

Popular Sovereignty in the Algorithmic Era: Reassessing the meaning of the Will of The People in the Digital Public Space

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Abstract

The development of artificial intelligence (AI) and commercial algorithmic systems has transformed the landscape of the digital public sphere, resulting in distortions in the process of public opinion formation. This study aims to reassess the meaning of popular sovereignty when the digital public sphere is controlled by the interests of global technology corporations through surveillance capitalism. Using a juridical-normative legal research method with a conceptual and comparative approach, this study examines the mechanics of algorithms in manipulating citizens' free will. The results show that algorithmic control systematically reduces the originality of the people's will to mere quantitative data through the formation of filter bubbles, echo chambers, and psychographic manipulation techniques in the form of political micro-targeting. This phenomenon triggers acute sociopolitical polarization, undermines the legitimacy of substantial democracy, and gives rise to new threats of techno-authoritarianism. This study concludes that the concept of popular sovereignty in the digital era requires fundamental redefinition through the recognition of the right to cognitive liberty and digital sovereignty. The state must intervene legally at the upstream level by enforcing the principle of algorithmic transparency, regular algorithm audits, limiting micro-targeting, and optimizing the Personal Data Protection Law (PDP Law). Indonesia can adopt international standards such as the European Union's Digital Services Act and AI Act to restore ultimate power to the digitally independent people, rather than the control of private platforms' algorithmic code.

Keywords: *Popular Sovereignty, Algorithms, Artificial Intelligence, Digital Public Space, Digital Sovereignty.*

A. INTRODUCTION

Popular sovereignty is a fundamental pillar of a democratic political system that places the free will of citizens as the ultimate source of legitimacy of power. In classical discourse, this free will is formed through a rational, open, and equal deliberation process within the public sphere (Mubarak et al., 2023). The success of a democratic instrument is measured by the extent to which the state can ensure that every voice and aspiration emerging from the public is born from a pure conscience, free from physical coercion or structural intimidation. In the pre-digital era, public spaces such as mass media, citizen forums, and political platforms served as the primary means for citizens to articulate their collective interests for the common good (Fadilla & Sukmono, 2021).

However, technological transformations in the 21st century have shifted the landscape of conventional public spaces toward digital ones. The internet and social media platforms have now become the primary arenas where citizens interact, debate, and formulate their political opinions (Habermas, 2014). This transition was initially greeted with great optimism as a new era of information democratization, where every individual has an equal opportunity to voice their opinions without hierarchical

barriers. Unfortunately, the digital space, which was expected to be a space for inclusive deliberation, has now transformed into an ecosystem heavily mediated by the interests of capital owners and technology service providers (Waluyo, 2019).

The primary factor changing the dynamics of the digital public sphere is the implementation of artificial intelligence (AI) and algorithmic systems by giant technology companies. Algorithms are designed not to strengthen democratic values, but rather to maximize user engagement for commercial economic gain (Wulandari, 2021). Through the massive collection of personal data and digital footprints, AI is able to map the preferences, fears, and psychological tendencies of every citizen. As a result, the information consumed by the public in the digital space is no longer universal but has become extremely personalized to direct public attention (Nugroho & Zy, 2023).

The impact of this personalization of information has given rise to the phenomenon of manipulative political micro-targeting, where campaign content is tailored specifically to each individual's psychographics. The will of the people no longer grows organically through healthy debates of ideas, but is instead subtly conditioned by artificial narratives repetitively presented by AI (Alvin, 2022). When citizens' political choices are driven by digital stimuli that exploit their emotions and cognitive biases, the essence of "free will," an absolute prerequisite for popular sovereignty, begins to lose its profound meaning (Mirza, 2023).

This situation is exacerbated by the emergence of echo chambers and filter bubbles, which exacerbate socio-political polarization within society. Algorithms systematically filter out and discard alternative perspectives, leaving the public exposed only to information that confirms their own prejudices (Yunas et al., 2023). Public opinion formed in such an ecosystem is vulnerable to becoming aggressive and intolerant due to being poisoned by structured disinformation amplified by networks of social media bots. In this context, popular sovereignty is distorted because the decision-making process is no longer based on the objectivity of reality (Akbar et al., 2021).

Numerous previous studies have extensively discussed the impact of algorithms on the spread of hoaxes and the sociological dynamics of elections on social media (Arifin, 2020; Daeni et al., 2023; Beta et al., 2022). However, most of these studies still view this phenomenon from the perspective of practical political communication or purely technical aspects of information technology. Very limited research examines this phenomenon of algorithmic control from a philosophical and theoretical-juridical perspective within the framework of redefining the meaning of popular sovereignty. There is a lack of analysis regarding how constitutional law and contemporary democratic theory respond to the construction of an "artificial will of the people" produced by artificial intelligence.

Therefore, this study offers novelty by focusing on a critical reassessment of the concept of popular sovereignty in the algorithmic era. Its significance lies in its effort to dismantle the illusion of digital freedom that society has enjoyed and in mapping the threat of techno-authoritarianism hidden behind the operationalization of AI. By

linking Habermas's theory of the public sphere with the concept of substantial sovereignty, this study provides a new conceptual foundation for the formation of digital regulations oriented towards protecting citizens' autonomy of thought.

Based on this background, the primary objective of this research is to analyze how algorithmic control and artificial intelligence reduce the authenticity of the people's will in the digital public sphere. Furthermore, this article aims to reposition the concept of popular sovereignty that is adaptive to the penetration of cyber technology in order to safeguard the future of democracy. Through this discussion, it is hoped that legal policy recommendations regarding democratic digital governance can be formulated, ensuring that sovereignty remains in the hands of digitally independent people, rather than in the hands of artificial intelligence systems controlled by corporations.

B. METHOD

This research employs a juridical-normative legal research method that focuses on examining legal principles, constitutional doctrine, and contemporary democratic theory in response to technological intervention. The approach applied in this research is a conceptual approach to reassess the original meaning of "the will of the people" in the era of artificial intelligence, and a comparative approach to examine the regulatory models for digital public space governance in various countries. The data sources used are entirely secondary data, which include primary legal materials such as the Electronic Information and Transactions Law (UU ITE) and the Personal Data Protection Law (UU PDP). In addition, this research also relies on secondary legal materials in the form of reputable national and international scientific journals, as well as political philosophy, theoretical, and sociological literature relevant to the power of algorithms. The data collection process was carried out through comprehensive library research, both through physical searches and academic digital databases. All collected literature, documents, and regulations were then strictly classified and selected for relevance to the issue of technological control in the public sphere. Next, the data analysis technique was conducted using a descriptive-qualitative method using the analytical tools of substantial democracy theory and the concept of surveillance capitalism. The researcher reduced the data, presented arguments systematically, and drew deductive conclusions from general issues related to digital regulation to specific issues regarding the protection of citizens' autonomy of thought, thus producing objective conceptual innovation.

C. RESULT AND DISCUSSION

1. Algorithmic Mechanics and the Distortion of the People's Will in the Digital Public Space

The shift of public space from the physical to the cyber realm has changed the fundamental prerequisites for the formation of democratic popular will. While deliberation spaces were once understood as open arenas where citizens organically exchanged ideas, they have now become commodities controlled by private digital

infrastructure. Social media platforms, the primary venues for social interaction, do not operate on the basis of value neutrality, but rather are driven by a very specific cyber economic logic. This is where artificial intelligence (AI) and algorithmic systems play a central role as the primary architects, curating, filtering, and determining what information is or is not accessible to the public.

To understand how algorithms control opinion, analysis must refer to the concept of Surveillance Capitalism. Within this ecosystem, digital platforms treat citizens' digital footprints, clicks, searches, and screen time as valuable behavioral raw materials. Artificial intelligence then processes this vast data set to predict future user actions through the attention economy. Algorithms are intentionally designed to prioritize content that triggers the greatest emotional reactions, regardless of the content's factual veracity, in order to maintain high user engagement on the platform (Ramadhani & Pratama, 2020).

The juridical-philosophical consequence of this commercial digital governance is the erosion of the original will of the people themselves. A person can only formulate free political choices if they have access to balanced and objective information. When artificial intelligence takes over the role of reality curator, the information citizens receive becomes highly skewed. The will expressed by the people at the voting booth or in public petitions is no longer a reflection of pure consciousness, but rather the accumulative product of information stimuli that have been systematically engineered by computer code.

Technically, this distortion of the will of the people occurs through the formation of filter bubbles. Algorithms continuously supply users with information that only confirms their pre-existing views, biases, and political preferences (Fachrudin, 2022). As a result, citizens are cognitively isolated in an artificial reality devoid of alternative perspectives. The public sphere, which should be a place for the collision of ideas and rational arguments to reach consensus, has instead become a digital labyrinth that narrows the public's horizons.

This digital isolation is exacerbated by the phenomenon of echo chambers, where similar narratives echo endlessly and repetitively. Within these echo chambers, differences of opinion are viewed not as part of the richness of democracy, but as anomalies or threats. Artificial intelligence amplifies extreme voices because they more easily attract mass attention and spark heated debate. Consequently, individual cognitive biases are massively reinforced, stifling critical thinking and trapping the public in false dogmatic beliefs.

The amplification of extreme content by these algorithmic systems leads to acute sociopolitical polarization within society. The digital public sphere is riven into extremely hostile factions with no room for compromise or moderation. This social fragmentation undermines national cohesion and destroys the foundations of deliberative democracy envisioned in contemporary constitutional law theory. Popular sovereignty is ultimately trapped in an artificial binary dichotomy, where people's political choices are forced to submit to the polarization created by platform algorithms.

The most dangerous form of technological control over citizens' digital sovereignty is macro-data manipulation techniques, or micro-targeting. By utilizing machine learning algorithms, political actors can map voters' personal psychographic profiles based on their emotional vulnerabilities. Political campaigns are no longer conducted openly through the delivery of universal visions and missions, but rather covertly delivered to each individual's homepage with a narrative specifically designed to manipulate their fears, anger, or specific hopes.

This micro-targeting-based cyber intervention fundamentally devalues the concept of free will, cherished by classical sovereign thinkers like Jean-Jacques Rousseau (2013). While the general will (*volonté générale*) should arise from clear public reason for the common good, algorithms instead fragment that will into distorted fragments of individual egoism. The people no longer act as autonomous, sovereign legal subjects but instead become objects of collective psychological manipulation remotely controlled by algorithms.

The distortion of public will is also accelerated by the automated mass production of disinformation amplified by networks of social media bots. Generative artificial intelligence is now capable of producing hoaxes, fake news, and divisive narratives at an extraordinarily high scale, speed, and level of similarity. When this false information is disseminated in a structured and massive manner by thousands of bot accounts controlled by algorithms, factual truth in the digital public sphere is drowned out. A public that loses its grip on objective reality will easily make political decisions based on institutionalized lies (Yunanto et al., 2021).

Although the digital space gives the impression of complete freedom of speech and participation, this is essentially an illusion. The freedom to upload content or provide comments is obscured by the structural reality that the visibility of that content is entirely determined by opaque platform algorithms (black box algorithms). Citizens feel sovereign because they can type their opinions at any time, yet the broad flow of opinion that drives public policy remains driven by a handful of tech elites who control the algorithms' codes.

This situation has fueled an extreme power imbalance between global technology corporations, as algorithm owners, and citizens, as users. These corporations possess omnipotent surveillance capabilities that transcend the boundaries of a nation's territorial sovereignty. They wield complete control over the distribution of information without adequate public accountability mechanisms. From a constitutional law perspective, this situation raises the threat of a new techno-authoritarianism, where real power to direct the course of government no longer rests with the people or representative institutions, but instead with algorithms.

The destructive effects of this phenomenon are amplified by the concept of computational propaganda, which utilizes AI to manipulate mass psychology. Through algorithms that study human biological behavior, provocative content is designed to stimulate dopamine and trigger instant emotional responses. The decline in people's cognitive capacity to thoroughly verify information makes public opinion

highly unstable and easily swayed. Popular sovereignty ultimately becomes shallowed, supported by fragile mass emotions rather than mature rationality.

Citizens are no longer viewed as complete human beings with the constitutional right to free thought, but are instead compressed into mere quantitative numbers and data points in commercial data centers. Popular sovereignty, a philosophically noble value, has been degraded into an economic commodity traded for the benefit of political advertising and surveillance capitalism. This change in status undermines the dignity of substantial democracy within its own ecosystem.

Unfortunately, existing constitutional law and conventional regulations are still very inadequate in anticipating the powerful mechanics of AI algorithms. Traditional legal approaches tend to focus only on downstream issues, such as blocking hoax content or prosecuting individual disseminators of disinformation. The law has not been able to address the upstream issues, namely the exploitative business models and the algorithmic architecture itself, which are at the root of the distortion of public space. Due to this legal vacuum at the upstream level, restoring people's sovereignty in cyberspace remains at a crucial impasse.

2. Future Legal and Regulatory Formulation to Protect Citizens' Digital Sovereignty

Given the significant destructive impact of algorithmic mechanics on the authenticity of the people's will, constitutional law can no longer remain passive or simply adopt a conventional approach. A progressive reorientation of the legal paradigm is needed to address the challenges of global techno-authoritarianism. The law must act as an active instrument of protection capable of limiting the arbitrary power of cyber technology capitalists while simultaneously restoring citizens' fundamental rights in cyberspace. Future legal formulation must be directed toward creating a democratic, transparent, and equitable digital ecosystem through regulatory interventions that directly target the upstream technology.

The first theoretical step that must be taken is to adopt the concept of digital sovereignty as a new pillar in contemporary constitutional law doctrine. Digital sovereignty should not be interpreted narrowly as a state's unilateral control over internet infrastructure within its territory. Rather, digital sovereignty must be understood as the constitutional right of citizens to independently control their personal data, free from psychological manipulation, and free from exploitative mass surveillance. By strengthening this concept, citizens are being redesigned to become active legal subjects in the digital public space, not digital commodities.

Philosophically, this digital sovereignty demands formal recognition of the right to autonomy of thought or cognitive liberty. This right is an extension of the right to freedom of opinion guaranteed by Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia. In the era of artificial intelligence, the right to autonomy of thought must include protection from algorithmic intervention that exploits cognitive biases and manipulates emotions for political or commercial gain.

The state is obliged to ensure that every citizen has a sterile psychological space to formulate their political choices rationally without the distortion of micro-targeting.

A concrete legal formulation to realize this digital sovereignty is by upholding the principle of algorithmic transparency. Digital platforms have traditionally hidden the workings of their algorithms under the guise of trade secrecy, hiding them in a black box. The state must develop regulations requiring large technology companies to disclose the underlying logic behind their algorithm coding to independent oversight bodies. This transparency is crucial to ensure that AI systems are not designed to discriminate against information, amplify polarization, or covertly manipulate digital public opinion.

In line with the principle of transparency, future legal instruments should mandate regular algorithmic audits. This audit process is similar to financial or environmental audits, where the artificial intelligence systems used by social media platforms are assessed for their socio-political impact by an independent third party. If the audit results indicate that a platform's algorithms are proven to amplify the spread of structured disinformation or exacerbate social polarization, the state has a strong legal basis to impose administrative sanctions, financial fines, and even operational restrictions.

In the Indonesian domestic context, existing legal instruments, such as the Electronic Information and Transactions Law (ITE Law), have proven unsuccessful in addressing the root of this problem. The ITE Law was originally designed with a downstream criminal approach that tends to be repressive against individual users through articles on defamation and the spread of fake news. These regulations completely ignore the root of the cyber problem, namely the structural responsibility of platform providers for the design of their digital architecture. As a result, the ITE Law often triggers the criminalization of citizens without ever being able to stop the manipulation of public opinion driven by algorithms.

On the other hand, the arrival of Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) brings a glimmer of new hope that must be aggressively optimized. The PDP Law has significant potential to limit the scope for data-based political manipulation if its articles are consistently enforced. The data subject rights stipulated in this law, such as the right to object to automated decision-making and profiling, must be used as a legal weapon for citizens. Strict enforcement of the Personal Data Protection Law will make it difficult for political actors to exploit voter psychographic data through micro-targeting techniques.

However, the effectiveness of the Personal Data Protection Law depends heavily on the establishment of an independent, professional Personal Data Protection Supervisory Agency with strong executive authority. This agency must be free from the political control of sectoral ministries to ensure its objective action in investigating data breaches, whether committed by global corporations or state institutions. This supervisory agency must be staffed with information technology and constitutional law experts capable of detecting illegal profiling practices and algorithm abuse that threaten the integrity of the democratic process.

Future regulatory formulations must also include strict prohibitions or restrictions on micro-targeting practices in political contests. Political advertisers should not be permitted to target voters based on sensitive data such as religious affiliation, psychological tendencies, or mental health history extracted by AI. Digital campaigns on social media platforms must revert to a universal broadcasting format where all citizens see the same campaign messages, allowing for transparent and accountable public debate in an open space. More radically, the law must boldly deconstruct the surveillance capitalism business model, which relies on the monetization of user attention data. The state can use competition law or cyber taxation to pressure digital platforms to shift from manipulative advertising-based business models to more ethical ones. When the financial incentive to retain users through extreme content is removed, technology companies will voluntarily redesign their algorithms to promote healthier and more educational content.

In formulating this legal framework, Indonesia can compare international regulations, drawing on the Digital Services Act (DSA) and the Artificial Intelligence Act (AI Act) enacted by the European Union. The DSA progressively forces large-scale digital platforms to mitigate the systemic risks posed by their services, including risks to democratic processes and public discourse. Meanwhile, the AI Act prohibits the use of AI systems that manipulate human behavior beyond their awareness to prevent psychological harm. Adopting these principles into the national legal system will strengthen Indonesia's bargaining position against global tech giants.

One important instrument of the AI Act that deserves adaptation is the Right to Explanation. This right empowers citizens to demand a logical and understandable explanation when a significant decision affecting their constitutional rights is made by an artificial intelligence-based system. In the political realm, if a citizen's aspirational content is taken down or hidden (shadow-banned) by an algorithm, the platform is obliged to provide a rationale behind such action, rather than simply hiding behind unilateral terms and conditions.

Beyond restrictive regulatory approaches, the law can also facilitate alternatives in the form of democratizing the digital space through the provision of publicly owned or community-based digital infrastructure (public-interest media). The state can fund alternative digital platforms that are not driven by profit but are independently managed for the public interest. Within these non-commercial platforms, algorithms are specifically designed to facilitate inclusive deliberation and consensus, emulating the concept of an ideal public sphere free from the distortions of commercial advertising.

This structural legal formulation will not be optimal without being balanced by strengthening critical digital literacy at the cultural level of society. Constitutional law must mandate the integration of a digital and cyber literacy curriculum into the national education system. Cyber literacy should not be limited to teaching how to operate hardware, but rather should educate citizens to recognize algorithmic bias, detect computational propaganda, and understand their digital sovereignty rights as autonomous voters.

Given the cross-border and dynamic nature of cyberspace, the formation and enforcement of digital regulations can no longer rely solely on a top-down state approach. A multistakeholder cyber governance model is needed, involving active collaboration between the government, academia, civil society organizations, the technology industry, and user communities. Meaningful civil society participation in formulating ethical standards for AI development will ensure that every legal policy is truly oriented toward the public good and the value of equality.

This digital law enforcement will ultimately become a crucial test of Indonesia's national legal sovereignty in the face of the economic power of transnational corporations. The state must not succumb to the threat of giant cyber platforms withdrawing from the domestic sphere in order to maintain lax regulations. With Indonesia's massive digital market, the government has strong bargaining power to urge global corporations to comply with all constitutional laws, respect the democratic values of Pancasila, and protect the constitutional rights of the Indonesian people from the clutches of algorithmic tyranny.

D. CONCLUSION

This study concludes that the penetration of artificial intelligence (AI) and commercial algorithmic mechanics into the digital public sphere has systematically distorted the authenticity of the people's will, a key pillar of democratic sovereignty. Through the surveillance capitalism ecosystem, digital platforms utilize the formation of filter bubbles, echo chambers, and psychographic manipulation through political micro-targeting techniques to steer citizens' choices. Consequently, the concept of "free will" has been radically devalued because public opinion born in cyberspace is often the result of artificial constructions that exploit emotions and cognitive biases, rather than pure rational deliberation. This condition has triggered acute sociopolitical polarization and shifted real power from the people to a handful of technological elites, giving rise to the threat of a new techno-authoritarianism that undermines the legitimacy of substantial democracy. To address this legitimacy crisis, constitutional law doctrine must be reoriented to recognize the concepts of digital sovereignty and the right to cognitive liberty as new constitutional rights of citizens. Future legal formulation must shift upstream through enforcing the principle of algorithmic transparency, conducting regular algorithmic audits, halting micro-targeting-based political advertising, and optimizing enforcement of the Personal Data Protection Law (PDP Law) by an independent supervisory body. Indonesia can adopt international regulatory standards such as the European Union's Digital Services Act and AI Act to reduce unequal power relations with global technology corporations. Through firm structural regulations balanced with strengthening critical digital literacy at the cultural level, the state can ensure that ultimate sovereignty remains in the hands of a digitally independent people, not under the control of algorithmic code.

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