

## Legal Products and Political Configuration in Post-Amendment Indonesia: Narratives, Actors, and the Influence of the Digital Society

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### Abstract

This research discusses the dynamic relationship between political configuration, the character of legal products, and the role of the digital society in Indonesian legal politics post the Fourth Amendment of the 1945 Constitution of the Republic of Indonesia. Two classical views on the relationship between law and politics, between law as a social controller and law as a product of societal dynamics, serve as a foundation for understanding contemporary realities. Mahfud MD's findings on the relationship between political configuration and the character of legal products indicate that political changes have direct consequences on the orientation of the regulations that emerge. However, this study highlights that the current political configuration is no longer solely determined by elites and formal structures, but also by a new force: the digital society. The emergence of actors such as influencers, online activists, and political buzzers marks a shift in the way the public participates and influences the course of legislation. On the other hand, the open digital space also presents threats in the form of polarization, disinformation, and digital oligarchy. Through a qualitative approach and literature study, this research finds that Indonesia's legal politics today are becoming increasingly complex, full of challenges, but also hold new hope for broader and more meaningful public participation. The implications of this study emphasize the importance of adaptive legal reforms, paying attention to digital dynamics, and strengthening media ethics as part of the Indonesian legal political ecosystem that upholds decency.

**Keywords:** *Legal Products; Political Configuration; Amendments; Digital Society*



## Introduction

There are two prevailing perspectives on the causal relationship between law and politics. The first comes from idealist thinkers, who generally approach the issue from a *das sollen* (normative) standpoint. According to Roscoe Pound, the notion of "law as a tool of social engineering" forms the basis of this perspective (Soekanto, 1985). This view asserts that law should be capable of directing and shaping societal development, including its political dimensions. It is therefore reasonable, from an ideological standpoint, that proponents of this view position law as the guide and determinant of a society's trajectory, since law is fundamentally intended to ensure order and protect the interests of the community. The second perspective is rooted in the thought of Von Savigny, who argued that law evolves in accordance with the development of society—it grows and decays with it (Aditya, 2019).

According to Satjipto Rahardjo, when observing the relationship between the legal subsystem and the political subsystem, it becomes apparent that politics concentrates more energy, rendering law relatively weak (Arifin, 2022). Furthermore, Sri Sumantri likens the relationship between law and politics in Indonesia to a train that has derailed. If law and politics are seen as railway tracks, both often deviate from their intended paths. The phrase "law without power is a dream; power without law is tyranny" remains rhetorical in expressing the ideal that politics should reinforce and collaborate with law. This is especially relevant in Indonesia, where many believe that law is equated with power, as legal products often reflect the will of those holding political authority (Pratama, 2024).

Mahfud MD's findings also indicate that the characteristics of certain legal products are influenced by specific political structures. Moreover, Mahfud categorizes the independent variable (political configuration) and the dependent variable (the nature of legal products) into two dichotomous poles in his research. Political configurations may be democratic or authoritarian, while legal products may be classified as orthodox, conservative, or repressive. These findings are further elaborated by dichotomizing the two variables: a democratic political system tends to

produce responsive or autonomous legal products, whereas an authoritarian system tends to produce conservative, orthodox, or repressive legal outcomes (Mahfud, 1998).

Indonesia's political constellation underwent significant transformation following the Fourth Amendment to the 1945 Constitution of the Republic of Indonesia, marked by the establishment of a multiparty system, the strengthening of representative institutions, and the decentralization of governance (Noor, 2012). However, the legislative process does not always reflect ideal democratic principles. There exists a persistent tension between political interests, public participation, and the quality of legal products—as illustrated by controversial cases such as the enactment of the Omnibus Law on Job Creation, the revision of the Corruption Eradication Commission (KPK) Law, and the Criminal Code Bill (RKUHP), all of which faced substantial public opposition. In addition, the advancement of information technology has given rise to a digital society that actively monitors and influences the legislative process through e-petitions, viral online movements, and social media platforms (Aichholzer & Rose, 2020). This development signals the emergence of new actors and channels in Indonesian legal politics that warrant further academic exploration.

According to Mahfud MD (1998), the characteristics of legal products are closely correlated with the prevailing political configuration. His study categorizes political configurations into authoritarian or democratic types. Meanwhile, research conducted by (Wignjosoebroto, 2002) and (Hermanto et al., 2024) indicates that post-Reformasi legal politics in Indonesia tend to prioritize elite interests, often accompanied by low levels of public participation. More recent studies, such as those by Asimakopoulos et al. (2025) and Unver (2017), suggest that digitalization enables greater public engagement, yet it also increases vulnerability to information manipulation and the mobilization of particular political interests. However, existing scholarship tends to focus primarily on macro-level political configurations, often neglecting how digital society shapes the form and procedures of contemporary legal products.

To date, there remains a significant gap in research that holistically integrates the narrative of political configuration, the nature of legal products, and the influence of digital society within a unified analytical framework – particularly in the context of post-Fourth Amendment Indonesia (UUD NRI 1945). Most prior studies remain within the dichotomy of democratic versus authoritarian state frameworks, without tracing how legal products are conceived, evolve, and transform within an increasingly digitized sphere of political communication.

Moreover, public participation in the legislative process is still predominantly understood in conventional terms, such as elections or street protests. In reality, a new form of social power has emerged: the digital society. This group actively voices opinions, influences, and even pressures policymakers through social media platforms, e-petitions, and large-scale online movements. Yet, fundamental questions remain unanswered in much of the existing literature: Who are these digital actors? What narrative patterns do they construct? And to what extent can they shape the substance of legal products? These are critical areas that remain underexplored. Addressing these questions is essential if the study of Indonesian legal politics is to reflect the pulse of the times and the dynamic shifts in social engagement in the digital era.

## Method

This study aims to examine the characteristics of legal products within the political configuration of post-Fourth Amendment Indonesia (UUD NRI 1945), by taking into account the narratives, actors, and influence of the digital society as a new form of social power. To achieve this, the research employs a qualitative approach using a literature study (library research) method, which is intended to build an in-depth understanding of the social, political, and legal contexts surrounding the phenomenon under investigation (Halperin & Heath, 2020).

As articulated by Joseph A. Maxwell, qualitative research focuses on efforts to understand meaning, explore particular contexts, identify unexpected influences, and trace the processes within a given phenomenon (Maxwell, 2008). In the context of this study, such an approach is essential for analyzing how the political configuration

following the Fourth Amendment has shaped the emergence of specific legal products, and how the digital society constructs discourse, applies pressure, and even intervenes in the legislative process. This research seeks to identify and map the major narratives developing within the formation of legal products in the reform era, including the roles of political and digital actors who participate in shaping public opinion and influencing legal decision-making.

Furthermore, the study explores a range of literature, regulations, policy documents, and digital data (such as e-petitions and social media mobilization) to understand how the characteristics of legal products are formed within the context of contemporary politics and society. This research goes beyond textual and document analysis to capture the socio-political dynamics that thrive within the digital society. Therefore, the findings are expected to provide a comprehensive understanding of the relationship between political configuration, legal products, and the influence of the digital society in Indonesia's contemporary legal politics.

## **Discussion**

### **The Political Configuration of the Early Reform Era**

After 32 years of New Order leadership, on May 21, 1998, President Soeharto officially resigned from his position. His resignation came in the wake of nationwide student demonstrations, driven by the severe decline in Indonesia's socio-economic conditions at the time. Subsequently, the presidency was handed over to B. J. Habibie, who had previously served as Vice President. In the aftermath of the New Order regime, Indonesian society voiced a number of demands to restructure the constitutional and political order (Hisyam, 2025). These demands included: (a) the amendment of the 1945 Constitution; (b) the abolition of the dual function of the Armed Forces (Dwifungsi ABRI); (c) the enforcement of the rule of law, respect for human rights, and eradication of corruption, collusion, and nepotism (KKN); (d) decentralization and fair relations between the central and regional governments; (e) the realization of press freedom; and (f) the strengthening of democratic freedoms. Following President B.J. Habibie, subsequent presidents have included K.H.

Abdurrahman Wahid, Megawati Soekarnoputri, Susilo Bambang Yudhoyono, Joko Widodo, and most recently, Prabowo Subianto.

During the Reform Era, constitutional reinforcement became a central agenda, serving as the foundation for subsequent legislation. The 1945 Constitution underwent four consecutive amendments in 1999, 2000, 2001, and 2002. As part of this constitutional reform, the People's Consultative Assembly (MPR RI) ceased to hold the status of the highest state institution. Instead, all state institutions were placed on an equal footing, emphasizing the importance of a checks-and-balances system among branches of government (Jimly Asshiddiqie, 2021). Additionally, several new state institutions were established, one of the most prominent being the Constitutional Court. Among its key powers is judicial review of statutory laws against the Constitution (Gardbaum, 2014).

Bureaucratic reform also became a major focus during the Reform Era. Today, each region is granted the authority to develop its own potential through regional autonomy (Turner et al., 2022). The objective is to improve regional welfare and empower local communities. Given Indonesia's vast human and natural resources, each region is expected to utilize all available assets—natural resources, human resources, culture, and traditions—while fostering regional and national pride.

Mahfud MD argues that law, as a product of politics, is profoundly shaped by political change. Public law—particularly constitutional law—was directly revised following the collapse of Soeharto's New Order regime. Many political laws from the New Order were immediately altered to remove authoritarian assumptions and political violence (Hendrianto, 2016). The concept of political reform refers to a gradual process of transformation across all aspects of political life, aimed at creating a more democratic political system that upholds popular sovereignty, freedom, equality, and justice. The term "gradual" here distinguishes reform from revolution (Hadi, 2015).

### **Legal Products in the Reform Era**

From the perspective of the legal system that has evolved up to the Reform Era—structurally, substantively, and in terms of legal culture—it is evident that this

framework facilitates the evaluation of both the conceptual and practical dimensions of law (Budianto, 2016). In a simple case, during the early months of 1998 (January to May) – a politically crucial period – the legitimacy of the general election results could not be guaranteed legally due to the malfunctioning of the legal system. This, in turn, affected the legal legitimacy of President B. J. Habibie's administration. The Development Reform Cabinet was formed toward the end of this period but did not last long. The 1999 general elections were held approximately thirteen months later. Despite some shortcomings, it was the second democratic election following the inaugural one in 1955. One and a half years into his presidency, President B. J. Habibie was forced to step down after his accountability speech was rejected by the People's Consultative Assembly (MPR) during its General Session on October 19, 1999. While no regulation prohibited a president whose speech was rejected from running again, there was no assurance of re-election after the MPR's rejection (Santoso & Budhiati, 2021).

Following the Proclamation of Independence, Indonesia faced a dilemma in choosing a national legal system: whether to adopt the colonial legal system with its inherent complexities, or the indigenous legal system with all its diversity. Initially, national figures attempted to develop an Indonesian legal system free from colonial legal doctrines. However, in practice, the realization of this aspiration proved far more complex than anticipated in strategic doctrinal models (Butt, 2014). According to Daniel S. Lev, after independence, Indonesian lawyers and scholars favored the continuation of the European-style legal system implemented during the colonial period. This inclination was partly due to the difficulties associated with the diversity of indigenous legal traditions, which were often unwritten and lacked explicit formulation. Moreover, the established colonial legal order – with its administrative structure, procedures, doctrinal foundations, and professionalized enforcement mechanisms – had already formed a robust system that could not be easily dismantled or replaced overnight (Frenki, 2023).

Additionally, many architects of the national legal system were experts trained in Dutch legal traditions, despite claiming to represent customary or Islamic legal

values. As such, they were to some extent influenced in their thinking and behavior by these traditions. They continued to act in accordance with the strong Dutch East Indies legal framework that remained valid due to transitional provisions. Nonetheless, it would be inaccurate to suggest that Indonesian legal scholars had no intention of eliminating colonial legal structures. Rather, the challenge lay in the complexity and entrenched nature of the colonial legacy, which posed significant obstacles to comprehensive legal transformation (Frenki, 2023).

### **Amendment of the 1945 Constitution of the Republic of Indonesia**

At the onset of the Reform Era, demands for reform surged and gained traction among various elements of Indonesian society, including students and youth. One of the key demands was the amendment of the 1945 Constitution of the Republic of Indonesia. The call for constitutional reform during this period represented a fundamental breakthrough, as any form of amendment to the Constitution had been discouraged under the previous regime (Azmi, 2014). Eventually, the Indonesian nation came to regard constitutional amendment as a collective necessity. It was widely acknowledged that the 1945 Constitution required substantial changes, particularly in the domain of state governance. The People's Consultative Assembly (MPR) holds the exclusive authority to amend and enact the 1945 Constitution, which is the supreme legal document in the hierarchy of Indonesian legislation. Through four amendment sessions held between 1999 and 2002, the MPR implemented a series of comprehensive, gradual, and systematic changes to the Constitution (Azmi, 2014).

In the context of the current Reform Era and in anticipation of future legal frameworks, it has become increasingly clear that parts of the 1945 Constitution require refinement. The demand for "amendment"—rather than wholesale "replacement"—has thus emerged as an inescapable reformist imperative. Historically, the 1945 Constitution was drafted as a provisional document under time constraints, and thus lacked coverage of many essential constitutional matters. Given the evolving societal and political needs, the idea of constitutional revision can no longer be ignored (Budhiati, 2020).



Moreover, during the 32-year reign of the New Order regime, the Constitution was subject to systematic abuse and manipulation. The regime “sacralized” the Constitution, treating it as an immutable document. Proposals for change were often met with anxiety and fear, resulting in the imposition of mechanisms designed to obstruct reform—such as the introduction of a “referendum system” and the enactment of MPR decrees aimed at preserving the political will of the ruling elite and discouraging members of the MPR from initiating constitutional changes (Hutagalung, 1999).

### **A New Narrative in Indonesia’s Legal Politics**

The constitutional amendments in Indonesia’s national history have brought about fundamental changes in the formulation of national legal development. These transformations are rooted in the country’s political shifts, oscillating between democratic and authoritarian political configurations. In line with these political transitions, the character of legal products has also undergone significant change. Political reform has not only altered statutory laws but has also affected higher-order legal instruments such as the People's Consultative Assembly (MPR) Decrees and the 1945 Constitution. The amendment of the 1945 Constitution was a key agenda of the reform movement. At that time, there was a strong intellectual current—led by academic institutions and democracy activists—arguing that constitutional reform was essential to achieving broader political reform. One of the major implications of the constitutional amendment was the restructuring of state institutions, including the repositioning of the MPR, which resulted in the revocation of its authority to issue the Broad Outlines of State Policy (GBHN) (Ratnaningsih, 2016).

Prior to the amendments, the 1945 Constitution granted excessive power to the executive branch (executive-heavy) without a clear limitation of authority or a functional system of checks and balances among state institutions (Ratnaningsih, 2016). Following the fourth amendment of the 1945 Constitution, institutional reforms were introduced to promote equilibrium among the branches of government, enabling them to perform mutual oversight in accordance with their respective roles and

functions. Post-amendment, the 1945 Constitution of the Republic of Indonesia normatively aspires to embody four key principles in every legal product: the protection of human rights, the separation of powers, the rule of law, and the existence of administrative justice. These principles align with the legal state theory proposed by Friedrich Julius Stahl, which posits that these elements are essential to the foundation of a *Rechtsstaat*, or state governed by law (Ratnaningsih, 2016).

The post-reform narrative of Indonesia's legal politics does not stop at the restructuring of institutional frameworks or the emergence of new legal products. More fundamentally, the reform era has brought renewed hope for segments of Indonesian society long marginalized in the political decision-making process. Public participation has become more accessible, the voice of the people increasingly audible, and freedom of expression has gained its rightful space (Freedman & Tiburzi, 2012). Citizens are no longer merely the objects of policy but are beginning to transform into subjects with the right to critique, propose, and even influence the direction of public policy.

On the other hand, the trajectory of Indonesia's legal politics over the past two decades has not been without obstacles. Despite the widening of democratic space, persistent challenges remain, including transactional politics, entrenched corruption, and unequal access to justice (Ratnaningsih, 2016). At times, newly enacted laws serve the interests of particular groups and fail to uphold the principles of substantive justice (Butt, 2014). This suggests that legal reform alone is insufficient without a corresponding transformation in legal culture and a moral commitment from those in power.

Nonetheless, change is a continuous process that requires both time and consistency. The emergence of a younger, legally literate generation – critical of state policies – offers a glimmer of hope for the future of Indonesia's legal politics. These youths are active not only through street demonstrations but also in digital spaces, monitoring governance and fostering legal awareness in society. In this era of information transparency, the power of the people is increasingly tangible, and the

law is once again being reclaimed as a tool in the struggle to realize a shared ideal: social justice for all Indonesians.

### **Actors in the Political Configuration of Post-Reform Indonesia**

In the post-reform political configuration, dominance by a single actor – as seen during the New Order – has given way to fragmentation and diversification. This shift has become a defining feature of Indonesia's contemporary political landscape (Freedman & Tiburzi, 2012). Political parties, civil society organizations, media outlets, polling institutions, and independent bodies now play significant roles in shaping public discourse and influencing policy-making. The role of civil society has become increasingly prominent, serving as a mechanism of social control over state power (Rusfiana & Kurniasih, 2024). Student movements, NGOs, and public intellectuals have actively safeguarded democratic processes and advocated for more transparent and accountable governance. In addition, the involvement of religious and customary leaders in policy discussions reflects the plurality of actors that enrich Indonesia's democracy.

Following the reform era, political dynamics have become more fluid and heterogeneous. Public disagreements, open debates, and competing interests are now integral to a maturing democratic system. No single power bloc exclusively determines the nation's direction. The public has begun to realize that politics is not the exclusive domain of elites; it is a participatory arena in which the voices of marginalized communities – if properly expressed – can exert significant influence (Harefa & Fatolosa Hulu, 2020). Amid the rise of civil society, many young people no longer exhibit political apathy. Their engagement is not solely power-driven; rather, they are driven by ideals and a desire for transformation (Harefa & Fatolosa Hulu, 2020). This generation has become a catalyst for moral movements advocating transparency, justice, and pro-people policies, utilizing community networks, social media, and social action. They believe that political leaders must not only act out of necessity but also ensure that policy outcomes genuinely address public needs.

Furthermore, the participation of religious and traditional figures in post-reform legal politics adds a distinctive character to Indonesian democracy. Today, the country's political identity is shaped through dialogues between local values, religious principles, and contemporary legal frameworks (Bourchier, 2019). Although tensions occasionally arise, spaces for mutual listening and constructive resolution remain open. This serves as vital social capital for sustaining democracy in Indonesia – not merely as a system of governance, but as a culture grounded in pluralism and human dignity.

### **The Impact of the Digital Society on Politics and Legal Products**

The advent of the digital era has profoundly reshaped the political landscape of Indonesia (Alvin, 2022). The emergence of the digital society has had a direct impact on political communication patterns, citizen participation, and legislative processes. Social media platforms such as Twitter, Instagram, and Facebook have become new arenas for political contestation and the shaping of public opinion (Alvin, 2022). The virality of issues, the influence of buzzers, and digital mobilization have disrupted conventional patterns formerly dominated by political elites.

This phenomenon accelerates public deliberation and compels political actors to respond more swiftly to public demands. On the other hand, the digital era also opens space for polarization, disinformation, and identity politics, which, if left unregulated, can undermine the quality of democracy (Alvin, 2022). Legal products in the post-amendment era have adapted to these developments. The enactment of the Electronic Information and Transactions Law (UU ITE) – despite its controversies – represents one of the state's responses to the dynamics of the digital society. Moreover, regulations on elections and political parties now more specifically govern digital campaigning and social media usage.

Concurrently, the digital society has introduced new actors into Indonesian politics. Influencers, digital activists, and independent journalists have become key figures capable of shaping public opinion on a massive scale. They serve as intermediaries between citizens and powerholders, accelerating the delivery of

criticism while also offering solutions. This dynamic compels the state to continually revise legal frameworks to regulate the digital sphere fairly—providing legal protections without suppressing freedom of expression. In this context, the law must be capable of keeping pace with the spirit of the times, without losing its essence as a tool for justice and the common good.

However, not all new faces in the digital space act in the public interest. In practice, the phenomenon of political buzzers has emerged—individuals or groups who exploit digital power to steer opinion in favor of specific interests (Pradana et al., 2023). The line between advocacy and manipulation is increasingly blurred. On the one hand, they can educate and mobilize the masses; on the other, they can function as propaganda tools that distort the truth. In this regard, the challenge for both the state and society extends beyond legal regulation to the cultivation of shared ethical standards in digital engagement.

This situation is further complicated by the emergence of digital oligarchies, in which powerful actors with substantial economic resources dominate the flow of information on certain platforms (Pradana et al., 2023). Such developments threaten the ideal of a free and equal digital space. Hence, legal products must not only address technical aspects but also guarantee equitable access for all individuals to express their views. The state must ensure that digital power is not monopolized by a few who control what the public sees, hears, and believes.

Amidst these complexities, hope persists. The digital realm—despite its risks and opportunities—remains one of the fastest avenues for expanding political participation. Politics in the digital age demands not only speed but also depth of thought, honesty in conveying facts, and collective consciousness to cultivate a civil and ethical shared space (Binawan, 2020). It is here that law, technology, and morality must proceed hand in hand.

## Conclusion

The trajectory of Indonesia's legal politics in the post-reform era demonstrates a significant transformation. The relationship between law and politics has never been static; both continuously influence one another within a dynamic often marked by tension. On one hand, an increasingly democratic political configuration has opened broader avenues for participation, giving rise to legal products that are normatively more progressive. On the other hand, however, practical political interests, oligarchic influence, and unequal access to legal resources remain persistent obstacles to achieving laws that are genuinely just and pro-people.

The digital era marks a new chapter in Indonesia's legal politics. The digital sphere has become a battlefield of opinion, where public voices can rapidly echo, monitor, and even exert pressure on legislative processes. Youth movements, digital activists, and civil society actors now play a pivotal role in shaping policy direction. Nevertheless, this advancement is accompanied by substantial risks: polarization, disinformation, and the influence of political buzzers that often distort the truth and threaten public rationality.

In such a context, the state is confronted with the challenge of regulating the digital realm fairly, without silencing freedom of expression. Indonesian legal politics thus requires a more adaptive and humanistic approach. Legal instruments must not serve merely as tools of power, but rather as bridges for the people's aspirations – including those voiced in digital spaces. Furthermore, it is crucial for both the state and society to cultivate a shared ethical framework for digital engagement, ensuring that the online public sphere remains healthy and inclusive. If law, politics, and morality can progress in concert, then the aspiration for social justice in the digital age is no longer a utopian ideal, but a shared goal within reach.

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