

Constitutional Amendment in the e-Democracy Era: Experience Constitutional “Crowdsourcing” from Iceland and Challenges for Indonesia

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Abstract

The growing interest in constitutional reform has drawn attention to crowdsourcing as an innovative method for increasing public involvement. This approach, successfully implemented in Iceland, contrasts sharply with the traditionally elitist processes seen in many other countries, including Indonesia. This article investigates the potential of applying a crowdsourced model to Indonesia's future constitutional amendment processes. Using a statutory and comparative legal method, the study analyzes the Icelandic experience to draw insights for the Indonesian context. The research finds that Indonesia's constitutional amendment process has historically marginalized public participation, lacking transparency and inclusivity. In contrast, Iceland's model demonstrates that structured digital engagement can produce a more democratic and representative outcome. This study offers two key contributions: first, it highlights the normative shift introduced by digital constitutionalism; second, it underscores the importance of designing hybrid models that blend conventional and digital mechanisms. While promising, the implementation of such a model in Indonesia faces significant obstacles, including digital inequality, manipulation risks from political buzzers, and the ethical challenges of AI-mediated discourse. These findings suggest that any future reform must be carefully tailored to local conditions, ensuring both accessibility and legitimacy

Keywords: *Constitutional Amendment, Crowdsourcing; Public Participation*

A. INTRODUCTION

Constitutional amendments are a strategic instrument for strengthening or perfecting a constitution, and given their strategic nature and the fact that a constitution is a fundamental legal document of a country, public participation in the constitutional amendment process is also crucial and strategic. Public participation in constitutional amendments is not merely an embodiment of democratic principles but places the public (the people) who hold sovereignty (constituent power) in determining the substance of the constitution (López Bofill, 2021). In fact, examining the constitution designs of several countries reveals that constitutional amendments often require a referendum mechanism as a form of public participation, determining whether the amendment can be enacted and implemented (Silva & Contreras, 2020). Eoin Carolan, in his research, identifies a resurgence of referendums as a paradigm of public participation. This resurgence of referendums as a mechanism for public participation in constitutional amendments is partly due to technological advancements that enhance the potential for optimal public participation.

In the development of theories and practices regarding constitutional amendments, global constitutionalists focus on practices in several countries that have successfully utilized technological advancements to enhance public participation, particularly in the constitutional amendment process. Alexander Hudson highlights the constitution-making process in Iceland in 2011, noting that Iceland was the first country to successfully increase public participation in the constitutional amendment process through a crowdsourced project (Hudson, 2018). The "crowdsourced" constitutional project in Iceland is considered successful in creating an inclusive, egalitarian, and divergent constitution-making process (Lironi, 2023).

The "crowdsourced" constitutional project emerged as a political choice to address the conventional public participation paradigm, which has traditionally been conducted by institutions with the authority to carry out amendment activities. In many practices, public participation in constitutional amendments has often been designed to appear meaningful, but in reality, it has been exploited by these authoritative institutions to legitimize their own political interests and desires, which are then enshrined in constitutional norms (Abat i Ninet, 2021).

Exploitation of public participation for elite interests can also be observed in Indonesia's experience. After Indonesia emerged from the authoritarian regime in 1998, constitutional reform project was the first course of action (Salam, 2023). However, this reform faced strong criticism, including from Denny Indrayana, who argued that the constitutional amendments involved minimal public participation (Nggilu, Perwira, Abdurahman, Moha, & Rachmaniar, 2024). According to Donald L. Horowitz, the amendments occurred with the participation of a few institutions but lacked public involvement (Horowitz, 2013; Mietzner, 2010). Public participation in the constitutional amendment process is crucial as it impacts the level of public legitimacy of the resulting constitution (Horowitz, 2013; Mietzner, 2010).

Reflecting on Indonesia's past experience with constitutional amendments from 1999-2002, it is important to consider strategies in order to enhance public participation through "crowdsourced" constitutional projects for future amendments to the Indonesian Constitution. This is crucial given that the issue of amending the Indonesian Constitution remains a pressing concern, even since the People's Consultative Assembly approved the constitutional amendment products in 2002 (Ahmad & Nggilu, 2019).

Despite a significant body of literature addressing the constitutional amendment process in Indonesia, most studies remain focused on the political-legal dimensions of post-reform amendments, such as institutional imbalances, elite domination, and the deviation from constitutionalism ideals. These works, including those by Siradjuddin et al., (Barus, 2017) and Nugraha, (Nugraha, 2018) highlight persistent problems such as excessive executive or legislative power, ambiguous bicameralism, and weak public oversight. However, these critiques largely treat constitutional reform as an elite-driven endeavor, paying limited attention to how democratization in the digital age could reshape amendment mechanisms.

Meanwhile, comparative scholarship—most notably Nggilu et al. (2022)—has begun exploring how digital technologies like crowdsourcing can enhance public participation in constitutional reform, using Iceland and Estonia as reference points (Nggilu, Kasim, Noviawati, Sahabat, & Tampubolon, 2025). Nonetheless, this scholarship remains relatively nascent, especially in developing country contexts. There is still a critical gap regarding how such participatory digital models might be adapted to Indonesia's unique socio-political and technological landscape, including issues of digital inequality, algorithmic manipulation, and civic digital literacy. Your article addresses this overlooked intersection by combining a normative-legal inquiry with comparative analysis to evaluate the applicability of crowdsourced constitutional reform in Indonesia. This approach is novel in both scope and focus, offering theoretical and practical contributions to the study of digital constitutionalism in the Global South.

This article is intended to explore how public participation in the constitutional amendment process, examine the successful experience of the “crowdsourcing”

constitutional amendment project in Iceland, and the challenges for future constitutional amendments in Indonesia.

This research adopts a comparative legal approach and a statutory (Rezah & Qamar, 2020) (normative-juridical) method to address the central inquiry: how can the Icelandic model of crowdsourced constitutional amendment be meaningfully examined and potentially adapted within the Indonesian context? The comparative method is employed to critically analyze the legal and procedural frameworks governing constitutional amendments in other jurisdictions—primarily Iceland—where digital public participation has been institutionalized through a structured, transparent, and participatory mechanism. This approach is essential to extract normative patterns and contextual factors that may inform the Indonesian experience, allowing the research to go beyond descriptive comparison and provide prescriptive insight.

Concurrently, the statutory approach is used to explore how Indonesia's constitutional framework regulates amendment procedures, especially the legal avenues (or limitations) for public participation. Legal sources for this study include primary legal materials (such as constitutional texts, statutory regulations, and official constitutional amendment procedures), secondary materials (including academic journals, scholarly books, and expert commentaries), and tertiary materials (such as legal encyclopedias and dictionaries) (Irwansyah, 2020). All materials are gathered through doctrinal legal research and analyzed using a prescriptive-analytical framework (Ismail, Nggilu, & Puluhalawa, 2025), which seeks not only to interpret the current legal landscape but also to propose normative solutions for integrating participatory models into future constitutional reforms. This dual-method approach

ensures both doctrinal depth and comparative breadth in understanding the evolving nature of constitutionalism in the digital era.

B. RESULTS AND DISCUSSION

PUBLIC PARTICIPATION AS AN ESSENTIAL ASPECT IN CONSTITUTIONAL AMENDMENT

Even though the constitution is recognized as the embodiment of a nation's aspirations, or even as the resultante of political, economic, social, and cultural dynamics of a nation (Siburian, 2022), it does not mean that the constitution should be regarded as an unamendable sacred formal document. The constitution is not an unamendable sacred book; in fact, amendments are necessary to enable the constitution to adapt to the evolving times. The connection between the constitution and amendment has been compared by Richard Albert to a lock and key-one cannot function without the other. Rasch and Congleton even concluded. that almost all state constitutions contain provisions for constitutional amendments, with only 4 percent of the world's constitutions lacking amendment procedures.

Public participation in the constitutional amendment process is highly significant as it is inseparable from the meaning of the constitution itself as a resultante of collective agreement, where individuals (the people) agree to mutually limit their freedoms and establish shared interests (Saputra, 2019). Therefore, if this constitution, as a resultante of such collective agreement, is to be amended, the people, as the primary stakeholders, must be involved, making their participation essential in the constitutional amendment process.

Theoretically, the role of the public in the process of constitutional amendments can be comprehended in two ways: first, a constitutional amendment that fully involves the public, where society itself decides which fundamental and essential aspects of the constitution can or cannot be amended; and second, a constitutional amendment that only partially involves the public, usually through representative mechanisms that engage only certain segments of society in the amendment process.

This framework of public involvement is often linked to the theories of constituent power and amendment power. According to these theories, constituent power is closely tied to the concept of popular sovereignty (Nggilu, Moha, Sinaga, & Rachmaniar, 2024), where the people hold the highest authority. As such, during the constitutional amendment process, the people have the greatest role and authority in deciding whether fundamental aspects of the constitution should be amended (Rubinelli, 2020). Matters related to the basic structure or even the identity of the constitution, which are the subjects of amendments, must be decided through extraconstitutional mechanisms (Colón-Ríos, 2020) or full public involvement. This could be done, for example, through a referendum, allowing the public to have total control in determining whether those constitutional elements can be amended or not.

Unlike amendment power, which is typically exercised through normal mechanisms as determined by the constitution carried out by the legislative body when the object of the constitutional amendment does not involve fundamental aspects of the constitutional structure or identity (Rozna'i, 2019)—or if associated with the terminology introduced by Richard Albert, when the object of the constitutional amendment is merely corrective or remedial.

In the past decade, Alexander Hudson has focused on the importance of public participation in the process of constitution-making. Referring to Tushnet's views, Hudson seems to believe that "at some point in the process of drafting and implementing a constitution, the law runs out, and it is at this point that the revolutionary path to constitutional legitimacy must be taken, often requiring some form of public participation to legitimize constitutional amendments (Hudson, 2021)."

Hudson's perspective, when deeply measured, holds merit, because naturally, no matter how well-designed a constitution may be, it will eventually face circumstances where it no longer aligns with its applicable original content. Constitutions are created within specific contexts, but these contexts evolve with time (Ahmad, Wantu, & Nggilu, 2020). In such situations, reforming the constitution, either through amendments or even by taking revolutionary measures to rebuild the lost political authority by a pre-revolutionary regime, often becomes the chosen path (Gardbaum, 2017).

In discussions about the constitutional amendment process, a key question arises: at what point should public participation take place? Should it begin from the early stages of issue constitutional formulation or identification, during deliberation process, or is it enough to involve the public only at the approval stage, such as through a referendum or plebiscite? In this context, Landemore's perspective is significant. According to her, public participation is not merely a performative illustration that makes it part of the process, but it should also be regarded as an instrument capable of influencing the content of the constitution being drafted. Since public participation should ideally influence the content of the constitution reflecting the will of the people as the ultimate sovereign in a country this aspect of public involvement must be present

from the beginning of the constitutional amendment process until its completion, rather than being introduced midway or at the end of the process (Landemore, 2020).

While many experts believe in the premise that public participation significantly affects the content of the constitution, Hudson, in his research, sought to test this assumption. Drawing on the experiences of two countries, Brazil and South Africa, he argues that public participation has a relatively minor impact on the constitutional text. Instead, he asserts that the strength of political parties is the primary determinant of the effectiveness of public participation (Hudson, 2021).

Hudson's findings are certainly open for debate. On one hand, it must be acknowledged that the process of constitutional amendments is a crucial moment requiring participation from all parties, in accordance with their roles whether political parties, parliament, the executive branch, the public, or even the judiciary. However, this does not mean that political parties hold the primary determining role in the effectiveness of public participation. Referring solely to the experiences of Brazil and South Africa is too premature to fully capture the effectiveness of public participation being specified by the role of political parties.

Even though public participation in constitutional amendments has become an international trend (Hudson, 2018) and tradition, and widely practiced in various countries, it must also be acknowledged that such practice in amendment process varies. In his research on 100 national constitutions, Taufiqurahman categorized public participation designs in the amendment process into five groups (Ahmad, Wantu, & Nggilu, 2020): citizens, parliament, government, the Constitutional Court, and regional states/provinces. Additionally, in some countries' amendment or constitution-drafting processes, public participation is designed in the form of a referendum, which

determines whether a draft constitution can be ratified and implemented, as seen in Colombia. Meanwhile, participation of judicial institutions in the constitutional amendment process in the amendment process can be observed in South Africa, where the Constitutional Court must review a draft constitution before parliament can approve it, ensuring that the draft does not conflict with the fundamental principles of South Africa's existing constitution (*Southeast African Constitution*, 1993).

In the context of Indonesia, the constitutional framework for constitutional amendments solely outlines which institutions have the authority as stipulated in Article 3 Paragraph (1), the quorum requirements as stated in Article 37 Paragraph (1), Paragraph (3), and Paragraph (4), as well as unamendable provisions as regulated in Article 37 Paragraph (5). This design does not include any regulations on how public participation in the constitutional amendment process should be carried out. The framework reflects how the amendment process in Indonesia is fully dominated by the People's Consultative Assembly (MPR). This aspect was identified by the Constitutional Commission in 2003 when it conducted a comprehensive review of the 1999-2002 constitutional amendments. The Commission recommended the need for further amendments, particularly emphasizing the need to regulate public involvement in the amendment process of Indonesia's Constitution (Ahmad & Nggilu, 2019). However, this recommendation was disregarded by the People's Consultative Assembly, an institution that had formed the Constitutional Commission, on the grounds that the constitutional amendments already made by the People's Consultative Assembly were deemed sufficient (Rasyid, Nggilu, Wantu, Kaluku, & Ahmad, 2023).

C. The Evolution of the Amendment Process in the Indonesian Constitution Over Time

Referring to the history of Indonesia's constitutional formation during the proclamation era, the preparations for Indonesia's independence were carried out by an institution known as the Investigating Agency for Preparatory Efforts for Indonesian Independence (BPUPKI) (Satrio, 2023), chaired by Radjiman Wedyodiningrat. As a newly independent country with limited public understanding and knowledge about the aspect of constitutional formation, the process was predominantly controlled by the elitist BPUPKI. Most members came from Java, the largest indigenous group in Indonesia, or held political and bureaucratic positions under the Japanese government. This agency held its first meeting from May 29 to June 1, 1945, followed by another session from July 10 to 17, 1945, resulting in a provisional draft constitution consisting of 37 articles, 4 transitional provisions, and 2 additional provisions.

Over time, the BPUPKI was replaced by an agency called the Dokuritzu Zyunbi Inkai, also known as the Indonesian Independence Preparatory Committee consisted (PPKI) (Nggilu, 2024), which was established on August 7, 1945. Its task was to prepare for independence and transfer power to the newly independent government. The committee reviewed the draft 1945 Constitution article by article, making several fundamental amendments. These included the removal of the controversial seven-word phrase "to implement Islamic law for its adherents" and the clause requiring the president to be a Muslim (Faiz, 2019).

The 1945 Constitution was subsequently ratified and enacted on August 18, 1945, one day after Proclamation of Indonesian Independence. From this historical

excerpt, it is evident that the legal and political efforts behind the formation of the 1945 Constitution were closely linked to the preparation of a foundational framework for the newly independent state of Indonesia, even though the document was provisional. The intention to prepare a permanent and more comprehensive constitution is implicitly reflected in the provisional nature of the 1945 Constitution, as evidenced by the Additional Provisions of the 1945 Constitution, which state that:

1. Within six months after the end of the Greater East Asia War, the President of Indonesia shall arrange and implement everything stipulated in this constitution.
2. Within six months after the People's Consultative Assembly is established, this Assembly shall convene to determine the constitution.

The intention to prepare a new constitution through the People's Consultative Assembly (MPR) was not materialized due to the continued Dutch aggression, which aimed to reassert control over Indonesia as a colony, similar to the situation before World War II (Nggilu, Perwira, Abdurahman, Moha, & Rachmaniar, 2024). Using the *divide et impera* (divide and rule policy) (Ahmad & Nggilu, 2022), the Dutch established and sponsored several puppet states in various regions of the archipelago, including the State of Sumatra, the State of Eastern Indonesia, the State of Pasundan, the State of East Java, and others. In this fragmented state, the Dutch expected to undermine the influence of the Republic of Indonesia. Accordingly, the Dutch launched Aggression I in 1947, followed by Aggression II in 1948. Under pressure, and influenced by the United Nations, the Round Table Conference was held in Den Haag (The Hague) from August 23, 1949, to November 2, 1949. This conference

ultimately led to the Dutch acknowledgment of Indonesian independence, with an agreement covering three main points (Faiz, 2019):

1. Establishing the Republic of the United States of Indonesia (Republik Indonesia Serikat).
2. The transfer of sovereignty to the Republic of the United States of Indonesia, which includes: (a) the charter of sovereignty transfer from the Dutch Kingdom to the Government of the Republic of United States of Indonesia; (b) the status of the union; and (c) the agreement on the transfer.
3. Establishing a union between the Republic of the United States of Indonesia and the Dutch Kingdom.

The consequence of this agreement was the implementation of the Constitution of the Republic of the United States of Indonesia (Constitution of RIS), which was officially enacted through Law No. 11/1949 on December 14, 1949. The RIS Constitution was drafted by the Delegation of the Republic of Indonesia and the Delegation of the *Bijeenkomst voor federaal Overleg* (BFO), which was the Federal Consultative Assembly consisting of representatives from the states within the Republic of the United States of Indonesia. The process of drafting this constitution reflected an elitist nature, as it involved only a small number of representatives from the Indonesian Government and a few representatives from the states of the Republic of the United States of Indonesia.

The application of the federal state model under the RIS Constitution carried political nuances, particularly related to Dutch colonial interests and feudalistic ideas, leading to the federal state's short-lived existence. This was based on the consideration that, as a newly independent nation, Indonesia required effective stages of power

consolidation (Hapsoro & Ismail, 2020). Moreover, constitutionally, there was a provision allowing for the formulation of a new constitution under the terms of the Constitution of the Republic of the United States of Indonesia.

The loophole in Article 186 of the RIS Constitution, which states that the Constituent Assembly, together with the Government, shall immediately establish the Constitution of the Republic of the United States of Indonesia (Nggilu, 2024), reflecting the provisional interim nature of the RIS Constitution, similar to the provisional interim nature of the 1945 Constitution. This provision was viewed by J.C.T. Simorangkir as a loophole for Indonesia to amend the constitution and revert the state form from federal to unitary, finding its momentum on May 19, 1950. This occurred as regions that were part of the RIS began to merge with the Republic of Indonesia, leaving only three states: The Republic of Indonesia, the Eastern Indonesia State, and the Eastern Sumatra State (Saputra, 2019). The agreement among these three states was then preserved in the Combined Charter of the RIS and the Republic of Indonesia, which included:

1. A new “Republic of Indonesia” would be established immediately.
2. The constitution of the new country would be an amended version of the 1949 constitution.
3. The constitution would include a provision that “property rights are a social function”.
4. The RIS Senate would be abolished, while the Provisional People’s Representative Council (DPRS) would consist of the RIS DPR and the Central Indonesian National Committee (KNIP). Additional members would be appointed by the president by taking into account the government’s views.

5. Soekarno would become the President of the new country, while his deputy would be considered later.
6. The cabinet would be parliamentary.
7. A committee would be formed to implement this agreement immediately.

Once again, this process reflects a constitution-making process with minimal public participation and an elitist nature. Transition from the RIS Constitution to the Provisional Constitution of 1950 indicates a constitutional intent to create a more democratic constitution. This is evident from the provision assigning the task of drafting the constitution to the Constituent Assembly, which was to be filled through direct elections by the people a mechanism that had not been previously employed. However, the Constituent Assembly of which members were elected directly by the people, was dissolved by President Sukarno through the Presidential Decree of July 5, 1959. This was due to the Assembly's inability to complete its task amidst conflicting interests and unresolved discussions regarding the state's foundation (Nggilu, Perwira, & Abdurahman, 2023). The Presidential Decree also marked the moment when President Sukarno reinstated the 1945 Constitution (the Proclamation Constitution).

The process of constitutional transition, despite various considerations, is viewed by some as a form of presidential coup against the institution officially assigned by the constitution to draft a new constitution. Muhammad Hatta even explicitly described such action as a coup against a legitimate institution, clearly violating the provisions of the Provisional Constitution of 1950 (Nggilu, Ismail, Sulistyowati, & Moha, 2023).

In the subsequent phase, when President Suharto resigned in 1998, one of the reform agendas was constitutional amendments, which were carried out in stages from 1999 to 2002 and resulted in significant changes. This is evident from the increase in

the number of constitutional amendments in the 1945 Constitution from 71 articles to 199 articles before the amendment (Nggilu, Moha, Sinaga, & Rachmaniar, 2024). Although the constitutional amendments are considered to have a positive impact, which can be seen from the strengthening of the material contained in the constitutional rights of citizens (Nggilu, Kasim, & Badu, 2020), establishing the Constitutional Court and the Judicial Commission, they cannot fully obscure the controversies surrounding the constitutional amendment. It includes criticism to the constitutional amendment process during this time period which lacked a clear roadmap or Academic Manuscript, making such amendment process resulted in an unstructured and poorly directed process (Rasyid, Nggilu, Wantu, Kaluku, & Ahmad, 2023).

In the constitutional amendment process, which was dominated by the People's Consultative Assembly (MPR) at the time, there was significant criticism from various quarters, including from Denny Indrayana, who highlighted the lack of public participation in the constitutional amendment process. Denny pointed out that during the first amendment in 1999, there was almost no public participation organized by the MPR. In the 2002 phase of amendments, public participation was facilitated through seminars and hearings, although it must be acknowledged that these activities were only held in major cities. This limited the scope of participation, as areas not hosting these events had no opportunities to provide feedback and suggestions on the ongoing constitutional amendments (Jamaluddin, 2020).

In the 2001 amendments, the People's Consultative Assembly (MPR) involved an Expert Team to assist with the process. However, once again, most of the recommendations from the Expert Team were not accepted by the MPR. In contrast, during the 2002 amendments, the MPR received 125 letters as feedback. It must be

acknowledged that public participation in the constitutional amendment between 1999 and 2002 was minimal. This contrasts with South Africa in which Constitutional Assembly received 2 million feedbacks from a total population of 24 million.

Not only is there a difference in the number of inputs received, but also in the methods used to gather them. The People's Consultative Assembly (MPR) used seminars and hearings to collect feedbacks, while South Africa employed a variety of methods, including seminars, radio talk shows in eight languages, constitutional discussions on 37 television programs, a hotline with five languages, and a bulletin distributed to 160,000 people (Nggilu, 2022).

D. ICELAND'S "CROWDSOURCING" CONSTITUTIONAL AMENDMENT PROJECT

It must be acknowledged that in the development of constitutions, particularly regarding constitutional amendments in today's democratic era, new approaches have emerged in constitution-making, known as "new constitutionalism," which focuses on "participatory constitution-making" or "conversational constitutionalism." (Harjanti, 2016) Public participation in the process of forming or even amending constitutions has become crucial, and even Ginsburg (Ahmad & Nggilu, 2019) argues that such participation affects the legitimacy of the constitutional amendments. Amendments carried out based on democratic principles will also result in a more democratic constitution (Nggilu, Kasim, & Badu, 2020).

In today's era of technological advancement, the principle of democracy has been implemented innovatively. Hudson even notes that democracy has transformed into e-democracy (Hudson, 2018), where various democratic activities are conducted

digitally, including the process of amending constitutions. A significant innovation in the field of constitutional amendments, leveraging advancements in information technology, can be perceived in the "crowdsourcing" constitutional amendment project. This project has drawn global constitutionalists' attention to new methods for maximizing public participation in constitution-making, as demonstrated in Iceland.

The process of constitutional reform in Iceland was marked by the banking crisis of 2008, which led to severe financial and economic turmoil. This crisis sparked protests and demonstrations known as the "Pots and Pans Revolution," where demonstrators equipped with kitchen utensils gathered in front of Iceland's Parliament (Althingi). At the same time, the general elections led to the election of political activists with a mission for constitutional reform to parliament. The issue of constitutional reform then became the focus of the National Forum organized by a civic organization, which was attended by 1,500 people. This National Forum was followed by a second meeting in 2010, where the newly elected government appointed a seven-member expert committee, known as the Committee of Experts, to summarize the findings from the forum (Hudson, 2018).

On the other hand, Parliament established the Constitutional Council to prepare a draft constitution. In formulating this draft constitution, the Constitutional Council considered the results from the National Forum, which amounted to 700 pages. The Constitutional Council sequentially released 12 draft constitutions to the public, allowing citizens to provide feedback on these drafts (Harahap & Wijayanti, 2022).

What experts consider unique in the Icelandic constitutional drafting process, aimed at maximizing public participation, is the use of a crowdsourcing system. This model allows a large number of users (citizens) to contribute through online activities

throughout the constitutional drafting process in Iceland. The series of constitutional drafting processes by the Constitutional Council were broadcast live on the Internet, and minutes of the sessions or meetings were then posted, and in order to facilitate interaction with citizens in order to gather feedback, communication channels were also prepared on various platforms, including Facebook, Twitter, Flickr, and YouTube (Popescu & Loveland, 2022). Live sessions were also regularly broadcast on TV, with an average viewership of 150-400 people. Additionally, over 50 interviews with counselors attracted approximately 11,500 viewers (Landemore, 2015).

From these various platforms, it was recorded that the Constitutional Council received 323 official proposals and a total of 3,600 comments, all of which were considered in the Council's discussions (Landemore, 2015). Despite the extensive facilitation of public participation (including referendums), the draft constitution ultimately failed to be ratified by Parliament. However, even though the draft constitution was not approved by the Icelandic Parliament (Althingi), Iceland set a new model and method for enhancing inclusive public participation through crowdsourcing. The success of involving public participation in the constitutional reform process through crowdsourcing in Iceland cannot be separated from its people characteristics: a relatively homogeneous population of 330,000 (Lironi, 2023), high levels of education, and high internet access at around 96% (Hudson, 2018).

The success of Iceland's constitutional reform process through crowdsourcing has introduced a new method for constitutional amendment projects. Saunders has even suggested that Iceland's success with crowdsourcing could inspire other countries to adopt this method for their constitutional reforms in the 21st century (Bernal, 2019). Saunders' prediction appears to be coming true. Shortly after, Chile also employed a

similar approach for its constitutional amendment project. In 2015, President Michelle Bachelet announced plans to replace the 1980 constitution. During the "encounter," citizens were invited to submit their suggestions for the future constitution by answering five questions (four closed and one opened one) on an online form. The closed questions included: What values and principles should inspire the constitution? What rights should the constitution ensure? What duties and responsibilities should the constitution assign to individuals? Which institutions should be included in the constitution? In responding to these questions, citizens could choose from provided concepts or introduce their own. This process successfully gathered 90,804 feedbacks (Bernal, 2019).

The new approach through crowdsourcing, successfully implemented by Iceland and several other countries mentioned by Carlos Bernal such as Egypt (Maboudi & Nadi, 2016), Brazil, and Colombia seems poised to continue spreading to various nations undertaking constitutional reform projects. Crowdsourcing offers an online platform where anyone, including citizens residing abroad, can participate by giving feedback and suggestions for constitutional reform projects. This "crowdsourcing" constitutional project represents an epistemic response, giving an opportunity to place the public at the heart of constitutionalism in the new digital era.

E. CHALLENGES OF INDONESIA'S "CROWDSOURCING" CONSTITUTIONAL AMENDMENT PROJECT IN THE FUTURE

The idea of further amending the Constitution of the Republic of Indonesia has been present since the early days when the People's Consultative Assembly approved the constitutional amendments in 2002. To this day, the issue of constitutional

amendments continues to evolve. It must be acknowledged that constitutional amendments have brought about fundamental changes, particularly concerning the fundamental principles of the state, such as strengthening human rights and the principle of checks and balances. Nevertheless, the amended constitution is still seen as having areas in need of improvement, which is why the push for further constitutional amendments persists (Ahmad & Nggilu, 2019).

In the context of further amendments, it is crucial to consider both substantive and procedural aspects. The substantive aspect pertains to which specific content requires refinement, while the procedural aspect involves considering methods like crowdsourcing to enhance public participation an area that received considerable attention during Indonesia's constitutional amendments from 1999 to 2002 (Nugraha, Felicia, & Hartono, 2022). However, challenges in implementing a crowdsourcing-based constitutional amendment project must be addressed. Potential challenges include: First, internet accessibility. The vast geographical area of Indonesia creates disparities and uneven access to the internet across the country. The Ministry of Communication and Information of the Republic of Indonesia noted that there are around 40% of areas in Indonesia that are not yet connected to the internet (Sihombing, 2024). Additionally, the National Information and Communication Technology Council notes that there are 12,000 villages currently without any telecommunications signals (Indriani, 2024). This situation means that people in areas without internet access cannot participate in the constitutional amendment process by crowdsourcing.

Second, the presence of political "buzzers," often used by elites in both general elections and local elections (Miqdad, 2024), could also be exploited by political entities with interests in the constitutional amendment project. These buzzers are

intended to influence public perception, particularly in online media spaces used to gather public feedback and suggestions for the constitutional amendment project using a crowdsourcing approach. In this scenario, public participation and feedback could appear less authentic and more driven by the pragmatic interests of those deploying these buzzers to sway public opinion during the constitutional reform process. Third, the use of robots or artificial intelligence devices to post pre-designed comments in online public forums can negatively impact efforts to enhance public participation in the constitutional amendment project through crowdsourcing. Such conditions need to be anticipated, as they can lead to a situation where public participation and feedback are no longer genuine but rather engineered and pragmatic.

Fourth, accessibility for vulnerable groups. A constitutional amendment project utilizing a crowdsourcing approach must also consider vulnerable groups, including the elderly, people with disabilities, and other vulnerable groups. It is essential to develop strategies to ensure their participation, as the amendment project should be inclusive of all members of society, including these vulnerable groups. Crowdsourcing, often associated with technological proficiency, poses challenges for those with limited knowledge and understanding of information technology, such as the elderly and people in remote areas with limited internet and digital access.

Given the conditions outlined, to maximize public participation in a constitutional reform project, it is crucial to combine both crowdsourcing and conventional approaches. This means adopting a mixed approach: for those in areas with internet access, crowdsourcing is an effective option. However, for those in areas with blank spots or vulnerable groups with limited digital knowledge and

understanding, conventional methods such as campaigns, socialization, seminars, and talk shows should be employed to gather input.

Additionally, challenges related to the use of buzzers and artificial intelligence need to be addressed. The strategy used by Chile in its constitutional amendment project is worth considering. In Chile's approach, individuals providing input are required to disclose their identities. This measure helps to mitigate the influence of bots and artificial intelligence, ensuring that the process of public participation remains genuine and original.

C. CONCLUSION

Public participation in constitutional amendment projects is an essential aspect, as crucial as the text of the resulting constitution. Public participation, which has been a significant concern in many constitutional amendment events, is anticipated and managed through the use of a crowdsourcing approach that enables various stakeholders to engage in the constitutional amendment project. The success in Iceland has opened many eyes and inspired numerous countries to adopt this approach, with predictions that it will continue to spread to other countries undertaking constitutional amendment projects in the 21st century. Despite the success of the constitutional amendment project in Iceland, the unique characteristics of each country will influence the extent of success when applying this approach, including in Indonesia, which has different characteristics from Iceland. Several challenges need to be anticipated in future constitutional amendment projects in Indonesia if using a crowdsourcing approach, such as internet accessibility issues, the existence of blank spots, the presence of vulnerable groups, particularly those who are not accustomed to internet

and digital activities, and the potential misuse of buzzers by elites to influence the public participation process, which could undermine the natural and original nature of public engagement.

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