

## **The Position of Online Petitions in The Indonesian Legal Order**

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### **ABSTRACT**

*This research is a qualitative research with a descriptive approach, namely describing the position of Online Petitions in the legal order in Indonesia and also describing its position in the legal order in European countries. The data used in this research is secondary data that researchers obtained from scientific articles, books, statutory regulations, magazines and credible websites that are commonly used and become references in each research. The data used was analyzed using descriptive and comparative legal analysis techniques, namely first describing the position of online petitions in Indonesian legal matters and then comparing them with various European countries. The result in this research show that that the regulation of online petitions in Indonesia is not very detailed and roams freely. This means that online petitions that have been filled in in large numbers exceeding the threshold in countries such as the UK and the United States which must be answered by the government, do not have to be answered in Indonesia. Online petitions are a form of product of freedom of expression from democracy. On the one hand, researchers believe that more specific arrangements for handling online petitions such as the United States and England also need to be implemented in Indonesia. However, on the other hand, this is not really necessary due to the responsive nature of the Indonesian government in answering the big questions on the minds of the public. Apart from that, these big questions are more often discussed through various talk shows, whether via digital television, print media, Instagram, YouTube and other platforms. For these various reasons, researchers believe that further regulation regarding online petitions is not really necessary in Indonesia. In fact, researchers are of the opinion that making a case go viral on social media without packaging it in the form of a petition is more effective than organizing the online petition itself.*

**Keywords :** *Right To Inquiry, Results, General Election*

### **INTRODUCTION**

Online petitions are a form of policy advocacy channel. According to Mansour Faqih, advocacy is a medium or method used to achieve a certain goal. Advocacy is more of a systematic and organized effort to influence and urge changes in public policy gradually to progress. Advocacy is a step in proposing ideas to other people or conveying an important issue so that it can be paid attention to by the public and directing the attention of policy makers to

find a solution and build support and propose how to resolve the problem (Ghazaly Ama La Nora, 2014).

The general definition of advocacy is a systematic and organized effort to influence and urge change, an element of defending, providing understanding to certain parties (society) on a particular problem. This arises because this country is always faced with problems of humanity, poverty and injustice. This gives rise to awareness to make changes, fight back and defend what is felt. Advocacy is carried out by community organizations, religious groups, non-governmental organizations as non-governmental organizations, students, and others (Ahmad Fadhila, 2020).

One form of resistance and defense that is appropriate at this time is through online petitions which are a form of policy advocacy channel. Online petitions are one of the results of technological and information developments which are considered to be a form of democratic ideals in the digital era. A petition is defined as a request to public policy makers such as the government, parliament or private agencies. The purpose of a petition is as a tool to change public policies or urge certain actions to policy makers. Petitions are a space for people to express their opinions (Rahma, 2016).

The emergence of online petitions does not change the use of conventional petitions, in fact it offers wider access and a shorter time (Taufiqurrohman, 2021). Online petitions have a digital space where users can not only create virtual petitions, but can also monitor the progress of ongoing petitions. Online petitions have two types of categories, namely formal and informal types. The formal online petition type refers to a petition system run by a public or government institution. Meanwhile, informal online petitions are more directed towards petition systems that are regulated and created by private or non-governmental agencies (Fauziah, 2022).

Online petitions are a form of joint action that can be accessed via the website. The increasing development of technology and information makes online petitions have advantages, namely in online petitions the public can follow the development of the petition transparently, make claims by signing online and can provide comments. According to Riehm and Lindner, the general function of petitions in a democratic country is divided into three stages, namely individual, intermediate and system stages. a. Individual This stage is related to personal goals such as individual complaints or complaints. This function has the same goal, namely changing the policies issued by policy makers. Petitions act to help put issues into the design of the object of the petition. This stage also coordinates supporters and non-governmental organizations to support and attract media attention. b. Intermediate Intermediate, namely supporting parliament in supervising the executive, playing a role in strengthening parliament in the political system and potential involvement with parliament. c. System. Looking at this from the perspective of a universal political system. In this case, the petition is considered capable of contributing to system legitimacy and integration. If the target of the petition in making decisions is to be used as a consideration in making political policies,

then there is a possibility that the petition will be able to achieve political legitimacy (Lindner, 2009).

In the Indonesian legal order, online petitions do not have a special position that ensures their certainty. In Indonesia, online petition platforms are still managed by private agencies or in the form of social enterprises (Made Aryandi Singa Gothama, 2009). Change.org attracts and utilizes social media such as Twitter, Instagram, Facebook to support the continuation of the petition. Different from a number of countries such as England, America, Korea and Estonia. In the United States, petitions have become part of the US constitution, so that people are free to make petitions as a form of public complaint (Aris Setyo Nugroho, 2008).

An amendment to the United States constitution was passed as part of the declaration of rights on December 15, 1971. The United States government set conditions for a petition to be responded to, namely that the petition had to reach 150,000 signatures within a period of one month or 30 days. Based on this, this research aims to explain in more detail the position of online petitions in the legal order in Indonesia and compare it with various other countries in Europe (Hardiman, 2018).

## **RESEARCH METHODS**

Based on the explanation above, it can be concluded that the researcher aims to analyze the position of online petitions in the legal order in Indonesia (Sugiyono, 2019). This research is a qualitative research with a descriptive approach, namely describing the position of Online Petitions in the legal order in Indonesia and also describing its position in the legal order in European countries (Henni, 2015). The data used in this research is secondary data that researchers obtained from scientific articles, books, statutory regulations, magazines and credible websites that are commonly used and become references in each research (Khotimah & Kiranantika, 2019). The data used was analyzed using descriptive and comparative legal analysis techniques, namely first describing the position of online petitions in Indonesian legal matters and then comparing them with various European countries (Lexy J. Moleong, 2018).

## **RESULT AND DISCUSSION**

### **Online Petition**

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### **The Position Of Online Petitions In The Indonesian Legal Order**

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An amendment to the United States constitution was passed as part of the declaration of rights on December 15, 1971. The United States government set conditions for a petition to be responded to, namely that the petition had to reach 150,000 signatures within a period of one month or 30 days. The petition system in England is also considered to be developing because the British parliament provides new innovations by providing online petitions to its people to voice their freedom rights (Mardani, 2010). The British government provides an official website and provides information and guidance about the online petition mechanism. Before the petition is published, five people must be supported and meet 10,000 signatures in order to receive a response from the British government. If these requirements are met, it will be the subject of discussion in parliament. The British government also provides very clear rules to avoid irresponsible online petitions. The requirements include that the petition is clearly addressed to the government or parliament, a petition must be free from issues that have the potential to violate the law, the petition is not confidential, does not cause misunderstanding and slander. More than 30,000 petitions with various aims have occurred in the development of petitions in the UK (Izoniddin, 2008).

Based on the explanation above, a common conclusion can be drawn that the regulation of online petitions in Indonesia is not very detailed and roams freely. This means that online petitions that have been filled in in large numbers exceeding the threshold in countries such as the UK and the United States which must be answered by the government, do not have to be answered in Indonesia. Online petitions are a form of product of freedom of expression from democracy. On the one hand, researchers believe that more specific arrangements for handling online petitions such as the United States and England also need to be implemented in Indonesia. However, on the other hand, this is not really necessary due to the responsive nature of the Indonesian government in answering the big questions on the minds of the public. Apart from that, these big questions are more often discussed through various talk shows, whether via digital television, print media, Instagram, YouTube and other platforms. For these various reasons, researchers believe that further regulation regarding online petitions is not really necessary in Indonesia. In fact, researchers are of the opinion that making a case go viral on social media without packaging it in the form of a petition is more effective than organizing the online petition itself.

## CONCLUSION

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