

Protecting Democracy in the Digital Era through Artificial Intelligence Governance

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ABSTRACT

The rapid growth of digital transactions and e-commerce in Indonesia has intensified the need for an effective legal framework to safeguard consumer rights in the digital environment. This study aims to analyze the adequacy of Indonesia's legal framework for digital consumer protection and identify the challenges in its implementation. The research employs a normative legal research approach by examining statutory regulations, legal doctrines, and relevant scholarly literature. The analysis focuses on the Consumer Protection Law (Law No. 8 of 1999), the Electronic Information and Transactions Law (Law No. 1 of 2024 amending Law No. 11 of 2008), the Personal Data Protection Law (Law No. 27 of 2022), and related implementing regulations. The findings reveal that although these legal instruments establish a fundamental framework for protecting consumer rights, personal data, and transaction security, significant challenges remain, including regulatory fragmentation, outdated legal provisions, weak enforcement, the prevalence of click-wrap agreements, and compliance difficulties among Micro, Small, and Medium Enterprises (MSMEs). The study concludes that strengthening digital consumer protection requires comprehensive legal reform, improved enforcement mechanisms, and the integration of legal and technological approaches to create a secure, transparent, and trustworthy digital marketplace.

Keywords: *Artificial Intelligence, AI Governance, Digital Democracy, Human Rights, Personal Data Protection.*

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1. | INTRODUCTION

The development of digital technology has encouraged the use of Artificial Intelligence (AI) more widely in various aspects of people's lives, including in the formation of digital public spaces and the implementation of democratic processes. AI is no longer only understood as a technical instrument to improve efficiency, but has become part of the mechanism of production, distribution, and management of information that affects the quality of public participation and the formation of opinions in society. In this context, the presence of AI offers various opportunities for strengthening democracy through increasing access to information, expanding community participation, and developing data-based governance. However, these developments also raise various legal issues related to accountability, transparency, human rights protection, and supervision of the increasingly complex use of digital technology (Hakimi et al., 2025).

The transformation of digital public spaces, which are increasingly influenced by algorithms and automated systems, has changed the way people acquire and process information. AI-based digital platforms have the ability to personalize information through algorithmic mechanisms that on the one hand can increase the effectiveness of information dissemination, but on the other hand have the potential to create bias, polarization, and inequality of access to balanced information. This phenomenon shows that the development of AI has not only a technological dimension, but also a legal and democratic dimension that requires attention through adequate regulation. According to Fischer and Jarren (2024), the process of platforming public space has produced new challenges to the quality of democracy due to the increasing influence of technology on the public communication process. In line with that, Jarren and Fischer (2021) emphasized that changes in the structure of digital public spaces have affected the mechanisms of public opinion formation and the democratic function of the media in modern life.

From a legal perspective, the protection of democracy in the digital era cannot be separated from the principle of the rule of law, the protection of human rights, and the guarantee of the right to information and privacy. Therefore, the existence of legal instruments that govern the digital space is important to ensure that the use of AI continues to run in accordance with the principles of transparency, accountability, and respect for citizens' rights. Provisions regarding the protection of personal data as stipulated in Law Number 27 of 2022 concerning Personal Data Protection, regulations regarding information and electronic transactions as stipulated in Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions, as well as the guarantee of the right to obtain information based on Law Number 14 of 2008 concerning Public Information Disclosure show that The legal system has provided a normative foundation related to the governance of digital space. However, the rapid development of AI raises the need to assess the effectiveness of these settings in facing various new challenges that arise

due to the use of artificial intelligence-based technology (Ho-Dac, 2024; Sousa and Silva, 2024).

At the international level, various organizations and institutions have developed AI governance principles that place democracy, human rights, and the rule of law as the main foundations in the development of responsible technologies. UNESCO (2021) emphasizes the importance of an ethical approach to AI based on human values and respect for fundamental rights. The OECD (2024) through the AI Principles also underlines the importance of the principles of transparency, accountability, and human oversight in the use of AI systems. In addition, the Council of Europe (2024) through the Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law places democracy as one of the main aspects that must be protected in the development of artificial intelligence technology. Laux (2024) asserts that a democratic AI governance design must be built through human oversight mechanisms and the establishment of an effective accountability system, while Novelli et al. (2025) emphasize the importance of strong institutions and governance to guarantee trustworthy use of AI and in harmony with the principles of the rule of law.

Based on this description, this study asked two research questions. First, how effective is the regulatory framework related to the protection of personal data, electronic information, and public information disclosure in providing protection for democracy in the digital era influenced by the development of Artificial Intelligence? Second, why is strengthening and reviewing regulations related to the use of Artificial Intelligence an urgent need in order to maintain the principles of democracy, human rights, and the rule of law in the digital era?

2. | RESEARCH METHOD

This research uses a normative juridical method that is oriented towards the study of legal norms, principles, and concepts related to the protection of democracy in the digital era through Artificial Intelligence (AI) governance. The normative juridical approach was chosen because this research focuses on the analysis of various applicable legal provisions as well as the development of legal principles that govern the relationship between digital technology, human rights, and democracy. This approach allows researchers to examine the effectiveness of existing legal norms in providing protection for democratic values in the midst of increasingly dynamic artificial intelligence-based technological developments. The development and utilization of AI must be based on the principles of respect for human rights, accountability, transparency, and the rule of law. Therefore, normative legal research is relevant to examine the suitability between technological developments and the applicable legal framework.

This research uses several approaches, namely the statute approach, the conceptual approach, and the comparative approach. The legislative approach is used to analyze various legal provisions that are related to the protection of democracy in the digital space, namely Law Number 27 of 2022 concerning the Protection of Personal Data,

Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions, and Law Number 14 of 2008 concerning Public Information Disclosure. Conceptual approaches are used to understand the concepts of digital democracy, Artificial Intelligence governance, algorithmic transparency, accountability, and human rights protection. Meanwhile, a comparative approach is used by comparing various international principles and standards developed through the Recommendation on the Ethics of Artificial Intelligence from UNESCO, OECD AI Principles, the Framework Convention on Artificial Intelligence, Human Rights, Democracy and, the Rule of Law from the Council of Europe, as well as various developments in AI regulation contained in the European Union Artificial Intelligence Act.

The legal materials used consist of primary legal materials and secondary legal materials. Primary legal materials include laws and regulations and international instruments related to AI governance and democracy protection. The secondary legal materials were obtained from books, scientific journal articles, reports of international institutions, and research results published in the last five years. The technique of collecting legal materials is carried out through literature studies by tracing various relevant and academically indexed sources. Furthermore, all legal materials are analyzed descriptive-qualitatively through the process of interpretation and legal argumentation to gain an understanding of the effectiveness of applicable regulations and the urgency of strengthening Artificial Intelligence governance in protecting democracy in the digital era. In line with the OECD (2023), effective AI governance requires alignment between technological developments and the principles of democracy, transparency, and accountability as part of efforts to realize the responsible use of AI.

3. | RESULTS

The Effectiveness of AI Regulation in Protecting Democracy

The development of Artificial Intelligence (AI) has brought fundamental changes to the digital public space and the mechanism for shaping public opinion. The use of AI in data processing, information dissemination, and algorithm-based decision-making provides opportunities for increased efficiency and public participation in democratic life. However, these developments also pose challenges to human rights protection, information transparency, and accountability in the use of digital technology. Therefore, the existence of regulations is an important instrument to ensure that the development of AI continues to run in line with the principles of the rule of law and democracy. UNESCO (2021) emphasizes that AI development must be based on the principles of respect for human rights, transparency, and accountability so that the technology can provide benefits that are in line with the public interest. In line with that, the OECD (2023) emphasizes that effective AI governance requires a regulatory

framework that is able to ensure the responsible use of technology and is oriented towards the protection of democratic values.

From a national legal perspective, the existence of Law Number 27 of 2022 concerning the Protection of Personal Data, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions, and Law Number 14 of 2008 concerning Public Information Disclosure shows that the legal system has provided a normative foundation related to the governance of the digital space. The three regulations have basically accommodated aspects of privacy protection, information security, and guarantees for the right to access information which are important elements in digital democracy. The protection of personal data is closely related to the use of AI because most artificial intelligence systems work through the processing of large amounts of data. In this context, the existence of Law Number 27 of 2022 provides a legal basis regarding the rights of data subjects, the obligations of data controllers, and the principle of accountability in the processing of personal information. According to the Council of Europe (2024), the protection of privacy rights is an integral part of the protection of democracy and the rule of law in the development of artificial intelligence technology.

In addition, the regulation regarding information and electronic transactions as contained in Law Number 1 of 2024 also provides a legal basis for the implementation of a safe and responsible digital space. These regulations have relevance to the use of AI because they are related to the implementation of electronic systems, digital information, and the protection of public interests in the cyber environment. On the other hand, Law Number 14 of 2008 concerning Public Information Disclosure also strengthens the democratic dimension through guaranteeing the public's right to obtain true, transparent, and accountable information. According to Fischer and Jarren (2024), the quality of digital democracy is greatly influenced by the openness of public space and the ability of the public to obtain credible information in a digital environment that is increasingly influenced by algorithm-based platforms.

However, the effectiveness of the three regulations in dealing with the development of AI still faces a number of limitations. One of the main problems is that existing regulations basically do not specifically regulate the use of Artificial Intelligence and the risks it poses. Ho-Dac (2024) explained that the development of AI requires a more adaptive regulatory approach to be able to keep pace with the complexity of technology that continues to develop. A similar opinion is put forward by Sousa e Silva (2024) who states that AI governance requires an arrangement that is not only oriented to technical aspects, but also pays attention to the dimensions of human rights, transparency, and accountability. In addition, Andrada et al. (2023) emphasized that transparency in AI systems is an important prerequisite to ensure that algorithm-based decision-making processes can be effectively understood and supervised.

The effectiveness of regulations is also not only determined by the existence of legal norms, but also by the ability of these norms to anticipate various risks arising

from technological developments. Arda (2024) explained that the risk-based approach is one of the relevant models for identifying potential threats to AI to the public interest and democracy. In this context, Novelli et al. (2025) emphasized the importance of integrated governance through strengthening institutional supervision and coordination mechanisms. Meanwhile, Laux (2024) argues that the effectiveness of AI regulation must be supported by a human oversight mechanism as a form of control over systems that work automatically.

Based on these conditions, it can be understood that the regulatory framework that is currently in force has basically provided a basis for the protection of privacy rights, information security, and information disclosure as important elements in digital democracy. However, its effectiveness is still relative because the available arrangements have not specifically accommodated the characteristics and risks posed by Artificial Intelligence. Therefore, although the applicable regulations have a preventive function in safeguarding citizens' rights and democratic values, increasingly complex technological developments demand a more adaptive, transparent, and accountability-based legal approach to ensure that the use of AI remains in line with democracy, human rights, and the principles of the rule of law.

The Urgency of Strengthening Artificial Intelligence Regulation in the Digital Era

The rapid development of Artificial Intelligence (AI) has resulted in significant changes to the way people interact, obtain information, and form opinions in the digital public space. AI not only serves as a technological instrument, but has also become part of a social ecosystem that affects the quality of democracy and the protection of the fundamental rights of citizens. While these technologies offer various benefits in improving efficiency and access to information, the development of AI also carries increasingly complex risks, especially related to transparency, accountability, personal data protection, and the potential for information manipulation. UNESCO (2021) emphasized that the development of AI must always be accompanied by an adequate ethical and legal framework so that the technology remains oriented towards human interests and respect for human rights. In this context, discussions about AI regulation are becoming increasingly important because technological developments that take place very quickly can exceed the ability of the law to anticipate various risks that arise.

The urgency of AI regulation is inseparable from the increasing influence of algorithms on the formation of digital public spaces. According to Fischer and Jarren (2024), the process of platforming public space has changed the pattern of public communication and presents new challenges to the quality of democracy. The dominance of algorithm-based systems in information distribution has the potential to affect the diversity of information received by the public, thereby posing a risk to the formation of a healthy and participatory public space. Jarren and Fischer (2021) also explained that the transformation of digital public space has reduced the role of traditional mechanisms in maintaining information quality, so legal instruments are

needed that are able to maintain a balance between technological developments and the protection of democratic values.

In addition, the development of data-driven AI on a large scale further strengthens the urgency of regulation regarding the protection of privacy rights and information security. The existence of Law Number 27 of 2022 concerning Personal Data Protection has provided a normative basis regarding the rights of data subjects and the obligations of data controllers. However, the increasingly complex use of AI poses new problems that are not only related to data protection, but also to algorithm-based decision-making processes. The Council of Europe (2024) affirms that the protection of democracy, human rights, and the rule of law must be an integral part of AI governance. Thus, AI regulation is important not solely to control technology, but to ensure that technological developments remain in line with constitutional principles and citizens' rights.

The urgency of discussing AI regulations is also related to the need to build a transparent and accountable system. Andrada et al. (2023) explain that transparency is one of the important elements in building trust in AI systems. Without adequate transparency, algorithm-based decision-making processes have the potential to result in ambiguity about the basis of considerations used by the system. This condition can have an impact on reduced accountability and increased potential violations of people's rights. In line with this, the OECD (2023) through AI Principles emphasizes that the use of AI must be based on the principles of transparency, fairness, robustness, and accountability as part of efforts to realize trustworthy technology.

The need to discuss AI regulation is also driven by the development of various international instruments that place AI governance as part of the global legal agenda. Ho-Dac (2024) stated that the development of AI regulations shows a trend towards the establishment of international standards regarding trustworthy AI. Sousa e Silva (2024) argues that the development of artificial intelligence technology requires a more adaptive and protection-oriented legal approach. Novelli et al. (2025) also emphasized the importance of establishing a strong governance system to ensure that AI developments remain within an accountable corridor. Meanwhile, Laux (2024) explained that human supervision of AI systems is an important aspect in maintaining the legitimacy of democracy and preventing the dominance of automated decisions that cannot be accounted for.

In addition, Arda (2024) explained that the development of AI presents various levels of risks that require a risk-based regulatory approach as an effort to prevent negative impacts on society and the public interest. The approach shows that AI regulation is not only intended to provide legal certainty, but also to create a balance between technological innovation and the protection of democratic values. Therefore, the discussion of AI regulation is an urgent need because the development of artificial intelligence technology is not only related to technical aspects, but also concerns the protection of human rights, transparency, accountability, and the sustainability of democracy and the rule of law in the digital era. Thus, strengthening the legal

framework regarding AI is an important part of efforts to ensure that the use of technology remains oriented to human interests and does not ignore the principles of democracy that are the foundation of state life.

4. | CONCLUSION

The development of Artificial Intelligence has presented various opportunities as well as challenges for the protection of democracy in the digital era. The use of artificial intelligence-based technology contributes to increasing access to information, data management efficiency, and expanding public participation in digital public spaces. However, these developments also raise various problems related to the protection of personal data, transparency of algorithmic systems, accountability of decision-making, and the protection of fundamental rights of citizens. Based on a study of the applicable legal framework, the existence of Law Number 27 of 2022 concerning Personal Data Protection, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions, and Law Number 14 of 2008 concerning Public Information Disclosure have basically provided a normative foundation that supports the protection of democracy in the digital space. However, the effectiveness of these regulations is still relative because the available arrangements do not specifically accommodate the characteristics, mechanisms, and various risks posed by the use of Artificial Intelligence.

In addition, the discussion of Artificial Intelligence regulations is becoming increasingly urgent along with the increasing influence of technology on democratic life and human rights. The development of algorithm-based systems requires more adaptive, transparent, and accountable governance to ensure that the use of technology remains within the corridor of the rule of law and respect for citizens' rights. Therefore, strengthening the regulatory framework regarding Artificial Intelligence needs to be seen as part of efforts to maintain a balance between technological innovation and the protection of democratic values. Thus, Artificial Intelligence governance based on the principles of transparency, accountability, human rights protection, and human oversight is an important element in ensuring that the development of digital technology continues to support the realization of a just and sustainable democracy.

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Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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