

## Basic Cultural Sciences as a Pillar of Indonesia's Legal Culture in the Era of Digital Disruption

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### ABSTRACT

This study examines the role of Basic Cultural Sciences (IBD) as a foundational pillar of Indonesia's legal culture in the era of digital disruption. This research uses normative legal research methods with statutori, conceptual and analytical approaches, this paper analyzes the relationship between cultural values, legal humanities, and digital law enforcement. The study integrates Friedman's legal culture theory, Widagdho's humanistic axiology, and Asshiddiqie's digital transformation framework. Findings reveal that legal effectiveness cannot rely solely on formal regulation but requires the integration of IBD as a moral and "spiritual infrastructure" to mitigate behavioral distortions in cyberspace. The study concludes that strengthening legal culture through IBD is essential to create a harmonious, ethical, and substantively just digital ecosystem in Indonesia

## INTRODUCTION

The existence of Indonesian society in the 21st century stands at a crucial crossroads of civilization, driven by the rapid development of digital technology. Digital transformation, which is both constructive and destructive, has significantly altered patterns of social interaction from value-laden physical spaces into anonymous and mechanistic cyberspaces. This phenomenon of digital disruption not only influences economic and technological sectors but also penetrates the foundations of legal behavior within society. This situation indicates that law frequently lags behind social change, a condition known as *het recht hinkt achter de feiten aan*, reflected in Rahardjo's perspective (2014). In the Indonesian context, this lag is not limited to regulatory aspects but extends to legal culture, which ultimately determines the effectiveness of the legal system (Friedman, 1975).

Contemporary digital society is experiencing what is known as cultural lag, referring to the imbalance between technological advancement and the maturity of ethical and cultural character (Soekanto, 2003). The existing gap is further exacerbated by digital economy systems that turn human behavior into a tradable data commodity. (Zuboff, 2019). Consequently, fundamental values such as empathy, responsibility, and civility are increasingly degraded in cyberspace. Under such conditions, law is often reduced to a purely punitive instrument through regulations such as the Information and Electronic Transactions Law (UU ITE). In fact, law should not merely function as a tool of control but also as a reflection of human values within society (Rahardjo, 2014).

From a humanistic perspective, Basic Cultural Sciences (IBD) serves an axiological function as an instrument to humanize individuals amid the mechanistic currents of modernity (Widagdho, 2012). IBD plays a crucial role in shaping ethical awareness and moral consciousness among individuals as legal subjects. The integration of cultural values and legal norms is essential to maintain a balance between technological advancement and the preservation of human values. Without such integration, law risks losing its moral dimension and becoming merely a technocratic instrument. Therefore, strengthening legal culture through a humanistic approach becomes an urgent necessity in the digital era.

Several previous studies have examined legal culture and digital transformation from various perspectives. Darmika (2016) emphasizes that legal culture is the result of the interaction between values, norms, and patterns of societal behavior. Firdaus (2024) highlights the importance of strengthening regulations and institutional capacity in cyber law enforcement. Meanwhile, Arfi and Sari (2024) reveal that the implementation of the UU ITE still faces challenges in fostering legal awareness among society. Another study by Cahya et al. (2024) points out the challenges of adapting legal systems to emerging technologies such as artificial intelligence. However, most of these studies tend to focus on normative and technical aspects, thereby neglecting deeper cultural and humanistic dimensions.

Based on the existing literature, there is a significant research gap, particularly the lack of an integrative approach that connects legal culture,

humanistic values, and digital transformation. Previous studies often position law as a formal instrument without adequately considering cultural dimensions as the foundation of legal effectiveness. In contrast, Friedman (1975) argues that the success of a legal system is largely determined by its legal culture. Furthermore, legalistic-formal approaches have proven insufficient in addressing behavioral distortions in digital spaces. Therefore, a new approach is required, one that positions Basic Cultural Sciences as a central pillar in the development of Indonesia's legal culture.

Based on this background and identified gap, this study aims to analyze the impact of digital disruption on the degradation of legal culture in Indonesian society. It also seeks to examine the role of Basic Cultural Sciences in strengthening legal character in the digital era. Additionally, this research aims to formulate the position of Basic Cultural Sciences as an effective pillar of legal culture in addressing the challenges of digital disruption. This study employs a normative legal research approach using conceptual and statutory methods (Soekanto & Mamudji, 2018; Marzuki, 2017). Thus, it is expected to provide a comprehensive understanding of the relationship between law, culture, and technology.

This research contributes both theoretically and practically. Theoretically, it offers a new paradigm in legal studies through the concept of "cultured law," which integrates Basic Cultural Sciences into the digital legal system. Practically, it provides recommendations for policymakers to not rely solely on formal regulations but also to strengthen legal cultural literacy among society. This approach aligns with Asshiddiqie (2010), who emphasizes the importance of ethics as a "spiritual infrastructure" in legal development. Therefore, this study is expected to contribute to the creation of a digital ecosystem that is just, civilized, and sustainable in Indonesia.

## **THEORETICAL REVIEW**

### ***Legal Culture in a Sociological Perspective***

Legal culture is a fundamental element in determining the effectiveness of a legal system, because it is not only related to formal norms, but also people's values, perceptions, and patterns of behavior towards the law (Friedman, 1975). In the Indonesian context, Darmika (2016) emphasized that law enforcement is a dialectical process influenced by the harmony between values, rules, and social behavior. This shows that the success of the law cannot be separated from the cultural conditions of the society that surrounds it. However, in the digital era, the legal culture has shifted due to changes in interaction patterns that are increasingly anonymous and uncontrollable. Therefore, this research is important to review the role of legal culture in dealing with increasingly complex digital disruption.

### ***Cyber Law Enforcement and the Limitations of Formal Approaches***

Law enforcement in cyberspace has tended to focus on strengthening regulations and the capacity of law enforcement officials. Firdaus (2024) emphasized that the effectiveness of countering cybercrime is highly dependent on the synchronization of criminal law and increasing the technical capacity of

the apparatus. This approach places the law as a formal instrument that is repressive to digital violations. However, this approach has limitations because it does not touch the root of the problem in the form of public legal awareness. In practice, phenomena such as hate speech, doxing, and social media abuse continue to increase despite tightened regulations. Thus, this research is needed to offer an alternative approach that is not only punitive, but also preventive through strengthening the legal culture.

#### ***Digital Ethics and Community Legal Literacy***

Studies on digital ethics and legal literacy show that public legal awareness is still the main challenge in the digital era. Arfi and Sari (2024) identified that the successful implementation of the ITE Law depends on aspects of knowledge, socialization, and changes in community behavior. Despite the increase in digital literacy, ethical awareness in the use of technology is still not optimal. This shows that the formal education-based approach has not been fully able to shape the legal character of the community. In addition, overly administrative approaches tend to ignore the value and humanity dimensions in digital behavior. Therefore, this research is important to integrate the humanities approach through Basic Cultural Sciences as a more in-depth solution.

#### ***Legal Transformation in the Age of Technology and Ethical Challenges***

Technological developments, including artificial intelligence (AI), have posed new challenges in the modern legal system. Cahya et al. (2024) emphasized that law is not only limited to formal rules, but also includes values and norms that live in society. The transformation of digital law requires the adaptation of the principles of justice, human rights, and privacy protection in the context of technology. However, these adaptations are often technical and have not fully paid attention to the ethical dimension in depth. This has the potential to create a conflict between technological advances and human values. Therefore, this research is needed to ensure that digital legal transformation remains based on cultural and ethical values.

#### ***Legal Culture Theory***

The theory of legal culture put forward by Friedman (1975) states that the effectiveness of law is highly dependent on people's values, beliefs, and expectations of the law. Legal culture is an element that connects legal structures and social practices in the field. In the digital context, the weak legal culture causes regulations to not run effectively even though they have been updated. This phenomenon shows that there is a gap between legal norms and people's behavior. Therefore, this research is important to strengthen the legal culture as the main foundation in Indonesia's digital legal system.

#### ***Basic Cultural Theory***

Basic Cultural Sciences (IBD) in the perspective of Widagdho (2015) function as an instrument to shape human personality to remain civilized in the midst of the development of modernity. IBD is not only theoretical, but has an axiological dimension as a moral filter in social life. In the digital context, IBD plays a role in shaping the ethical consciousness of individuals as legal subjects. Without the internalization of cultural values, individuals tend to act impulsively and irresponsibly in cyberspace. Therefore, this research is important to integrate IBD as a pillar of legal culture in dealing with digital disruption.

### *Theory of Digitization of Law and Spiritual Infrastructure*

The transformation of law into the digital space does not only involve technical aspects, but also requires the ethical dimension as the main foundation. Asshiddiqie (2010) emphasized that legal development must be supported by "spiritual infrastructure" in the form of values and ethics in society. Digitization of the law without a moral basis has the potential to produce a dry and unjust legal system. In practice, digital law often only functions as a control tool without touching the individual's consciousness. Therefore, this research is needed to integrate the spiritual and ethical dimensions in the digital legal system through the Basic Cultural Sciences approach.

## **METHODOLOGY**

### *Research Type and Approach*

This study employs a qualitative legal research design, specifically normative legal research, which is descriptive-analytical in nature. Normative legal research focuses on examining legal norms, principles, and doctrines as the primary object of analysis (Issue, Rule of Law, Argument, Conclusion/IRAC-based reasoning), making it appropriate for studies addressing legal culture and humanistic values in digital contexts. Given that the research problem intersects law, culture, and digital transformation, an interdisciplinary approach is adopted, integrating legal studies with humanities perspectives. The approaches used include: (1) the statute approach to examine relevant legal frameworks such as the Indonesian Information and Electronic Transactions Law; (2) the conceptual approach to analyze doctrines of legal culture and Basic Cultural Science Studies; and (3) the analytical approach to synthesize the role of cultural values in shaping legal effectiveness in the digital era. This approach is consistent with contemporary qualitative legal research frameworks that emphasize contextual and interpretive analysis (Taekema, 2020).

### *Data Sources and Sampling Strategy*

This study relies on secondary data as the primary source of analysis, consisting of legal materials categorized into primary, secondary, and tertiary sources. Primary legal materials include statutory regulations, particularly the latest amendments to the Information and Electronic Transactions Law. Secondary materials consist of scholarly books, peer-reviewed journal articles, and academic publications related to legal culture, digital transformation, and legal humanities. Tertiary materials include legal dictionaries and encyclopedias to support conceptual clarity. The sampling technique used is purposive sampling, where sources are selected based on their relevance, credibility, and contribution to the research problem. This method ensures that only authoritative and contextually significant literature is included, aligning with best practices in qualitative legal research (Mackey & Gass, 2022).

### *Data Collection Techniques and Instruments*

Data collection is conducted through library research (documentary study), involving a systematic review of legal documents, academic texts, and scholarly articles. The research utilizes document analysis as the primary

instrument, focusing on extracting conceptual, normative, and theoretical insights from selected sources. Sources are identified through academic databases such as Google Scholar, Scopus-indexed journals, and legal repositories. The validity of the data is ensured through source triangulation, comparing multiple scholarly perspectives, while reliability is maintained by consistent application of analytical frameworks across all materials (Nowell et al., 2021).

#### ***Research Procedure***

The research procedure is conducted systematically in several stages. First, the researcher identifies and formulates the research problem based on contemporary issues in digital legal culture. Second, relevant literature and legal materials are collected and classified according to thematic relevance. Third, conceptual and theoretical frameworks are established to guide the analysis, particularly Legal Culture Theory and humanistic approaches. Fourth, the collected data are analyzed through interpretive and deductive reasoning to identify patterns and relationships between digital disruption and legal culture degradation. Finally, the findings are synthesized into a coherent argument that proposes Basic Cultural Sciences as a foundational pillar in strengthening legal culture. This structured procedure ensures methodological rigor and analytical consistency (Creswell & Creswell, 2023).

#### ***Data Analysis Techniques***

The information processing in this study applies a qualitative content analysis method combined with a structured deductive way of thinking.. Legal norms and theoretical frameworks are critically examined and compared to identify inconsistencies between formal legal structures and actual social behavior in digital spaces. The analysis is guided by Friedman's Legal Culture Theory, which emphasizes the role of societal values in determining legal effectiveness. Additionally, thematic analysis is applied to categorize findings into key dimensions such as ethical degradation, cultural gaps, and legal responses. Data are organized and interpreted systematically to ensure analytical consistency. This approach aligns with recent qualitative research standards that emphasize depth, context, and interpretive validity (Braun & Clarke, 2021).

#### ***Research Validity and Trustworthiness***

To ensure up-to-date and reliable research results, several validation strategies are employed. First, theoretical triangulation is used by integrating multiple frameworks, including legal theory, humanistic studies, and digital transformation perspectives. Second, source triangulation is applied by comparing findings across different academic sources and disciplines. Third, peer debriefing is recommended to enhance analytical objectivity and reduce researcher bias. These strategies are widely recognized in qualitative research as essential for ensuring the rigor and reliability of findings (Lincoln & Guba, 1985). Therefore, the methodology adopted in this study is considered robust and suitable for scholarly publication.

## RESULTS & DISCUSSION

### *Juridical-Cultural Analysis: The Impact of Digital Disruption on the Degradation of Legal Culture in Indonesian Society*

Legal culture and digital transformation indicate that Indonesia's legal system is currently undergoing significant changes due to technological advancements, such as the introduction of e-court and electronic judicial systems. The phenomenon of digital disruption has created a paradigm shift in the structure of social interaction, which linearly impacts the condition of legal culture in Indonesia. This condition is in line with Satjipto Rahardjo's view that law always evolves in accordance with the dynamics of society (Rahardjo, 2014). From a global perspective, artificial intelligence is understood as the result of power relations, extraction, and social inequality that show legal and ethical limitations (Crawford, 2021). Using the statute approach, a review of current digital regulations such as Law No. 1 of 2024 (the second amendment to the ITE Law) shows the state's effort to tighten control over cyberspace through the normalization of criminal sanctions for defamation and the dissemination of false information (Republic of Indonesia, 2024). However, normatively, strengthening legal substance does not necessarily improve conditions in practice, due to the gap between the speed of legislation and actual societal behavior in digital spaces.

Positive law often functions merely as a punitive instrument that emerges after violations occur, without addressing the root of legal awareness. This reinforces Lawrence M. Friedman's theory that legal effectiveness is not only determined by legal structure and substance, but also by legal culture (Friedman, 1975). In a global context, this phenomenon is also emphasized by Lessig (2009), who argues that digital regulation will not be effective without the support of social norms and culture. This condition is also in line with Soerjono Soekanto's concept of cultural lag, which explains the lag of cultural values behind technological development (Soekanto, 2003). When compared to Darmika (2016), there is a similarity in recognizing legal culture as a determinant of legal effectiveness. However, the difference lies in the focus of analysis, where this study specifically highlights digital disruption as a factor that accelerates the degradation of legal culture through anonymity in cyberspace.

Through the conceptual approach, this degradation of legal culture can be analyzed using Lawrence M. Friedman's Legal Culture Theory. Indonesian legal culture is currently experiencing anomalies, where anonymous information technology triggers the loss of individual responsibility as legal subjects (Friedman, 1975). Conceptually, Basic Cultural Sciences (IBD) views humans as cultural beings endowed with empathy and ethical values (Widagdho, 2012). However, within a mechanistic digital ecosystem, these humanistic values tend to erode, giving rise to digital egoism. This condition reflects a broader digital dynamic in which human behavior is increasingly reduced to a data commodity (Zuboff, 2019)

(Contemporary studies also show that the dominance of digital platforms accelerates the erosion of public ethics and social responsibility (Floridi, 2023). As a result, society tends to use cyberspace for mass judgment (social

punishment), which negates the principles of justice and marginalizes human values.

Furthermore, through the analytical approach, it is evident that the digitalization of law in Indonesia has only reached procedural and administrative aspects, but has not yet touched the substance of values. This is in line with Jimly Asshiddiqie's idea that law must be supported by a "spiritual infrastructure" consisting of ethical and moral values (Asshiddiqie, 2010). In a global context, this condition reflects limited access to justice, revealing a gap between legal technological development and society's legal culture readiness (Susskind, 2019). When compared to Firdaus (2024), there is a similarity in emphasizing the importance of strengthening cyber law. However, the difference lies in the approach, where this study positions culture as the root cause of the problem, rather than focusing solely on regulatory reinforcement and institutional capacity.

A critical analysis of this phenomenon shows that the effectiveness of law in the era of disruption heavily depends on the "spiritual infrastructure" of society. Without a strong foundation of Basic Cultural Sciences, the digitalization of law will only produce a society that complies out of fear of sanctions rather than moral awareness. This degradation is systemic, where law loses its humanistic "soul" and becomes merely a cold technocratic instrument (Rahardjo, 2014). This is also consistent with the human-centered law approach in modern legal studies, which emphasizes the importance of human values within legal systems (Floridi, 2023).

The results of this major research issue indicate that digital disruption creates a "legal culture deficit," in which society is technically proficient in technology but its morality declines sharply. These findings demonstrate that strengthening formal regulation (ITE Law) is ineffective without cultural engineering through Basic Cultural Science. This aligns with Cahya et al. (2024), who highlight challenges in adapting law to technology, but differs in that this study positions culture as the primary variable. The most significant destructive impact is the transformation of law from an instrument of justice into a tool of social repression in cyberspace due to the erosion of fundamental human values.

***The Actualization of Basic Cultural Sciences as an Instrument for Strengthening Legal Character in the Digital Era***

The actualization of Basic Cultural Sciences (IBD) in strengthening legal character in the digital era requires a profound philosophical reorientation. This aligns with humanistic legal approaches that emphasize the importance of moral character formation within modern legal systems (Nussbaum, 2003). Through the statute approach, an analysis of legal instruments such as Articles 27 -28 of the ITE Law shows that positive law primarily emphasizes behavioral restrictions through criminal sanctions. However, this approach tends to be reactive and does not sufficiently address legal awareness.

In this context, Basic Cultural Sciences functions as an instrument for strengthening character at a preventive-substantive level. This aligns with Widagdho's theory (2015), which positions IBD as a means of shaping civilized human personality. Compared to Arfi and Sari (2024), there is a similarity in emphasizing the importance of legal awareness. However, the difference lies in

this study's emphasis on the internalization of cultural values as the foundation of legal awareness, rather than merely improving digital literacy.

Through the conceptual approach, IBD serves as a tool for reconstructing fragmented legal culture caused by digitalization. Within Friedman's framework, legal culture is the primary determinant of legal effectiveness (Friedman, 1975). Therefore, the actualization of IBD transforms individuals from mere technology users into digital citizens with moral integrity. This aligns with modern digital ethics, which emphasize moral responsibility in technology use (Floridi, 2023).

Furthermore, through the analytical approach, this study finds that the actualization of IBD represents a form of "humanizing technology" by integrating high-tech and high-touch dimensions (Asshiddiqie, 2010). These findings are consistent with Cahya et al. (2024), but differ in that this study positions IBD as the primary instrument for shaping legal character. In a global context, This view aligns with Tyler's theory, which emphasizes that legal compliance is shaped by perceptions of procedural justice and legitimacy, rather than solely by external enforcement (Tyler, 2003).

The findings indicate that IBD effectively strengthens legal character because it operates at the level of individual mentality, which cannot be reached by formal enforcement. As a result, IBD reduces digital behavioral distortions by restoring human dignity as the foundation of legal culture. Ultimately, this leads to the creation of a digital society that complies with the law based on cultural awareness rather than fear of punishment.

### ***The Formulation of Basic Cultural Sciences as a Pillar of Indonesia's Legal Culture in the Era of Digital Disruption***

Establishing Basic Cultural Sciences as a pillar of legal culture requires a systemic integration strategy. This aligns with Friedman's theory (1975), which states that a legal system cannot function effectively without strong legal culture. In the global context, this is reinforced by the concept of legal culture resilience, which emphasizes the importance of cultural strength in facing technological changes (Nelken, 2014).

Through the statute approach, effectiveness must be supported by aligning digital regulations with cultural values. Current legal frameworks often lack effectiveness because society perceives law merely as a set of administrative rules. By positioning IBD as a pillar, every legal formulation must be grounded in philosophical cultural values.

Globally, the concept of cultural sustainability, which emphasizes preserving values in social development, aligns with UNESCO's vision, particularly the MONDIACULT 2022 Declaration. However, this study differs by positioning IBD as a practical instrument within Indonesia's legal system (UNESCO, 2022).

Through an analytical approach, this study shows that Basic Cultural Sciences serve as a solution to the limitations of legal positivism in addressing digital anonymity, aligning with Susskind's view of digital governance emphasizing technology for access (Susskind, 2019). Its effectiveness is reflected in legal compliance based on cultural awareness rather than coercion.

The main findings show that Basic Cultural Sciences is an effective pillar of legal culture as an instrument for mitigating cultural degradation. This is in line with Soerjono Soekanto's view that legal culture and public awareness determine the effectiveness of the law and play a preventive role in reducing violations (Soekanto, 2019). In addition, in accordance with Lawrence M. Friedman's theory, legal culture as part of the legal system is shaped by societal values, education, and attitudes (Friedman, 1975). Thus, the strongest legal foundation in the digital era is human values, not technological control, so that strengthening Basic Cultural Sciences is a strategic step in maintaining the integrity of legal culture

## **CONCLUSIONS AND RECOMMENDATIONS**

Based on the results and discussion, this study concludes three fundamental points. First, digital disruption in Indonesia has triggered a significant degradation of legal culture, where cyber anonymity creates a "moral void" that cannot be effectively addressed by positive law alone, including the ITE Law. Second, Basic Cultural Sciences (IBD) serves as a crucial instrument for strengthening legal character by internalizing humanistic values into individual legal consciousness, shifting compliance from fear-based obedience to dignity-based awareness. Third, IBD functions as the most effective pillar of legal culture in the digital era through its role in "cultural mitigation," integrating technological advancement with ethical and cultural values. Therefore, strengthening legal culture through IBD is essential for developing a humane, ethical, and substantively just digital legal ecosystem in Indonesia.

This study proposes several practical recommendations. First, for government and legislators, it is necessary to integrate humanistic and cultural perspectives into digital law-making processes, including the development of a national legal culture literacy platform that emphasizes ethical values alongside legal norms. Second, for educational institutions, a reorientation of Basic Cultural Sciences is required to address contemporary digital ethics, ensuring that IBD becomes an applied ethical framework for digital society. Third, in order to strengthen the sociological foundation of legal culture in Indonesia, researchers are further advised to launch empirical research to analyze the effectiveness of internalizing IBD values at various levels of society.

## **FURTHER STUDY**

This study is limited by its normative legal approach, which primarily relies on conceptual and doctrinal analysis. Future research is encouraged to employ empirical methods to measure the practical impact of Basic Cultural Sciences on legal awareness and digital behavior and comparative research involving various cultural contexts and different national systems can strengthen the position of Basic Cultural Sciences as a pillar in the formation of Indonesia's legal culture in the midst of digital disruption dynamics.

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