



# Controversy on the Revision of the Broadcasting Law, Challenges of the Information Society, and Democratization in the Digital Era: Policy and Political Perspectives

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**Abstract.** The dynamics of politics and democratic life in Indonesia today are strongly influenced by the development of communication and information technology. This has implications for the realization of an information society that demands an increasingly democratic government. Information literate citizens demand that the government be more open, responsive and accountable, including in the process of public policy formulation. Therefore, the plan to revise Law No. 32/2002 on Broadcasting has become a matter of public debate, as a normal part of national life. This research aims to discuss the controversy of Broadcasting Bill revision in relation to the challenges of information society and democratization in digital era from the perspective of public policy and politics. The research uses normative juridical method and literature review. The research concludes that the revision of Broadcasting Law is a necessity, but it must be based on public policy principles. Policy formulation as one of the stages that must be passed in the process of revising the Broadcasting Bill does not pay attention to public policy principles. Openness, participation and accountability of this revision process are real challenges in the information society. In Indonesia's position as a democracy and a state of law, public information disclosure is an integral part of governance, including when formulating public policies. Public participation in the formation of public policy is getting higher along with the formation of the information society and digital society. In the current digital era, there are great challenges for the Parliament and the government to be aspirational and responsive to public interests regarding freedom of press and opinion.

**Keywords:** *Broadcasting, democratization, information society, digital era*

## 1 Introduction

The enactment of Law No. 32/2002 on Broadcasting is a clear indicator that Indonesia is a democracy. It is one of the products of political and constitutional reform in 1998, a new era that changed many aspects of life, including the regulation of citizens' rights and freedom of expression. This indicator is also complemented by the presence of

several other state policies as a form of state recognition of public rights and interests. These include Law No. 39/1999 on Human Rights, Law No. 40/1999 on the Press, Law No. 25/2009 on Public Services, Law No. 37/2008 on the Ombudsman of the Republic of Indonesia, Law No. 11/2008 on Electronic Information and Transactions, and Law No. 14/2008 on Public Information Disclosure.

One aspect of human life that relates to the public interest is the right or freedom of expression and freedom of the press. Recently, Indonesia's political and democratic life has been shocked by the news that the DPR is planning to revise Law No. 32/2002. The text, which is an initiative of the DPR, contains several substances that have received resistance from various groups, especially universities, human rights activists and media practitioners. This is because the revision contains several substances that are very detrimental to the existence of the press, including the prohibition of investigative journalism.

The negative public reaction is a result of Indonesia's commitment to being both a democratic state and a rule-of-law state, as mandated by Article 1 Paragraphs (2) and (3) of the constitution. Citizens, especially those who value democratic principles, have the right to access information about various aspects of state administration from government institutions. Conversely, the state must ensure that its policies align with human rights within the framework of democracy and law. The public has the right to be informed about the plans and programs being developed by state and government institutions. This transparency allows citizens to gauge the government's commitment to providing services and welfare, affirming their sovereignty and enabling them to exercise control over state power as part of the democratic process.

The current societal development, marked by extensive use of communication and information technology, underscores the centrality of information in human activities. Alvin and Heidi Toffler argue that in the Third Wave economy, knowledge—encompassing data, information, images, symbols, culture, ideology, and values—plays a crucial role. The success of companies in this era depends on their ability to acquire, generate, distribute, and strategically apply knowledge [1]

In this regard, it is very important and strategic to have freedom to express opinions through various press media. Therefore, the controversy over the revision of the Broadcasting Law, characterized by massive rejection from various parties, is a necessity in democracy. It has become more obvious as a public controversy and is a consequence of the fact that society is evolving towards an information society and the demand for public information disclosure. The research aims to discuss and analyze the controversy over the revision of Broadcasting Law in relation to information society and democratization in the digital era from the perspective of public policy and politics.

## **2 Literature Review**

### **Public Policy**

Broadcasting policies established by the Parliament and the government are a specific category of public policy. According to Dunn, public policy comprises a complex pattern of interdependent collective decisions, including choices not to act, made by government agencies or officials [2]. Similarly, Anderson defines public policy as those

policies created by governmental bodies and authorities [3]. Such policies are not developed hastily or arbitrarily. Anderson further explains that public policy is a deliberate or goal-oriented action rather than random behavior [3]. The key areas of public policy involve a range of issues that fall under the responsibilities of the state or government. Parsons characterize public policy as a field defined by policy areas or sectors, where interdisciplinary and interinstitutional interactions often occur [4]. This aligns with Post et al., who describe public policy as a strategic plan of action undertaken by government officials to achieve significant objectives that affect a substantial portion of the nation's citizens [5]. Hence, activities related to press freedom, freedom of expression, and public information disclosure are clearly part of the substantive issues and areas within the realm of public policy.

According to Anderson [3], policy formulation involves two main activities. The first is deciding, in general, what actions, if any, should be taken regarding a particular problem. Once this is determined, the second activity involves the actual draft of legislation (or administrative rules), which, once adopted, will implement these principles. Winarno outlines several stages in policy formulation, including problem identification, setting the policy agenda, selecting alternative policies to address the issues, and making policy decisions [6]. Similarly, Jones [7] highlights that policy formulation is not confined to a single group of actors; multiple groups may be involved, producing either competing or complementary proposals. Additionally, formulation can proceed without a clear problem definition or without the formulators having significant contact with the affected groups.

### **Information and Digital Society**

Human life in today's politics and democracy, including the controversy over the revision of the Broadcasting Law, is influenced by access to information and its use, which has implications for their role in a highly competitive world. In the concept of information, according to Purwaningtyas, the increased meaning of information refers to knowledge, whoever controls knowledge will control the world [8]. Some citizens who are familiar with various information and communication technology devices have been a major contributor to the formation of the information society as well as the digital society. Damanik argues that there are several factors that encourage the formation of an information society, including the dynamics of information and communication, the development of computer technology, and the development of communication technology [9]. The development of society today is characterized by people's need for information and the use of various digital devices that accompany it. Wahyuni explains that contemporary society is facing much more complex issues than before. Information and communication technology, the main motors of information society, have contributed to this increased complexity [10].

In a democratic country, it is essential to encourage broad participation from all relevant parties in the public discussion of the Broadcasting Law revision. Social control and public participation have become rapid, cost-effective, and efficient. Klymchuk et al. outline key elements of citizen participation facilitated by information and communication technologies, including posting government activities on official websites (e-information); enabling interactive discussions on these websites about

societal issues (e-consultations); and responding to e-petitions from citizens (e-decision making) [11]. Furthermore, Indonesia is recognized as part of the global information society, as noted in the preamble "Considering" Letter b of Law Number 11 of 2008.

### **Digital Democracy**

The public reaction to the proposed revision of the Broadcasting Law is a testament to the successful efforts to uphold democracy following the 1998 reform movement led by students. Over the past 15 years in Indonesia, the concept of digital democracy or electronic democracy (e-democracy) has increasingly integrated into daily political activities. In this regard, Mendez defines e-democracy as a process that first involves the deliberate incorporation of information and communication technologies (ICTs) into democratic practices and, second, offers methods (or strategies) aimed at achieving specific normative objectives. These objectives may include enhancing transparency in political processes, increasing citizen involvement and participation, and fostering opinion formation through new avenues for information and discussion [12].

With this new color in democracy, the two-way communication flow required by democratic governance will continue to grow. The growth of democracy will even be dominated by the active role of internet citizens in providing criticism and expectations to the government. A. Brack and P. Noble describe e-democracy as the use of the internet by government, political parties, and advocacy groups to provide information, communicate, deliver services, or boost participation to generate a more robust debate among citizens [13]. In the framework of political development, whose ultimate goal is the growth of a democratic political system, the current development of digitalization greatly contributes to the increasing quality of democracy. In terms of information technology support for the democratic process, Liden and Avdic suggest seven areas, which include support for communication, support for human networks, support for efficiency, support for political decisions, support for authority decisions, support for community service, and support for public insight [13].

## **3 Method**

This research employs a normative juridical approach along with a literature review. The normative juridical method emphasizes analyzing all state and governmental regulations that are either directly or indirectly connected to the revisions of the Broadcasting Law. Specifically, the study concentrates on the relevant state and government regulations, including Law No. 32 of 2002, Law No. 40 of 1999, Law No. 39 of 1999, Law No. 11 of 2008, Law No. 14 of 2008, alongside various government regulations and other pertinent documents.

The literature review process involved gathering, categorizing, and evaluating a wide array of materials such as books, journals, reports, papers, online news, and other sources of information pertinent to the research objectives. Conclusions were then drawn based on this analysis, which was conducted from the standpoint of public policy and political perspectives.

## 4 Results and Discussions

### Information Society Challenges

The revision of the Broadcasting Law is inseparable from several issues that are closely related to human rights, including the right to information, the right to freedom of opinion and freedom of the press. From a public policy perspective, this can be seen from the formulation of sentences in the consideration of the issuance of a law. One of the considerations for the issuance of Law 32 of 2002 as stated in the preamble "Considering" letter a is that the freedom to express opinions and obtain information through broadcasting is a manifestation of human rights. Similarly, the consideration letter b of Law No. 14/2008 states that the right to obtain information and public information disclosure is one of the important characteristics of a democratic state that upholds the sovereignty of the people to realize good state administration.

The fact that there is widespread opposition from broadcasting stakeholders, including universities, media practitioners, communication activists and human rights activists, shows that there is a demand for state management to be more democratic, transparent, accountable, participatory and responsive. This is because it is supported by social activities, including in the relationship between the government and the people, which has placed information as a very fundamental thing in democracy. This is also a necessity for the growth of an increasingly democratic political system, because among other things it is characterized by a sense of participation and sense of social control, which is supported using various media and information and communication technology devices, so that an information society is built. The information society is characterized by the fact that all activities are inseparable from computers and telecommunications. Information becomes important, becomes a product that is offered and is a raw material that will be processed into new, more useful information [14].

Political communication between institutions within both the political infrastructure and political superstructure, and with citizens, is increasingly dominated using digital technology. Van Dijk defines digital democracy as the pursuit and practice of democracy, regardless of perspective, using digital media in both online and offline political communication [15]. In this era, social interactions occur rapidly, as noted by Habibah and Irwansyah, who point out that the information society is characterized by a need for information, the use of information technology in various activities, and the ability to exchange data digitally at high speed and across distances [16]. Globalization has profoundly affected all aspects of life, including information technology. The continuous evolution of information technology—from internet networks to wireless systems and digital cable—has transformed communication methods from traditional to modern [17].

As public servants, all state officials, including members of the House of Representatives and the Ministry of Communication and Information, must proactively leverage the advancements in information technology to accelerate the achievement of good governance. This includes promoting transparency and encouraging participation in public policy formulation. Watat and Gideon Mekonnen Jonathan highlight that as public organizations adopt digital transformation to enhance service delivery, they also recognize the added value of information technology in facilitating civic participation. E-democracy, a relatively recent development, has garnered significant attention from researchers and practitioners for its potential to democratize political communications and processes [18]. The measure of the DPR's success as a state institution that represents the political forces in society through its three main functions, but also the growth of a strong understanding in society of its rights as a citizen as the owner of sovereignty. With this, political democratization will continue to grow because there is constructive two-way communication between the state and citizens.

### **Political Democtarization**

One of the characteristics of a democratic state or government is the guarantee of democratic rights and individual rights [19]. As a type of political system that takes place in one country, democracy requires the existence of several aspects, including openness, participation, public control and accountability. However, the political system which has demos and cratos as its core appears with a new face, in the form of the political environment that surrounds it, in the form of the use of various information and communication technology devices by society. This then gave birth to a new terminology, namely digital democracy, which has resulted in the need to adapt to all state and government institutions in carrying out their duties, functions and authority. Today's democracy does not only require the right of every citizen to obtain information as stated by Dye regarding several institutions that must exist in a democratic regime. This has broader implications, in the form of the capability and adaptability of public institutions to create democracy using digital means, which requires state and government institutions to be more responsive in responding to demands for rejection of several substances in the draft revision of the Broadcasting Law. From the perspective of the political system, the existence of demands for rejection is part of an important element called input, so that after being processed by state and government institutions, output will emerge in the form of broadcasting policy decisions that are in line with the public interest.

This new social interaction phenomenon has a major influence on the interaction between citizens and the government in political life, including in building democracy in various parts of the world. These sociological and cultural facts must always be of serious concern to all members of the DPR, especially members of Commission I and officials of the Ministry of Communication and Information (Kominfo) to implement their authority in accordance with the constitution and statutory regulations. After analyzing 15 case studies, Grazian and Hendrik Nahr concluded that citizen-driven e-democracy tools indeed work and that they help provide a new way for people to participate in a collecting governance exercise and by doing so, improve democratic processes [20]. In the context of the hope for the realization of good governance which,

among other things, relies on openness and participation in political processes and public policies, these digital products created by humans must continue to be utilized appropriately so that they can support higher quality democratization.

The involvement of academics, media leaders, the Press Council, broadcasting industry players, broadcasting observers and other parties in discussing the revision of the Broadcasting Law must receive the full attention of the DPR and the government. In this regard, Freeman and Sharna Quirke argue that using the information and communication technology to facilitate democratic practices does, however, offer opportunities to take the next step in broader democratic reform to shape the future of democracy. For this reason, e-democracy and the implications that stem from the observations presented in this article are important for governments to understand in order to advance current practices [21].

Policy makers in the DPR and the Ministry of Communication and Information (Kominfo) must recognize that they do not operate in isolation. The advances in information technology today have empowered citizens to exert significant control over their daily lives. Rahmadany and Mansyur Ahmad note that the adoption of electronic governance in the public sector has revolutionized government administration, enhancing accountability, efficiency, and transparency [22]. Regarding the benefits of technology for democracy, T. Gross emphasizes that technology should facilitate democracy by improving three key areas: public access to information, participation in open discussions, and electronic voting ([13].

A more democratic political order that aligns with the technological landscape must be pursued with utmost commitment. Alwajih identifies three principal tensions in the implementation of e-democracy in Indonesia. First, e-democracy serves merely as a tool or means to achieve state governance objectives via information and communication technology. Second, the challenge of distinguishing between goals and means creates uncertainty in the foundation of e-democracy implementation in Indonesia. Third, despite being in transition, the growing number of internet users and the proliferation of online forums inspire optimism for electronic democracy [23]. The DPR and the government must respond to the evolving information and digital society, particularly with the increasing use of social media and electronic devices. Political decision-makers in both legislative and executive branches, especially concerning the revision of the Broadcasting Law, must be articulate and responsive to the aspirations of the broadcasting community, thereby contributing to a more democratic governance structure.

Research by various experts across different countries has demonstrated the profound impact of information and communication technology on human interactions and government-citizen relationships. Esselimani's study in the Maghreb countries clearly shows that e-government positively correlates with participatory democracy, with government performance in these countries playing a crucial role in encouraging citizen participation. Statistical analysis confirms the link between e-government adoption and participatory democracy in the Maghreb [24]. In the context of Iranian democracy, Kardan and Ayoob Sadeghiani conclude that e-democracy focuses on leveraging IT to enhance democratic practices. While e-government initiatives can support the

requirements of e-democracy, the relationship between the two is not universally consistent, as illustrated in the case of Iran [13].

### **Policy Formulation Challenges**

Concerning the revision of the Broadcasting Law, there is a potential risk of declining public trust in state and government institutions due to a communication breakdown between the public and these entities. To foster a more democratic government, this issue must be continuously addressed by all stakeholders, particularly those responsible for broadcasting policies. The lack of commitment from legislators, as key policy actors, to address this potential threat to press freedom highlights a critical concern from the perspective of public policy. It directly relates to the fundamental value of the public interest, which is central to the identity of public policy publications.

Within this context, the ongoing discussion of the Broadcasting Law revision in the DPR can be seen as a stage in the public policy formulation process, given that it encompasses significant public interests, including the future of freedom of expression, press freedom, and democracy. This aligns with Gerston's view that public policy involves the integration of fundamental decisions, commitments, and actions made by those who hold or influence positions of governmental authority [25]. As a policy issue, the issue of prohibiting investigative journalism as one of the things prohibited in the revision of the Broadcasting Law is related to the public interest. In fact, investigative journalism, as stated by Santana, is related to activities seeking hidden information to be reported to the public [26]. The policy formulation stage that is currently taking place in the legislative body will at a further stage be transformed into state regulations in the form of laws as political decisions so that they have legality in position and the power to implement them.

The DPR and the government, as two state institutions constitutionally authorized to finalize the revision of the Broadcasting Law, will leave a significant legacy in history, whether they support democracy or contribute to its weakening. Once the law is enacted, it must be implemented, potentially hastening the decline of the democratic progress achieved since the 1998 reform. The robust legality of broadcasting regulations as public policy aligns with Anderson's view that, in its positive form, public policy is grounded in law [3]. Regarding the power to enforce such policies, this also reflects Nugroho's assertion that without legal backing, a policy lacks the authority to be implemented. In modern democracy, the legitimacy of law is crucial, as it embodies public accountability, meaning that formal agreements made for the public must be accountable to the public [27]. Supporting this notion, political expert Dye notes that legitimacy is one of the key implications of the institutional approach or model in public policy studies [2]. In other words, don't let a law be issued as a result of a revision, even though it has legal validity but is sociologically meaningless, because it will be rejected by society. Within the framework of the rule of law, this will then have the potential to become material for judicial review of laws before the Constitutional Court.

In this regard, from a socio-political perspective, citizens' rights are one of the substantive areas of public policy that is attached to the authority of state and government institutions. The DPR as a state and government institution through the Ministry of Kominfo, in accordance with its duties and functions given by the



constitution, provides adequate information as a consequence of guaranteeing openness of public information, so that it can be followed by all interested parties. The discussion and process of formulating public policy regarding the revision of the broadcasting law must continue to be supervised by various civil society forces so that it is not carried out in a dark alley. In a socio-political context, Harris Jr. states that a government as an agency or social structure is designed to administer the affairs of the constituents of a state or territory. Some of its functions are incorporating norms and standards into laws and regulations, and enforcing laws and regulations [28]. The democratic order must not go backwards by allowing the existence of policy substances in broadcasting regulations that hinder freedom of the press and opinion.

In the discussion of the Broadcasting Bill, the DPR and the government, particularly the Ministry of Communication and Information (Kominfo) as a key policy actor, face significant challenges and responsibilities. This is consistent with Anderson's observation that decision makers in state or government institutions are influenced by various values, with the public interest being a crucial value in political life [3]. From a public policy perspective, the DPR and the Ministry of Kominfo can be regarded as policy institutions, in line with Howlett and M. Ramesh's definition of institutions as the structures and organizations that make up the state, society, and the international system [29]. Additionally, within the broader political context, these institutions can be considered part of what Dunn terms Policy Stakeholders [30]—individuals or groups with a vested interest in policies because they influence and are influenced by government decisions. Moreover, within the political structure, these institutions are part of the political superstructure, given their status and authority as outlined in the constitution and regulations governing legislative bodies and state ministries.

Within the framework of a more democratic political life and building a political system that is more in line with the public interest, the realization of the duties and authority of the DPR and the Ministry of Kominfo will strengthen one of the capabilities of the political system, which in political science terminology is called regulative capability. Regulatory capabilities will appear when the DPR and the government aspirationally and responsively determine broadcasting regulations which are very important for realizing democratic principles consistently. This capability is increasingly being challenged in the current digital era because there is not a single aspect of government action that is not monitored by the public. According to Priatna, technology has an impact on extraordinary productivity in society, including information productivity. Every second that passes hundreds or even millions of pieces of information are produced by humans [31]. The development of information technology is accelerating rapidly accompanied by the development of communication processes in the information society. In a short time, people who communicate can enrich their information insight, so they can change their point of view quickly, because of the influence of information in the interaction of social, economic and political life [32]. This results in relations between the government and the people becoming more open and accountable in the context of democratization.

In their role as regulators of broadcasting policy and related matters, all members of the DPR, particularly Commission I, and officials from the Ministry of Communication and Information (Kominfo) are key policy actors. According to Gerston, these policy

actors present, interpret, and respond to issues [25]. In this context, the revision of the Broadcasting Law, which includes concerns such as prohibitions on investigative journalism and press disputes, represents a significant policy demand within the public policy cycle. From a public policy science perspective, such issues initially emerge as potential public problems. As these problems gain widespread attention, including from government institutions, they move onto the policy agenda. However, addressing these issues is not always straightforward, as societal problems and policy issues are often complex and multifaceted. Howlett and M. Ramesh note that policies are formulated by policy subsystems, which include both state and societal actors dealing with public problems. The term "actor" encompasses individuals and groups who are deeply involved in the policy process, as well as those with a more peripheral role [29].

## 5 Conclusion

Revision of a law, including regarding broadcasting, is a necessity for an increasingly democratic life, because it is in accordance with the demands of environmental developments. Rejection of the revision of the Broadcasting Law implies that there were errors in the policy formulation process, from procedural and substantive aspects. The controversy about this shows that the democracy that has been fought for and developed should not experience setbacks. The responsiveness of the DPR and the government as policy makers must be an important part of the realization of a democratic state and a rule of law. The public being critical and responsive to the planned revision of the Broadcasting Law is proof that Indonesian society has become an information society and a digital society.

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