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Urgency of Online Petition to guarantee the Freedom of Speech and Participate Rights in Government

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ABSTRACT

Keywords

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The freedom to express ideas and participate in the government is often manifested through democratic voting or involvement in general elections, but the processes taking place in elections cannot fully ensure that the members of the public can get their rights to the freedom of speech and participation in the government. With doctrinal legal method, this research has found that there seems to be an urgency to initiate an online petition platform in Indonesia as an alternative channel accessible to all the members of the public in order to optimize the exercise of the freedom of speech and equal participation in the government. Online petition systems have been around in Indonesia for quite some time, initiated and managed by change.org as a private organization along with other non-governmental organizations, but the legal loophole regarding online petitions that represent public participation in forming policies has not been capable of guaranteeing the attention or responses from the government over particular issues. In order to gain more perspectives, this article compare the online petition systems in the US and South Korea that were initiated by presidential agencies, and also the online petition in Germany that is under the direct management of the Petition Committee bellow the parliament (*Bundestag*). Therefore, it is concluded that Indonesian president has the power to rule the government in order to respond the urgency to give protection and fulfill Human Rights, especially freedom of speech and the rights to participate in the government by setting the legal basis.

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1. Introduction

Every state runs a different governmental system. In a presidential system, the president holds the power as the head of the state and the government. Indonesia has adhered to a



presidential system, referring to Article 4 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia (henceforth referred to as the 1945 Constitution), which declares that the President holds the governmental power according to the Constitution. Article 6A of the 1945 Constitution states that the President and Vice President are directly voted in pairs by the members of the public through general elections which are essential for the states adhering to a democratic system. In adherence to the 1945 Constitution, Indonesia also declares that the highest sovereignty is in the hands of the people. This initiates a nexus between the people and their president, and this nexus comes from the mandate of the people. The President and Vice President (government) hold the responsibility for the sake of those voting for them ([Spiro, 1969](#)). This leads to the consequences where the president is responsible for the voting citizens. In return, the president must be all ears for all the aspirations that the citizens voice. This tendency should set an example for other authorities in executing powers so that it is expected to lead further to open government. Furthermore, the aspirations of the members of the public are the representation of human rights to express ideas and to take part in the government, and this right is guaranteed in Article 28E Paragraph (3), Article 28F, Article 27, and Article 28E Paragraph (3) the 1945 Constitution.

The president serves as an executive body, and this status spares a space between the citizens and the president, and this gap needs fulfilling. However, in terms of voicing their aspirations, people are not provided with a platform from which they could voice their thoughts and through which their voice is guaranteed and get feedback from the government. This situation has blocked the channel that allows two-way communication between the government and the people. That is, people need to be facilitated to directly voice their thoughts to the government that should be responded to by the government.

During the office term, the president is making policies, and they are certainly not without protests from people. The protest against the Bill of Penal Code raised in September 2019 is one example ([Callistasia Wijaya, 2019](#)). The protest against the amendment to the Law concerning Corruption Eradication Commission was also staged ([Kompas.com, 2019](#)), followed by the protest against Job Creation Law or Omnibus Law in 2020 ([Kompas.com, 2020](#)). Not only the issues concerning regulations or policies made by the government, but people's aspirations have also extended to the request for giving follow-up to road infrastructure-related issues in the regency of Sukabumi ([Change.org, n.d.](#)). Furthermore, the issues grow into those concerning the environment including land arson by corporates ([Mengejar Tanggungjawab Korporasi Pembakar Lahan, n.d.](#)), and polluted rivers in Pasuruan ([Muhajir, 2019](#)). Following these issues, some petitions have been raised, representing requests to the government and protests against the policies or regulations made by the government.

Petitions are given in statements addressed to particular parties, and this is intended to encourage the parties to act. Petitions can also be given in official requests addressed to the government (*Indonesia Dictionary, n.d.*), and petitions can facilitate people to participate in the government. Along with the development of technology, online petitions have been initiated. The platform called change.org is one of the petition websites popular in Indonesia set by a non-governmental organization, meaning that the government is not required to respond to the petitions given on this platform.

The Internet has brought a massive transformation in all respects. This technology has triggered people to innovate the way reports and grievances are made and expressed. An online platform called lapor.go.id facilitates complaints posted on social media over public services at all governmental levels. However, this platform is only restricted to public services-



related issues. Lapor.go.id is confidential, not like online petitions that are open and cover all problems.

The United States of America also applies an online petition platform, “We the People”, initiated by the White House of the United States of America. This platform was first launched by Barack Obama on <https://petitions.obamawhitehouse.archives.gov/> and remained accessible under the government of Donald Trump with the website <https://petitions.trumpwhitehouse.archives.gov/>. South Korea also has a platform launched by President Moon Jaein in 2017, called “People’s Communication Plaza” accessible on <https://www1.president.go.kr/petitions>. Germany is one of the countries in Europe with an online petition platform. Unlike in the US and South Korea, the online petitions in Germany are managed by the parliament *Bundestag* with the platform accessible on <https://epetitionen.bundestag.de/>.

In all these three countries, online petition platforms facilitate people to express their grievances or submit a request to the government over the policies that the members of the public do not see fit or even disadvantage them. This platform also serves as the room in which people voice their suggestions about government policies. Online petitions facilitate the aspirations of the people as part of their rights to the freedom to participate in the government and voice their thoughts. Online petitions utilize the advanced 4.0 industrial technology to allow for this online petition initiation. The president, with the existence of this online petition platform, is expected to be more responsible for all the policies and respond to the petitions addressed to the government. Moreover, the president could make a report of the petitions addressed to the government to show the proof of responsibilities to the people. Online petitions can also help perform transparency, efficiency, and effectiveness as the principles of good governance, while their existence must be regulated in the legislation to guarantee that the government will respond to all petitions addressed to the government.

Departing from the above elaboration, this research aims to discuss the urgency to form the legal basis and online petition systems to assure the rights to the freedom of speech and participation in the government in Indonesia. In a nutshell, this research result covers the elaboration on the research methods used to understand the issues regarding the concept of online petitions in the governmental system in Indonesia. The discussion starts with the details on the position of the freedom of speech and participation in the government as parts of the values of human rights and the nexus between the protection and its fulfillment via the establishment of an online petition platform. To compare, the practices of online petitions in the US, South Korea, and Germany are also elaborated. In the conclusion, the projection of the use of online petitions within the governmental system in Indonesia is also elaborated, implying that the system needs to be more optimized through the formation of the legal basis according to the hierarchy of current legal norms.

2. Research Methods

This research employed doctrinal legal methods ([Soerjono dan Abdurahman, 2003](#)) focusing more on the urgency of online petition platform in Indonesia ([Peter Mahmud Marzuki, 2013](#)) that adheres to the presidential system that could assure the rights to the freedom of speech ([Salim H.S dan Erlies Setianan Nurbani, 2013](#)) and participation in the government ([Ardiwisastira, 2012](#)). Statutory, conceptual, and comparative approaches were also used to support the research ([Soekanto, 2021](#)) (Efendi, 2014). The research is divided into three discussion sections, consisting of an online petition platform as a measure to assure the



rights to the freedom of speech and participation of the members of the public in the government, the form of public participation these days, and the petitions in several countries ([Ibrahim, 2008](#)). This research also compares the systems of the online petition platform in the US with its adherence to the presidential system of the government, South Korea with its president not only ruling the country but also serving as the executive chief, which is similar to the government of Indonesia where the president serves as the ruling head of the country, and Germany in which the parliament is actively involved in the management of online petitions under the petition committee. In June 2022, there have been 6879 petitions submitted and managed by the committee to be further passed to related authorities ([Epetitionen.bundestag.de, n.d.](#)). The platforms of online petitions have existed for more than four years in the US ([Pewsearch.org, 2016](#)), South Korea ([Koreaherald.com, 2018](#)), and Germany ([Ulrich Riehm, 2014](#)). The petitions have been running as expected since they manage to get responses from the related policymakers.

3. Discussion

3.1. Online Petition Platform to Guarantee the Rights to the Freedom Of Speech and Participation in the Government

The presidential government system requires the president to hold the executive power and simultaneously rule the state and the government, while the parliament system does not divide the executive and legislative tasks. In the presidential system, the president is responsible to the citizens who voted for the president, not to the parliament.

People are attached to their innate human rights, and these rights are guaranteed under the 1945 Constitution. The right to express thoughts, as one of the human rights, is specifically guaranteed under Article 28 and 28E Paragraph (3) of the 1945 Constitution. In addition, these rights are also mentioned in Law Number 39 of 1999 concerning Human Rights or Article 23 Paragraph (2) and Article 24. Still more, the rights to the freedom of speech are also guaranteed under International Covenant on Civil and Political Rights (ICCPR) in Article 19 implying that every person has his/her right to express opinions, give, and obtain information and the right of expression.

Moreover, the 1945 Constitution also regulates the right to participate in the government since the people of Indonesia have equal rights of participation. Article 43 Paragraph (2) of Human Rights Law also mentions the participation in the government. Every citizen has his/her right to participate in the government by directly electing the head of the government without any influence of others according to the legislation.

The guarantee of the rights of the people to express their opinions and participate in the government is outlined in Law Number 14 of 2008 concerning public information Transparency concerning public information concerning the information transparency related to the public agency that is related to administrators and the state governance. This law is intended to encourage the participation of the people in the process of public policy making, stimulate active participation of the members of the public in making public policies, and properly manage the public agency. The role of a quo law represents the existence of juridical-philosophical manifestation on behalf of the expectation of the existence of open government as good governance. Law Number 12 of 2011 concerning Legislation Making also guarantees the participation of the members of the public in the regulation-making. The individual rights to participate in the government and to express his/her opinion are guaranteed in the 1945



Constitution, Human Rights Law, and International Covenant on Civil and Political Rights (ICCPR) specifically in Article 25 letter a, ensuring that every person has his/her right to participate in the government, either directly or through the elected representatives without any influences of others.

Indonesia is a democratic country upholding the sovereignty of the people. Citizens are the holder of the highest sovereignty. This principle is explicitly stated in the Preamble of the 1945 Constitution, paragraph IV stating “on the unity of Indonesia and on democratic rule that is guided by the strength of wisdom resulting from deliberation”. Article 1 Paragraph (2) of the 1945 Constitution asserts that sovereignty is in the hands of the citizens. Departing from these two constitutional bases, it implies that Indonesia is a state of democracy that is absolute. The phrases “the unity of Indonesia” and “the sovereignty is in the hands of the people” represent the principles of democracy indicating that the people are the absolute holders of power.

The people’s rights to join democracy are obvious in their participation in general elections, where they vote for their president and state representatives. These elections not only represent how people participate in the democracy but it also shows how people directly participate in electing their leader and state representatives. People’s freedom should not be restricted to voting for their leader and state representatives, but their rights to express ideas and opinions in the government should also be recognized. People have the right to contribute suggestions to the government about the issues and to get responses regarding the issues.

A democracy based on the highest sovereignty in the hands of the citizens shows that people are the holders of the highest power, and they have the right to make decisions and determine the highest sovereignty in state administration and the government, and control the implementation of policies enforced directly by either people or the representatives ([Rosana, 2016](#)). However, in terms of the sovereignty in the hands of the people, it does not always mean that every person has his/her right to take part in the government, trials, or regulation-making, but it should rather be understood as the condition where people’s voice is heard ([Ridho, 2017](#)). The desires voiced by people can also be understood as aspirations.

People’s aspirations refer to ideas and opinions regarding issues that represent actions taken by university students protesting against the Bill of Penal Code ([Callistasia Wijaya, 2019](#)). The articles in the draft are believed to trigger multi-interpretation. The Bill of Penal Code is also seen to pose a threat to the freedom of expression and civil freedom. The substance of the Bill of Penal Code is also likely to spark the potential of violating private rights since it regulates what to do and not to do within the purview of private matters of a person ([Amnesty, 2020](#)). Another issue also lies in law Number 19 of 2016 concerning the Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions since it is deemed to have potentially multi-interpreted articles, ranging from Article 27 to 29. These articles are believed to restrict the freedom of expression and speech of people. These articles have also dragged people into the cases of defamation. In addition to the criticism given, the members of the public also request the validation of the bill concerning the Adat people ([Sutiawan, 2021](#)). More requests have also been made, demanding the maintenance of accessibility in regional areas. The locals of Danasari village, for example, have been complaining about damaged roads, but no improvement has been made ([Intan Hidayat, 2021](#)).

There have not been any accommodating channels as criticized and requested by people, more specifically, no channels have had systematic and responsive mechanisms for them where their aspirations should be facilitated to be further addressed to the government. This certainly leads to the issues above. The government’s role is deemed not optimal to



accommodate people's rights to contribute opinions and participate in the government. This seems to have forced people to stage demonstrations to voice their thoughts. Demonstrators see demonstrations as none but to give access to channeling people's aspirations ([Taufiqurrohman et al., 2021](#)). Demonstrations represent the freedom to express opinions, and demonstrations can also be deemed to be measures taken to help express opinions in public. Protests or demonstrations are performed either orally or in writing to share people's thoughts in public. Although their rights are guaranteed in the law, demonstrations are sometimes run by irresponsible people, triggering unrest. This certainly raises the violations of law and moral issues. The protests in Bandung, for example, ended up chaotic on the 27 of January 2022, where demonstrators attacked the regional police office of West Java by throwing things, vandalizing public facilities, and even ganging up on and attacking policemen trying to control the riot ([Liputan6.com, 2022](#)). Due to numerous violations of law, demonstrations seem to no longer adhere to morality but more to the influences of certain parties ([Bayu Galih, 2019](#)).

Impractical demonstrations have allowed for some more options people can choose from to voice their aspirations to the government. They have the right to opine and take part in the government, and, thus, a room to accommodate their rights needs to be made easily accessible to allow them to share ideas with the government. Participation in public consultations and seminars is only one way, where no responses from the government are received, and this situation has encouraged people to consider petitions to get their aspirations heard ([Johnsen, 2014](#)).

Petitions represent the request to help respond to grievances voiced by subordinates (either individual or a group) to authorities (the chief or vice) ([Zaeske, 2003](#)). The petitions are aimed to encourage parties to which the petitions are addressed to take action regarding the issues concerned. The mechanism of the petitions is more focused on making petitions that collect the support for the petition to get responses from the parties concerned. Petitions per se represent people's participation that serves as public control ([Wlezien, 2008](#)).

Petition platforms can serve as an opportunity that gives people room to participate in policy making or other kinds of aspirations as part of the needs of the members of the public. Petition platforms could guarantee the rights of the people to express their opinions and participate in the government. People could address petitions requesting the government to respond to or take action regarding an issue. The room given to petition-making can also direct where policies are heading. Moreover, petitions can also serve as the controlling mechanism of the people in terms of related policies made by the government ([Stephen A. Higginson, 1986](#)). With petitions, people could find out each problem related to the government's policies and regulations. This is to give way to the availability of the room for people to be more actively involved in voicing their thoughts. Petitions could set public control and narrow the gap between the requesting members of the public concerning particular problems and their government ([Wlezien, 2008](#)).

In terms of the presidential government system to which Indonesia adheres, the president serves as the head of the government or executive head who is responsible for the citizens as voters in the election. This requires the president to listen to the aspiration request and new ideas of the people. Numerous aspirations of the people due to the mounting rights to express ideas and participate in the government have triggered them to refer to petitions as the method to address criticism and ideas to the government ([Kusumaningrum et al., 2019](#)).

Along with ever-increasing technology, petition platforms are built on the Internet. These platforms collect all kinds of people's aspirations requiring their signatures and support that



allow people to participate in the government. Moreover, these platforms also allow people to inform about issues and to get informed. People have the right to give information and get informed as governed in the 1945 Constitution Article 28F. Moreover, online petitions can also help manifest the practices of good government, which, according to the United National Development Program (UNDP), involves: people's participation, future insights, openness and transparency, democracy, professionalism, and competence, partnership with private businesses and people decentralization, commitment to the environment, efficiency, effectiveness, and responsiveness ([Handayani & Nur, 2019](#)). Online petition platforms utilizing technology help manifest good governance that involves the participation of people, effectiveness, efficiency, and transparency. Access to participating in society and voicing their thoughts should be much easier with these online-based platforms. Access to online petitions is effective and efficient since it can be done almost in no time, while petitions can be made anywhere anytime.

3.2. Public Participation in Indonesia These Days

LAPOR! is an application initiated by the government to allow people to participate in policy-making. This is a platform that facilitates the grievances expressed by the members of the public. This platform utilizes technology, run on a website with the program S4N-LAPOR! by the Ministry of the Empowerment of State Apparatus and Bureaucracy Reform (*Kementrian PANRB*) for the sake of the public grievances. ([Kompas.com, 2021](#)) The system of LAPOR! is intended to process complaints raised by the public simply, fast, completely, and appropriately. The administrators of this app also allow people to access the application, voice their grievances, and improve public services. Anonym is one of the features LAPOR! offers, allowing users to hide their real identity from the parties reported and the public. Another feature simply called *rahasia* or "confidential" allows people to post grievances hidden from the view of the public. A tracking id or unique number is used to review the follow-up process for the report informed by the members of the public. [Lapor.go.id](#) is more intended to provide a channel for grievances or aspirations voiced by people to improve public services, and these inputs are confidential. ([@LAPOR1708, 2021](#)) The information about the persons expressing their grievances on the website will not be disclosed to the public, meaning that the principle of open government is not yet realized, recalling that the information is not accessible to the public, and this lack may blur the responsibility of the government to run its function as a service provider for people.

The advanced technology enables people to get their information independently, where the information is accessible on the Internet. People these days are utilizing internet platforms to watch policies made by the government. Requests for new ideas are also addressed to the government for better governance. To accommodate all aspirations, requests, and ideas regarding platform-related issues can be given on online petitions. Unlike LAPOR! that is confidential and only covers public grievances about public services, online petitions cover issues in all respects. Such an online petition system aims to encourage people to take part in changes by giving their signatures on petitions, and this represents the participation of the public. Online petitions are often accessible to the members of the public, and such a system has been developed in Indonesia. The website [change.org](#) facilitates petitions of all kinds in Indonesia. This website covers several issues addressed to the Indonesian government, including legal, environmental, education, and political issues. In line with the development of technology, online petitions are gaining popularity these days, and all ideas and aspirations voiced by people are accommodated in the petitions. [Change.org](#) in Indonesia started to gain popularity back in 2012. Up to 2015, this site had been used by 100 million users in Indonesia



and globally (Liputan6.com, 2015). However, this platform was initiated by a non-governmental organization, meaning that there is no further guarantee that the government will respond to the petitions addressed.

3.3. Online Petitions in Several Countries

3.3.1. The United States

America is one of the countries with an online petition platform initiated by the executive body to support the freedom to raise petitions as outlined in the First Amendment to the Constitution of the United States. The online petition platform in this country first came into existence when Barack Obama ruled in 2011. Public petitions are accommodated on whitehouse.gov specifically called “*We the People*” that is accessible on the website. With the platform “*We the People*” the members of the public can raise their petitions easily by collecting and spreading signatures. When 100,000 signatures are reached within 30 days, the government is set to review the petitions raised.

Giving petitions should adhere to the terms and conditions available on whitehouse.gov, where petitioners should also come up with an idea of what the government should do next. Furthermore, petitioners should give the petition a title and brief description covering the objectives of the petition raised. Hashtags are to be given in a petition to categorize the petition, and the petitioners concerned will be reached through their emails with a link to help disseminate the petition (petitions.trumpwhitehouse.archives.gov, 2012). When the petition reaches its first 150 signatures, it will be displayed on the public website “*We the People*”, and when it hits the threshold, the petition concerned has to wait in a queue for further review by the White House. Upon publication, petitioners have 30 days to collect 100,000 signatures to allow for responses from the government. The government’s responses will then reach the people within 60 days, depending on the topic and the volume of the entire petition on *We the People*, but responses may be delayed and may be given to the page of the website where the petition is uploaded.

3.3.2. South Korea

The constitution of South Korea guarantees its people to voice their thoughts and freedom of the press as outlined in Article 21. This country also guarantees its citizens to raise petitions, and the right to raise the petitions is regulated in the Constitution of South Korea specifically in Article 26 stating that all citizens have the right to raise petitions to the government or other authorities as governed by the law and the state must review all the requests submitted through petitions. A state with a semi-presidential system like South Korea has a presidency office called the Blue House. That provides a website for petitions accessible at <https://www1.president.go.kr/petitions>. This platform is named “people’s Communication Plaza”. All the petitions posted on this website are clarified further into 17 categories, and people can write or agree with petitions by logging in to their Twitter, Facebook, Naver, or Kakao accounts. A URL is given after the petitions are input. Before a petition is displayed on a bulletin board, it has to obtain 100 signatures in 30 days. The Bulletin board allows people to join the petition by giving their signatures. A petition with 100 signatures will be further reviewed by the administrator before it is published on a petition board. Within 30 days of the publication of a petition on Blue House, the government and the officials of the Blue House (including ministries, a chief secretary, and an advisor) will respond to the petition signed by more than 200,000 people. The solution to the petition is sometimes given within 2-3 weeks.



The petition with signatures exceeding more than the limit and waiting for responses is accessible on the Blue House website under the section 'answered petitions'.

3.3.3. Germany

Since the founding of the Federal Republic of Germany, the petition system has been further strengthened, expanded, and modernized from both a legal and an institutional point of view ([Knud O. Boehle, 2014](#)). In Germany itself, which is a country that adheres to a parliamentary system of government, the organizer of the petition is the parliamentary body. The Constitution (*Grundgesetz*) of the Federal Republic of Germany of Chapter I is focused on basic rights, as governed in Article 17, guaranteeing the rights of the people to raise petitions. Article 45C Paragraph (1) of the Constitution (*Grundgesetz*) states that *Bundestag* appoints the committee in charge of petition management responsible to the government, and grievances are addressed to the *Bundestag* according to Article 17. For each letter with a request or complaint addressed to the *Bundestag* it is forwarded to the 31 members of the Committee, who examines and considers the incoming petition. Petitions that do not fall within the federal government's constitutional competence are submitted to the petition committee of the respective state parliament, so far as the state is responsible. As the German *Bundestag* is not a judicial body, it cannot pass judgment, or reverse or change court decisions ([E-Petitionen Bundestag, n.d.](#)).

Germany has a website that receives petitions accessible at <https://epetitionen.bundestag.de/>. The petition is organized in two ways, those ready for publication and published petitions. Unlike the platforms in the US and South Korea, the platform in Germany provides an option for published petitions. The website also provides a discussion forum from which people could view other people's ideas or opinions regarding the petitions concerned. This certainly affects the participation of the people in the petitions raised on the petition website, and this model is intended to create a forum for objective discussion about vital issues where people could see problems from different perspectives. Those planning to raise petitions, give signatures, or participate in a discussion are required to create an account on the website. Signing up will require *eID* or electronic identity for electronic identification for the citizens of the European Union and European Economic Area. A petition with at least 50,000 signatures will be discussed in a committee session. It takes four weeks for the members of the public to sign a petition and give contributions to discussions, and they will be notified about the petition process running on the internet. Sub-tabs are available on the platform indicating that a petition is in the process of gaining signatures, still in progress, under review, or the petition is complete.

3.4. Online Petitions in Indonesia in the Time to Come

Indonesia refers to the presidential system, requiring the president to serve as the head of the state and the head of the government. Like in the US and South Korea where the presidents hold executive power, online petitions in Indonesia need to be manifested further, involving the president in the making of the petition platform. The petitions on a petition website can be categorized as published petitions, different from those in Germany, where the platform also manages unpublished petitions. Those raising the petitions must have an ID number, while in South Korea, this identification number is not required since petitions can be raised from social media accounts. Petition makers in Indonesia should classify the actions the government is suggested to take, while the classification of petitions can be categorized into 17 aspects adopted from South Korea. The petition website must be equipped with a discussion forum adopted from Germany to enable the government to review thoughts about petitions.



The minimum limit of the signatures in online petitions in Indonesia should comprise 100 signatures and it has to wait for 30 days for a petition to get a response. The limit is different among the three countries compared. In Indonesia, a petition has to obtain 250,000 signatures and the government should respond to the petition within 30 days for the petition exceeding the minimum threshold of signatures.

Petitions in Indonesia are not yet regulated. Thus, a legislative product is needed to make it binding. It is also intended to guarantee the legal certainty encouraging the government to respond to petitions or other matters regulated in a particular law concerned. In the US, South Korea, and Germany, petitions are guaranteed in the constitutions of the respective countries. Indonesia has to take into account the condition of the state before it regulates the matter. Petitions can be governed in the Constitution if petitions are mandatory to the president or if citizens can guarantee that there is a condition that urges the petitions to be governed in the Constitution. It is not easy to amend the Constitution in comparison to the amendments of laws since the Constitution is fundamental. If the petition is governed by the laws, the government should have the political will to draft the law that governs petitions. The president with its executive power could initiate an online petition platform to hear the citizens' opinions and to give responses to public grievances. That is, it is not that necessary to govern petitions in the Constitution of Indonesia since it is clearly stated that the President holds the government power, meaning that the president has the right to make policies. If the President makes a policy concerning the initiation of petition chambers to accommodate people's aspirations regarding issues, the president could request for the bill to the House of Representatives to govern petitions.

If the House of Representatives does not approve the request for the bill concerning the petitions, the president could run the petitions based on the Presidential Regulation which not only serves as delegated regulations but also covers the power of autonomy that enables the president as the holder of the government power to run the public government ([Listiningrum, 2019](#)). Laws are inextricable from political conditions in a state, recalling that regulations represent political products. In terms of the petitions whose platform is made by the president, the political conditions will need to be taken into account.

The role of the president and the House of Representatives can be governed by the Constitution. This is because the Constitution governs cross power branches so does a law. However, when this is governed by the presidential regulation, no additional authority can be given to the House of Representatives simply because the presidential regulation can only execute presidential power. When it is governed by the presidential regulation, it will only deal with the government, making checks and balances absent when it is linked with the House of Representatives. Presidential regulation is binding for the presidential agency, and this regulation cannot govern another agency.

4. Conclusion

Indonesia with its presidential system has its president hold the executive power, with the responsibility for the voting citizens. It is common to find out that the nexus between the president and the citizens is absent in the government process. Although people are guaranteed by laws to have the right to express their opinions and participate in the government, this works only one way. Thus, people need to have room for their aspirations, criticism, and ideas to have their rights to express opinions and participate in the government guaranteed. The demands for actions from the government regarding policy-related issues



voiced by people have contributed some new ideas to the government. An online petition platform can come as a solution to violent demonstrations and can realize the principle of good governance that prioritizes public participation, effectiveness, efficiency, and transparency.

Online petitions in Indonesia could adopt other systems run in the US, South Korea, and Germany, and this platform can be managed by the president and they should facilitate people's aspirations through petitions addressed to the government. Petitions should also be regulated in the legislation, including the Constitution, laws, and presidential regulations, depending on the conditions and political will of the people in Indonesia.

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