterns, enabling the imitation of a wide range of human activities through text, video, and audio.[26]

Initially, deepfake technology was used for benign purposes, such as creating parody videos or replacing an actor's face in specific film scenes. However, it has

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[22] Yan Su, "The Study of the Influence of Social Media on Post-Truth Era," in *Journal Atlantis Pres*, 2022, https://doi.org/10.2991/assehr.k.220504.100.
[23] Mahmud Ashari, "Ladang Ranjau Post Truth Dalam Medsos," Kementerian Keuangan Republik Indonesia, 2021.
[24] Nik Hynek, Beata Gavurova, and Matus Kubak, "Risks and Benefits of Artificial Intelligence Deepfakes: Systematic Review and Comparison of Public Attitudes in Seven European Countries," *Journal of Innovation & Knowledge* 10, no. 5 (September 2025): 100782, https://doi.org/10.1016/j.jik.2025.100782.
[25] Arief Wibowo, Yehu Wangsajaya, and Asep Surahmat, *Pemolisian Digital Dengan Artificial Intelligence*, ed. Rara Aisyah Rusdian (Depok: PT. Raja Grafindo Persada, 2023).
[26] Mansi Rehaan, Nirmal Kaur, and Staffy Kingra, "Face Manipulated Deepfake Generation and Recognition Approaches: A Survey," *Smart Science* 12, no. 1 (January 2024): 53–73, https://doi.org/10.1080/23080477.2023.2268380.

increasingly been misused, giving rise to a new form of cybercrime that is difficult to combat, ranging from fraud, extortion, and defamation to online gender-based violence (OGBV), particularly through the dissemination of pornographic content.[27] In fact, University College London, through its central body for future crime studies, identified deepfake technology as one of the most credible criminal threats arising from the use of artificial intelligence in its report titled AI-Enabled Future Crime.[28]

2) A Case Study of Deepfake in Indonesia

One notable case of deepfake misuse in Indonesia involved a well-known public figure, Nagita Slavina, who was allegedly the victim of a pornographic deepfake video. According to the police investigation, the video was confirmed to have been artificially generated using AI and subsequently distributed on social media platforms.[29] The misuse of deepfake technology has also become increasingly prevalent, particularly in Indonesia's digital financial services sector. Perpetrators have employed social engineering tactics by falsifying victims' voices and facial features to gain unauthorized access to financial accounts, apply for loans using stolen identities, exploit victims' credit cards, and ultimately cause significant financial harm for personal gain.[30] Moreover, in the lead-up to Indonesia's upcoming democratic event, the general election, deepfake technology poses a significant risk of being misused by certain actors to manipulate public opinion.[31] Deepfakes are

[27] Jawade Hafidz Arsyad, "Perlindungan Hukum Korban Kekerasan Berbasis Gender Online (KBGO) Dalam Hukum Positif Indonesia," *Jurnal Cakrawala Informasi* 2, no. 2 (December 2022): 26–41, https://doi.org/10.54066/jci.v2i2.241.
[28] I Gede Agus Kurniawan et al., "Utilitarianism Versus Communalism: A Legal Theory Analysis of Intellectual Property Rights Ethics in Global North and South," *Jambe Law Journal* 8, no. 1 (June 2025): 229–54, https://doi.org/10.22437/home.v8i1.450.
[29] Widayati Widayati, "Penegakan Hukum Dalam Negara Hukum Indonesia Yang Demokratis," *Pledoi (Jurnal Hukum Dan Keadilan)* 1, no. 1 (September 2022): 19–31, https://doi.org/10.56721/pledoi.v1i1.28.
[30] Wayan Zenitia Devi, "Implikasi Hukum Terhadap Penyalahgunaan Teknologi Deepkfake Untuk Pemerasan (Sextortion) Dalam Perspektif Hukum Teknologi Informasi Di Indonesia," *Majelis: Jurnal Hukum Indonesia* 3, no. 1 (February 2026): 102–14, https://doi.org/10.62383/majelis.v3i1.1504.
[31] Masabah Bint E. Islam et al., "AI Threats to Politics, Elections, and Democracy: A Blockchain-Based Deepfake Authenticity Verification Framework," *Blockchains* 2, no. 4 (November 2024): 458–81, https://doi.org/10.3390/blockchains2040020.

engineered to influence public perception and opinion about the reputations of political figures, particularly in the context of electoral competition.

Given Indonesia's status as a developing country, characterized by low levels of human resource capacity, high poverty rates, and significant disparities in regional infrastructure development, these socio-economic conditions have contributed to the emergence and entrenchment of the digital manipulation era in the nation.[32] The shifting social conditions in Indonesia, coupled with the nation's lack of preparedness for the current era of digital manipulation, have directly affected the development of legal instruments. Indonesia's lack of maturity in addressing the challenges of this era may hinder the growth and effectiveness of its positive law in fulfilling the fundamental objectives of law: justice, legal certainty, and societal benefit.[33] Law is, by its nature, expected to adapt and respond to the evolving needs of society. However, the current legal reality in Indonesia, as it enters the era of digital manipulation, remains in disarray or crisis. This condition is influenced by several key factors: (a) the slow pace of legal development and reform; (b) ineffective law enforcement; (c) overlapping or conflicting regulations; (d) inadequate legal adaptation to social change; (e) limited access to legal resources and justice; and (f) low levels of legal awareness among the public. The first factor, the slow pace of legal development in Indonesia, can be attributed to the protracted legislative process required for drafting and enacting statutory law (positive law).[34]

The stages of legal product formulation in Indonesia, as outlined in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), consist of five main phases: planning, drafting, deliberation, ratification, and promulgation. Each of

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[32] Burham Pranawa Abdul Aziz Pamungkas, Nanik Sutarni, "Legal Analysis of Deepfake Technology in Indonesia from the Perspective of Fair and Civilized Humanity," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 24, no. 1 (June 2025): 4562–74, https://doi.org/10.31941/pj.v24i2.6311.
[33] Salsa Octaviani Suryanto and Aji Mulyana, "Legal Challenges in Overcoming Changes in Social Behaviour Due to the Development of Technology and Information," *Golden Ratio of Law and Social Policy Review* 3, no. 2 (May 2024): 84–96, https://doi.org/10.52970/grlspr.v3i2.359.
[34] Annisa Hafizhah, "Navigating Legal Awareness in the Digital Era: Cultivating A Digital Culture in Indonesia," *Mahadi: Indonesia Journal of Law* 3, no. 01 (February 2024): 36–41, https://doi.org/10.32734/mah.v3i01.15417.

these stages incorporates the principle of transparency, as stipulated in Article 5 letter (G) of Law No. 12 of 2011 on the Formation of Laws and Regulations, in conjunction with Law No. 13 of 2022 as the Second Amendment to Law No. 12 of 2011 (Law on the Formation of Laws and Regulations). By definition, the lawmaking process is designed to actively involve the public in meaningful participation, allowing for the expression of aspirations and engagement in decision-making.[35]

In the context of public participation throughout the stages of lawmaking in Indonesia, several critical weaknesses persist, ultimately hindering the effective formulation of legal products. These include difficulties in determining which public inputs or aspirations should be prioritized in the legislative process, the ineffectiveness of checks and balances due to the suppression of criticism and the dominance of powerful coalitions, the absence of mechanisms for verifying the authenticity or factual urgency of legal needs within society, and a growing tendency to prioritize group interests over national interests. These and other issues continue to obstruct and delay the development and reform of national laws to align with society's dynamic needs.[36] Such conditions have resulted in the production of legal instruments that are insufficiently responsive to societal changes and needs. The second contributing factor is the ineffectiveness of law enforcement.

Even if the regulations or legal instruments have been properly revised and are substantively adequate, weak or ineffective law enforcement may render the law merely a formality, failing to produce any tangible impact or meaningful change within society.[37] Law enforcement actors, whether institutions or individual officers, are formally authorized to carry out their duties in accordance with

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[35] M Jeffri Arlinandes Chandra, Rofi Wahanisa, and Ade Kosasih, "Tinjauan Yuridis Pembentukan Peraturan Perundang-Undangan Yang Sistematis, Harmonis Dan Terpadu Di Indonesia," *Jurnal Legislasi Indonesia* 19, no. 1 (March 2022): 1–11, https://doi.org/10.54629/jli.v19i1.790.

[36] Annisa Sekaringtias, Brunilde Verrier, and Jennifer Cronin, "Untangling the Socio-Political Knots: A Systems View on Indonesia's Inclusive Energy Transitions," *Energy Research & Social Science* 95 (January 2023): 102911, https://doi.org/10.1016/j.erss.2022.102911.

[37] Dewandira Darruning Sripradnya Rahmaidha et al., "Systemic Failures In Promoting Legal Culture Of Intellectual Property Rights Among Indonesia's Creative Economy Actors," *Indonesia Private Law Review* 6, no. 1 (September 2025): 19–42, https://doi.org/10.25041/iplr.v6i1.4224.

applicable regulations. Sociologically, law enforcement holds a significant role in society. However, when those entrusted with upholding the law lack integrity or fail to adhere to ethical standards in their duties, it can have severe consequences, including the erosion of public trust in the legal system.[38] Concrete manifestations of ineffective law enforcement are frequently observed in society, particularly in the form of corruption, collusion, and nepotism. Ineffective law enforcement remains one of the most significant challenges currently confronting the Indonesian legal system.

According to Soerjono Soekanto, for law enforcement to function effectively, it is essential to educate and instill positive values in law enforcement personnel. This ensures that, in carrying out their duties, they remain aligned with legal and ethical standards and avoid deviation from the proper course.[39] Quoting Bernandus Maria Taverne (1874–1944), who once stated: "*Geef me goede rechter, goede rechter commissarissen, goede officieren van justitie, goede politieambtenaren, en ik zal met een slecht wetboek van strafprocesrecht het goede berijken*" (Give me good judges, good examining magistrates, good public prosecutors, and good police officers, and I will achieve justice even with a bad code of criminal procedure), the statement emphasizes that the quality of a legal system is not determined solely by the written law, but also by the integrity and conduct of the individuals who implement it.[40] Law, when entrusted to principled and competent enforcers, will function effectively; conversely, when administered by unprincipled or unethical actors, it is likely to be applied poorly and unjustly.

[38] H S Flora et al., "The Rule Of Law Corrupted By Law Enforcers: A Study Of Police Misconduct," *UNES Law …* 6, no. 4 (2024): 9814–24, https://doi.org/https://doi.org/10.31933/unesrev.v6i2.
[39] Burhanuddin Burhanuddin, Wahyuniar Wahyuniar, and Maskawati Maskawati, "Law Enforcement in the Perspective of Legal Sociology," *International Journal of Sociology and Law* 1, no. 3 (November 2024): 243–52, https://doi.org/10.62951/ijsl.v1i3.286.
[40] Wahyu Beny Mukti Setiyawan, I Gusti Ayu Ketut Rachmi Handayani, and Muhammad Rustamaji, "Testing the Flexibility of Pancasila as an Open Ideology in the Synergy of Designing the Law Enforcement Reform," 2021, https://doi.org/10.2991/assehr.k.211014.027.

3) Challenges in Enhancing the Responsiveness of Indonesian Law to Digital Manipulation

Another contributing factor lies in the current state of Indonesia's regulatory framework, which is concerning both in terms of quantity and quality. From a quantitative perspective, the country is experiencing overregulation. According to data from the Directorate General of Laws and Regulations at the Ministry of Law and Human Rights, as of 2022, Indonesia had issued 42,161 regulations. These include 4,000 central government regulations, 17,468 ministerial regulations, 15,982 regional regulations, and 4,711 regulations issued by non-ministerial government institutions (LPNKs), a number that continues to grow.[41]

The excessive number of regulations poses serious risks to regulatory quality and has led to disharmony, overlaps, and conflicts among legal provisions. This regulatory overproduction, often referred to as regulatory obesity, is driven by the assumption that every legal problem can be resolved solely by creating new regulations. In reality, legal issues are not always rigid in nature and may require alternative instruments or approaches for effective resolution.[42] The overwhelming quantity and poor quality of regulations in Indonesia have led to a range of legal complications, including regulatory conflicts, overlaps, ambiguous interpretations, violations of fundamental legal principles, ineffective legal instruments, the emergence of new legal burdens, and increased compliance costs. This critical regulatory dysfunction has produced a profound consequence: the law no longer functions as a sovereign authority ("panglima") but instead is reduced to a mere servant ("babu") to societal interests.

Another critical factor is the need for legal adaptation in response to social change. The ability of the legal system to adjust or its normative sensitivity to

[41] Monavia Ayu Rizaty, "Hari Konstitusi, Berapa Jumlah Peraturan Di Indonesia?," DataIndonesia.id, 2022.
[42] Sylvia Putri and David Tan, "Analisis Yuridis Perseroan Perorangan Ditinjau Dari Undang-Undang Cipta Kerja Dan Undang-Undang Perseroan Terbatas," *UNES Law Review* 4, no. 3 (March 2022): 317–31, https://doi.org/10.31933/unesrev.v4i3.239.

transformations occurring within society is a concrete and essential process that must be carefully monitored. This necessity arises from the cause-and-effect relationship between social and technological changes and the emergence of social problems. Legal adaptation fundamentally begins with the emergence of these social problems, followed by the creation of societal gaps, and then by efforts to address them. Social change encompasses several key components, including demographic shifts, technological advancements, changes in social structure, and cultural transformation.[43] Population dynamics are closely linked to a society's capacity for self-development. A smaller population generally correlates with fewer social changes, whereas a larger population tends to accelerate the pace and complexity of social transformation. This is particularly evident in Indonesia, a nation with a vast and diverse population that experiences significant social change and increasingly complex societal problems.[44]

Social change is also significantly influenced by technology, which reshapes societal structures by affecting the education system, social stratification, and public awareness, thereby advancing various spheres of life. Another critical factor is the limited access to law and justice. The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) embodies the principle of equality before the law, as stated in Article 27 paragraph (1), which affirms that all citizens are equal before the law and the government, and must uphold both without exception. This implies that everyone must be treated equally and fairly under the law.[45] In addition to being enshrined in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), Rocky Gerung argues that the constitutional right to access law and justice is also inherently reflected in the Fifth Principle (Sila Kelima) of Pancasila: "Social justice

[43] Izzy Al Kautsar and Danang Wahyu Muhammad, "Sistem Hukum Modern Lawrance M. Friedman: Budaya Hukum Dan Perubahan Sosial Masyarakat Dari Industrial Ke Digital," *Sapientia Et Virtus* 7, no. 2 (October 2022): 84–99, https://doi.org/10.37477/sev.v7i2.358.
[44] Eko Harry Susanto, *Komunikasi Dan Gerakan Perubahan (Kemajemukan Dalam Konstelasi Sosial, Ekonomi, Politik)* (Jakarta: Mitra Wacana Media, 2016).
[45] M. Farrel Firdiansyah Putra and Ghunarsa Sujatnika, "Equality Before The Law In Regional Head Election Trials," *Cepalo* 8, no. 2 (October 2024): 113–22, https://doi.org/10.25041/cepalo.v8no2.3610.

for all Indonesian people." This principle also embraces the concept of equality before the law, not in the sense that all individuals are identical before the law, but rather that the law must be accessible to individuals of differing circumstances. Simply put, the law must be equally accessible in practice to people with different social, economic, or cultural backgrounds.[46]

In reality, Indonesia continues to experience significant disparities in the application of the law, particularly in ensuring equitable access to legal remedies and justice. These disparities are driven by factors such as high legal costs, procedural complexity, geographical barriers, and discriminatory law enforcement. Another pressing issue is the low level of legal awareness among the public. This deficiency is influenced by various factors, including educational attainment, mindset and behavior, economic conditions, and others. In the era of digital manipulation, limited legal awareness has rendered the law ineffective as public noncompliance grows. The greater the public's legal awareness, the higher the level of compliance with the law. Conversely, lower legal awareness leads to increased disobedience and disregard for legal norms.[47] The advancement of technology over time not only demands digital literacy from users but also requires them to possess legal awareness when using it. Taken as a whole, the existing challenges demonstrate that Indonesia's legal system remains inadequate in addressing the complexities of the digital manipulation era. This underscores the urgent need for substantial legal reform involving all relevant stakeholders.

Legal Reform in Indonesia in Confronting the Digital Manipulation Era from a Responsive Legal Theory Perspective

The legal challenges currently faced by Indonesia in the digital manipulation era reflect a broader systemic crisis, particularly within the legal sector. While the

[46] Ria Safitri et al., "Edukasi Hukum Melalui Media Sosial Bagi Generasi Z," *Jurnal Citizenship Virtues* 2, no. 2 (September 2022): 377–85, https://doi.org/10.37640/jcv.v2i2.1517.
[47] Muhammad Fauzan Zein, "Pentingnya Mentaati Dan Meningkatkan Kesadaran Hukum Di Masyarakat," *Nomos : Jurnal Penelitian Ilmu Hukum* 3, no. 2 (April 2023): 71–75, https://doi.org/10.56393/nomos.v3i2.1489.

law is expected to provide justice, certainty, and utility for society, these ideals have not yet been fully realized in practice. Existing legal frameworks remain inadequate for effectively addressing the complex problems arising in the digital manipulation era. Yet the law is expected to serve as the primary instrument for resolving and addressing such emerging issues.[48] There is a well-known legal maxim, *lex semper dabit remedium*, which means "the law will always provide a remedy." This principle emphasizes the role of law as a constructive guide, a problem-solver, and a mechanism for realizing the core values of justice, legal certainty, and societal benefit.[49] Therefore, the legal framework used to address the challenges of the digital manipulation era must be highly sensitive to societal needs and not rigid in its application.

Indonesia's current legal system requires a comprehensive modern legal breakthrough to address the state's inability to effectively confront the challenges of the digital manipulation era. To develop modern legal instruments that are both highly responsive and aligned with societal developments, a legal theory capable of offering practical solutions is essential, particularly in the context of Indonesia's digital transformation. One theory that demonstrates both sensitivity to social change and alignment with societal dynamics is responsive law.[50] The theory of responsive law, introduced by Nonet and Selznick, aspires for every legal product to embody a high level of sensitivity and be in harmony with the evolving dynamics of

[48] Muhammad Bahram, "Transformasi Masyarakat Di Era Digital: Menjaga Kaidah Sebagai Landasan Utama," *SENTRI: Jurnal Riset Ilmiah* 2, no. 5 (May 2023): 1733–46, https://doi.org/10.55681/sentri.v2i5.884.
[49] Putu Gde Nuraharja Adi Partha, Putu Lia Puspita, and Dominikus Rato, "Ideal Concept In The Implementation Of Legal Philosophy In The Perspective Of Sociological Jurisprudence In Indonesia," *Journal of Law, Politic and Humanities* 4, no. 3 (April 2024): 364–72, https://doi.org/10.38035/jlph.v4i3.371.
[50] Mochammad Tanzil Multazam and Aan Eko Widiarto, "Digitalization of the Legal System: Opportunities and Challenges for Indonesia," *Rechtsidee* 11, no. 2 (December 2023), https://doi.org/10.21070/jihr.v12i2.1014.

society. In their seminal work, Nonet and Selznick emphasize that law should function as a facilitator that responds to societal needs and aspirations.[51]

Responsive legal theory asserts that legal instruments must evolve in tandem with societal developments, particularly in response to advances in information and communication technologies. Legal policies should align with public needs and encourage inclusive participation, recognizing all individuals as equal legal subjects regardless of their background. Thus, law enforcement should not merely be a matter of formal compliance, but must also deliver justice, legal certainty, and social utility, core principles that constitute the spirit of law enforcement. This view aligns with Satjipto Rahardjo's assertion that "law exists for humans, not humans for the law." In the Indonesian legal context, responsive legal theory can coexist harmoniously with the progressive legal spirit, ultimately emphasizing that law is not solely about regulatory structures but must also embody ideas, culture, and ideals.[52] Responsive law distinguishes itself from other legal models through its unique characteristics rooted in sociological jurisprudence. It adopts a philosophical approach that emphasizes designing and developing socially relevant legal products grounded in community realities.

From the perspective of responsive legal theory, Indonesia's legal instruments addressing the challenges of the digital manipulation era must incorporate several key elements. These include legal reform, legal flexibility, justice based on public interest, public participation, openness, and transparency.[53] Legal reform is essential to ensure legal certainty, particularly in protecting and enforcing the law for society in the current era of digital manipulation. Responsive legal reform means that, no matter how advanced the technology driving societal change becomes, the

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[51] Antasari, "Telaah Terhadap Perkembangan Tipe Tatanan Hukum Di Indonesia Perspektif Pemikiran Nonet-Selznick Menuju Hukum Yang Berkeadilan."
[52] Faishal Taufiqurrahman, Efendi Ibnususilo, and Monika Melina, "Pergeseran Penegakan Hukum Yang Positivistik Menuju Ke Penegakan Hukum Yang Progresif," *Journal Equitable* 8, no. 1 (February 2023): 159–83, https://doi.org/10.37859/jeq.v8i1.4450.
[53] Kendry Tan and Hari Sutra Disemadi, "Politik Hukum Pembentukan Hukum Yang Responsif Dalam Mewujudkan Tujuan Negara Indonesia," *Jurnal Meta-Yuridis* 5, no. 1 (March 1, 2022): 60–72, https://doi.org/10.26877/m-y.v5i1.8803.

law must remain present and serve as a protective shield for the public. As both a response and a solution to the evolving complexities of the digital manipulation era in Indonesia, there is an urgent need to formulate a modern, responsive legal framework that effectively serves the interests of Indonesian society.

Legal reform must accommodate all forms of digital activity within society, with the aim of establishing responsive legal norms that shape public behavior. Such reform should not be confined to a purely legal-positivist framework, but rather should reflect the dynamic relationship between law and the evolving digital realities of the community.[54] Although legal realities are often perceived as lagging behind societal developments and needs, the law still possesses the capacity to regulate and serve as a driving force for social change. On the other hand, the flexibility of Indonesia's legal system must receive special attention and be significantly enhanced to prevent national laws from becoming rigid, overly formalistic, and inflexible, particularly in the face of rapid technological change. Laws that have traditionally been constructed based on principles such as legality, territoriality, and others also influence the adaptability of the legal system. In an increasingly pragmatic legal landscape, flexibility becomes essential to effectively accommodate the complex and evolving challenges of modern society.

Legal flexibility is crucial to maintaining a healthy and relevant legal system, particularly in confronting the increasingly sophisticated challenges of the digital manipulation era.[55] However, it is equally important to maintain a balance between legal flexibility and legal certainty to avoid creating ambiguity within the law itself. Furthermore, in addressing the challenges of the digital manipulation era, Indonesian law must prioritize justice based on the public interest. Public interest–based justice emphasizes the principles of social welfare and collective benefit over

[54] Yenny Aman Serah et al., "Raising Public Legal Awareness in the Digital Age: Global Practices and Indonesia's Path Forward," *Journal of Law and Legal Reform* 6, no. 1 (March 2025): 209–38, https://doi.org/10.15294/jllr.v6i1.19654.
[55] Dino Febriansyah Sitorus and Ayu Trisna Dewi, "Eksistensi Filsafat Hukum Di Era Digitalisasi Hukum Modern," *Warta Dharmawangsa* 17, no. 1 (February 2023): 363–69, https://doi.org/10.46576/wdw.v17i1.2949.

individual or group interests.[56] The principle of public interest–based justice requires that decision-making processes be conducted openly and transparently for the benefit of all members of society. The primary goal of such justice is to enhance public welfare. Furthermore, within the framework of responsive legal theory, public participation signifies that all segments of society must be afforded broad opportunities to engage in the lawmaking process by offering critiques, suggestions, and input, thus ensuring that legal products reflect the collective aspirations and needs of the people.

According to Hadjon, without public participation, the government cannot effectively carry out its duties and functions.[57] Public participation is fundamentally important and upholds democratic values. As a crucial foundation for the formulation of legal instruments, public involvement offers several advantages, including enhancing the effectiveness of legal enforcement, increasing the legitimacy and quality of legal products, improving the likelihood of successful implementation, and fostering voluntary public compliance with the law.

Over time, public participation has become a key pillar in realizing the concept of a responsive rule of law, one that does not solely emphasize procedural justice but also prioritizes the public interest. According to Thohari, responsive law can be achieved by internalizing values derived from society's evolving aspirations and incorporating them into legislative drafts.[58] Creating ample space for public participation is a fundamental prerequisite for developing responsive legal products. In addition, realizing a responsive legal framework requires a strong commitment to transparency and openness from all relevant stakeholders.

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[56] Sepriyadi Adhan S, Ati Yuniati, and Anggun Nurfani, "Legal Reformulation of Banking Consumer Protection: Building A Justice-Oriented Regulatory System," *Litigasi* 26, no. 1 (April 2025): 546–64, https://doi.org/10.23969/litigasi.v26i1.19270.

[57] Syahrul Ibad, "Hukum Administrasi Negara Dalam Upaya Penyelenggaraan Pemerintahan Yang Baik," *HUKMY : Jurnal Hukum* 1, no. 1 (April 2021): 55–72, https://doi.org/10.35316/hukmy.2021.v1i1.55-72.

[58] Prakoso Prakoso, Fathur Rokhman, and Eko Handoyo, "Pancasila as a Foundation for Legal Reform: Evaluating the Impact of Civic Education on Indonesian Legal Systems," *Journal of Law and Legal Reform* 5, no. 3 (October 31, 2024): 1429–68, https://doi.org/10.15294/jllr.v5i3.16498.

Given the realities of Indonesian law in the era of digital manipulation, the main criticism is its inability to respond swiftly to emerging social problems. Social changes driven by this phenomenon require a modern, responsive legal framework to achieve social justice. To prevent the law from remaining purely normative, measurable, institution-based reforms are required. Such reforms can be led by key institutions, including the Ministry of Law and Human Rights, the Supreme Court, the Legislative Body of the House of Representatives (DPR RI), and the Ministry of Communication and Informatics, with support from the Information Commission and the Personal Data Protection Commission. The principles of responsive law can be implemented through practical measures, such as amending the Electronic Information and Transactions Law (EIT Law) and the Personal Data Protection Law (PDP Law), and establishing a National AI Ethics and Compliance Framework to regulate digital manipulation technologies, such as deepfakes. In addition, adaptive clauses should be incorporated into regulations to allow periodic updates in line with technological developments, and public consultation mechanisms should be mandated for every digital regulation. Public participation should also be institutionalized through digital legislative platforms that enable online public input. Transparency can be enhanced through a national regulatory portal that provides access to draft regulations, impact analyses, and legislative schedules. With these strategies, Indonesian law will not only move beyond normative ideals but also deliver concrete, effective solutions to the challenges posed by the digital manipulation era.

Conclusion

Indonesia's legal framework in the digital manipulation era remains underdeveloped and faces fundamental challenges, reflecting a broader crisis across various sectors, particularly in law. The legal system's inability to respond swiftly to technological advancements underscores the need for a framework that is responsive to social change. Responsive law theory is highly relevant for

implementation, as it incorporates modern legal principles such as regulatory reform, flexibility, justice based on public interest, public participation, and transparency. Nevertheless, this study is limited by its normative nature and lack of empirical verification, indicating that the practical effectiveness of responsive law in the Indonesian context requires further field testing.

Based on these findings, several strategic recommendations are proposed. First, policy priorities should focus on revising and harmonizing digital regulations, including amendments to the Electronic Information and Transactions Law (EIT Law) and the Personal Data Protection Law (PDP Law), and on developing a National AI Ethics and Compliance Framework to govern digital manipulation technologies such as deepfakes. Second, legal education reform and the enhancement of digital legal literacy for law enforcement, policymakers, and the public are essential to strengthen implementation capacity. Third, periodic legislative audits based on responsive law indicators should be institutionalized to ensure that regulations remain relevant to technological developments. For future research, it is recommended to conduct empirical testing of responsive law implementation in law enforcement and to develop adaptive legislative design models that anticipate the risks of digital technologies. Through these measures, Indonesian law can not only overcome its current shortcomings but also become a strategic instrument for managing both risks and opportunities in the era of digital manipulation.

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