

# Reinterpretation of the Principle of Family, Chapter 33 of the 1945 Constitution of the Republic of Indonesia in the Era of Platform Capitalism within the Framework of the Modern Economy of the 21st Century

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## ABSTRACT

The modern economy, which relies on Big Data architecture and sophisticated algorithms, presents a disturbing information loop in today's development landscape. This research uses a normative-empirical legal research method (socio-legal research) with a contextual and comparative approach. Philosophically, the principle of kinship in Chapter 33 of the 1945 Constitution of the Republic of Indonesia rejects the liberal anthropological view that views humans solely as rational, selfish, profit-seeking creatures. In relation to the implementation of the contemporary social function of the digital economy, this demands a bold regulatory strategy to counter the concentration of power in the digital oligarchy. The first strategy is to redefine data ownership through the establishment of Data Cooperatives or Data Trusts. By making workers the owners of the platform, profits no longer flow abroad or to a handful of investors but circulate back into the worker community itself, creating a healthy and equitable economic circulation as mandated by Article 33 of the 1945 Constitution of the Republic of Indonesia.

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## 1. INTRODUCTION

Chapter 33 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states "The economy is structured as a joint effort based on the principle of family" is not only a positive legal norm but is an ontological manifestation of the soul of the Indonesian nation (Volkgeist). Bung Hatta as the architect of the constitutional economy, envisioned a system in which economic motives were not driven by individualism and free fight liberalism but by collective solidarity. Chapter 33 is the foundation of Indonesian Economic Democracy which is realized through cooperatives as the pillars of the national economy, which are based on the principles of family and mutual cooperation to achieve the prosperity of the people, not just personal gain, emphasizing joint efforts, people's participation and the active role of the state in managing strategic resources for social welfare (Hatta, 2004). However, this postulate is

currently faced with the reality of the 21st century economy which is dominated by digitalization, globalization and platform capitalism.

Since its independence, Indonesia's economic system has been designed to reflect the nation's noble values. This is explicitly stated in Chapter 33 of the 1945 Constitution, which affirms that the economy is structured as a joint effort based on the principle of kinship (Yuliana, 2020). One of the important reasons for reviewing Article 33 is to address the challenges of the times, including the digital economy era and the industrial revolution 4.0. According to Brynjolfsson & McAfee (2014), technological transformation has drastically changed the economic landscape: from labor-intensive industries to a data- and algorithm-based economy. Meanwhile, state regulations have not been fully able to address the inequality of access and opportunities in the digital economy (Susanti, (2022). In this context, the basic values of Article 33 must be able to serve as ethical guidelines as well as the direction of inclusive digital economic policies (Narjono, 2025).

The platform refers to a development in the modern economy. The modern economy, which relies on Big Data architecture and sophisticated algorithms, presents a disturbing information loop in today's development landscape. On the one hand, the integration of digital technology promises maximum usability, personalized services, and democratized market access through the narrative of a sharing economy that seems to align with the spirit of collaboration. However, behind the veil of connectivity lies a sharp contradiction: algorithms no longer function merely as objective calculation tools but have transformed into instruments of a new determinism that alters human behavior. In this ecosystem, legal subjects, both workers and consumers, experience an existential reduction to mere data points harvested for the sake of corporate surplus value, creating an extreme power asymmetry between platform owners who control an opaque system and economic participants who lose their morals and freedom due to the dictates of an invisible yet highly authoritarian system. Therefore, we must use the sharing economy in freedom in the economic participant system.

The terms "sharing economy" and "partnership" in gig economy applications seem to reflect a spirit of mutual cooperation. However, empirical reality also reveals new forms of exploitation through inhumane algorithmic management. Platform capitalism, such as that operated by Google, GoTo, Grab, and Shopee, operates on the logic of data extraction and algorithmic efficiency. This distorts the meaning of kinship, as gig economy platforms use the term "Partner" for online motorcycle taxi drivers or couriers. The term "Partner" connotes kinship and implies an equal, mutually supportive relationship. However, critical analysis demonstrates this legal smuggling to avoid normative labor rights obligations such as minimum wages, health insurance, and severance pay.

In the perspective of John Rawls' Theory of Justice which focuses on justice as fairness, it can be achieved through two main principles, namely the Equal Liberty Principle which guarantees equal basic freedoms for all and the Difference Principle which regulates socio-economic inequality to provide the greatest benefit to the least advantaged and ensure that positions and positions are open to everyone in conditions of equal opportunity (Rawls, 1971) understood through the concept of the Veil of Ignorance where people design rules without knowing their position in society (Hanifah, et. al., 2025). This situation certainly violates the Difference Principle. The inequality that occurs is in the form of massive profits for platform owners which contrasts with the vulnerability of drivers as the least advantaged party. In fact, of course, this is not a kinship relationship but rather digital feudalism.

Furthermore, Article 33 Paragraph (3) states that "Land, water, and natural resources are controlled by the state." In the digital era, the new resource is data. Surveillance capitalism, as termed by Shoshana Zuboff, means that there are parties who are stronger and more sophisticated than state institutions in carrying out surveillance and espionage. These parties are none other than digital platform companies. Users are both data suppliers and objects of online advertising. Social media platforms monetize user data for business or economic interests (Azky, 2019). If the government of the Republic of Indonesia is consistent with the principle of kinship and a progressive interpretation of Chapter 33 of the 1945 Constitution of the Republic of Indonesia, then public data should be viewed as digital natural resources that must be managed as a joint venture, not monopolized by transnational corporations.

The family values in Chapter 33 of the 1945 Constitution are currently experiencing a crisis of practical relevance due to the dominance of capitalist interpretations. Therefore, the family principle must be reinterpreted not as a bygone romanticism about conventional cooperatives but as a moral imperative and normative foundation for business development in which digital platforms (apps or websites) are collectively and democratically owned and managed by workers, users, or key stakeholders, rather than by traditional capitalist corporations.

In this paper, using the analytical knife of Pancasila philosophy, John Rawls' Theory of Justice and Communitarianism which essentially emphasizes that law must serve the common good and individual identity is formed by the community, different from liberal individualism which focuses on individual rights. This means that law not only protects private rights but also promotes social responsibility, solidarity and collective values balancing individual rights with the needs of society and Theory of Justice as a broad concept in political philosophy and ethics that seeks to define what a just society means and how resources, rights and obligations should be distributed, to prove that kinship is the necessary antithesis in taming the wilds of digital capitalism.

## 2. METHODS

This study uses a normative-empirical legal research method (socio-legal research) with a contextual and comparative approach (Sonata, 2015). The contextual approach will be used to analyze the ideas of Michael Sandel and Charles Taylor and their relevance in the legal context of the modern economic era. The data used are regulations, court decisions, scientific journals, books, and other relevant official documents. Data analysis is conducted qualitatively and descriptively to gain an in-depth understanding of the issues studied.

## 3. FINDINGS AND DISCUSSION

Philosophically, the principle of kinship in Chapter 33 of the 1945 Constitution of the Republic of Indonesia rejects the liberal anthropological view that sees humans solely as rational, selfish, profit-seeking creatures. From the perspective of Pancasila Philosophy, humans are monodualists, namely individuals and social beings. In the concept put forward by Notonegoro, humans consist of three natures: first, the natural composition consisting of soul and body. Second, the natural nature, namely as an individual and a social being. Third, the natural position consisting of personal beings and creatures of God (Soeprapto, 1995).

Therefore, the implementation of the Family Principle of Chapter 33 of the 1945 Constitution of the Republic of Indonesia in the digital space must be interpreted as a transformation from platform capitalism to platform cooperatives or a spirit of real digital collaboration. The digital economy should not simply position humans as data cogs for the benefit of a handful of technology corporations, but must be structured as a collective effort. Digital platforms ideally become modern spaces of mutual cooperation where data ownership and profit sharing are felt fairly by the entire user community, reflecting a balance between the individual right to create and the social obligation to promote mutual welfare.

Algorithms and artificial intelligence (AI) should not be designed solely to exploit human psychological or spiritual weaknesses for physical or material gain. Technology must be returned to its function as a tool to honor human dignity, both physical and spiritual, so that digital progress remains within the bounds of civilization and divine accountability, not merely conscienceless efficiency.

Mengadopsi perspektif Communitarianism yang diusung oleh pemikir seperti Michael Sandel dan Charles Taylor dimana pokok pemikirannya mendekonstruksi pemahaman mengenai "diri" (the self). Dalam pandangan ini identitas manusia tidak terbentuk dalam ruang hampa atau bersifat "atomistik" sebagaimana dipahami oleh liberalisme klasik di mana individu dianggap sebagai entitas yang sepenuhnya otonom, terpisah dan bebas nilai dari lingkungan sosialnya. Sebaliknya Sandel menekankan konsep *encumbered self* atau diri yang terikat yaitu bahwa keberadaan individu selalu

melekat dan dibentuk oleh narasi komunitas, Sejarah serta ikatan sosial tempatnya bernaung (Madung, 2020). Oleh karena itu manusia tidak bisa dipahami hanya sebagai agen ekonomi yang mengejar keuntungan pribadi semata akan tetapi harus dimaknai sebagai bagian integral dari sebuah tatanan moral kolektif yang saling mempengaruhi. Konsekuensi ontologis ini membawa implikasi serius bahwa setiap tindakan individu termasuk aktivitas ekonomi yang tidak pernah bebas dari tanggung jawab etis terhadap komunitas yang membentuknya.

Based on this philosophical foundation, economics can no longer be viewed as a neutral realm separate from moral obligations. Charles Taylor warned that ignoring communal values for the sake of market efficiency alone would result in a fragmented society and a loss of solidarity. When this framework is placed on Chapter 33 of the 1945 Constitution of the Republic of Indonesia, the phrase "joint enterprise" takes on a much deeper meaning than mere business collaboration. Joint enterprise becomes a manifestation of the moral imperative that the economy must be structured as a vehicle for nurturing community ties, rather than dividing them through inequality. This emphasizes that ownership of resources and means of production should not be viewed as an absolute, sacred individual right but rather as having a social function that must be dedicated to the common good (*bonum commune*), in harmony with the spirit of kinship that rejects sectoral egoism.

In the context of the contemporary digital economy, the implementation of this social function demands a bold regulatory strategy to counter the concentration of power in the hands of digital oligarchies. The first strategy is to redefine data ownership through the establishment of Data Cooperatives or Data Trusts. Given that data is a new resource generated by the activities of user communities, its ownership should not be unilaterally monopolized by platforms. The state must facilitate regulations in which communities have collective rights over their data, so that the economic value generated from data aggregation can be redistributed to users, rather than simply enriching the shareholders of technology companies. This is a concrete manifestation of a collective effort where digital assets are democratically managed for the benefit of its members.

The next concrete strategy is to encourage structural transformation from a Platform Capitalism model to a Platform Cooperative. The government needs to provide fiscal incentives and legal protection for digital platforms owned and managed directly by their workers, whether they are online motorcycle taxi drivers, couriers, or content creators. In this model, the application algorithm is no longer an exploitative employer but rather a transparent tool because the rules of the game are determined by member agreement. By making workers the owners of the platform, profits no longer flow abroad or to a handful of investors but are instead circulated back into the worker community itself, creating a healthy and equitable economic circulation as mandated by Chapter 33 of the 1945 Constitution of the Republic of Indonesia.

The social function of the digital economy must be upheld through strict tax mechanisms and algorithm audits as a form of redistributive justice. Giant digital companies that profit from the Indonesian market must be subject to significant digital taxes, specifically earmarked for internet infrastructure development in remote areas and digital literacy for marginalized groups. Furthermore, the algorithms used by platforms must be regularly audited to ensure there are no biases that disadvantage local MSMEs or manipulative practices that trap consumers. With these steps, the digital economy will no longer be a wild, value-free arena, but rather an ecosystem subject to community ethics and a moral obligation to improve the welfare of the entire nation.

Another problem is the hegemony of the legal positivism paradigm in the Indonesian legal system has led to an ontological reduction of the Family Principle as stipulated in Article 33 of the 1945 Constitution of the Republic of Indonesia. In the perspective of rigid positivism, which glorifies formal legal certainty and strict requirements between morality and law (separation thesis), the Family Principle is often relegated to merely an ethical norm or opening ornamentation that has no legal binding force if not translated into explicit technical offenses or regulations. The problem with this textual-grammatical approach is the occurrence of substantive nullification where the value of family is considered complete when written in the constitution but is nil in the operationalization of law

enforcement. This creates legal stagnation where the state is reluctant to carry out corrective interventions in the market due to the lack of legitimacy of technical articles that leave the principle of social solidarity isolated in a philosophical ivory tower without being able to touch the empirical reality of the economy.

This epistemological weakness manifests itself when the digital economic ecosystem penetrates the national market structure. The absence of positive legal derivations governing the operationalization of "family" in cyberspace results in a crucial normative vacuum. In this state regulatory vacuum, market mechanisms operate absolutely through the logic of capital accumulation, with multinational technology corporations taking over the regulatory role through the creation of private law in the form of unilateral Terms and Conditions (Terms of Service). Indonesian positive law, which stutters in responding to technological disruption due to its attachment to conventional legislative procedures, fails to construct regulatory barriers capable of subduing market forces under the supremacy of social justice values. As a result, the digital economy has become a value-free arena where economic interactions are no longer guided by communal ethics but by inhumane profit algorithms.

The most destructive implication of this legal failure is the legalization of structural exploitation of vulnerable economic actors and digital informal sector workers (gig workers). Without a progressive legal umbrella that translates the Principle of Family into an instrument of affirmative protection, positive law actually legitimizes the bogus self-employment created by platforms. In this construction, the asymmetric power relationship between platform owners and partners is allowed to persist in the name of freedom of contract, a classical liberal doctrine adopted uncritically. The state, shackled by legal formalism, fails to detect the substance of oppression behind the formulation of these partnership contracts, thus allowing the creation of a new precariat class: a group of vulnerable workers without social security who live under the shadow of uncertainty and far from the ideals of social welfare mandated by the constitution.

The important question of the subject matter in this paper is whether the principle of kinship is still relevant? The answer is very relevant, however, it needs a radicalization of meaning. Kinship should no longer be understood simply as a Savings and Loan Cooperative in the village but must be translated into a 21st-century economic structure through at least 3 (three) concepts, the first is Platform Cooperativism where thinkers such as Trebor Scholz offer a digital platform model owned and managed by its workers (users and service providers) not just by venture shareholders (Scholz, 2016).

This represents a modern manifestation of the corporate structure envisioned by Hatta. If Gojek or Grab were truly a collaborative venture, then drivers should have shares or voting rights in the algorithms that govern their lives. Second, there is Algorithmic Sovereignty, where, within the framework of Natural Law, humans possess a dignity that should not be dictated to by machines. Family values demand algorithmic transparency. The state, as a manifestation of the extended family, must intervene in the market to ensure algorithms do not discriminate against small businesses (MSMEs) for the benefit of the platform's own affiliate products (predatory pricing). Third, there is solidarity in the era of globalization, which often promotes zero-sum competition. Pancasila philosophy offers a path through humanitarian internationalism. The principle of family demands protection of strategic domestic sectors (e.g., national data sovereignty) without becoming isolationist. This is a form of defensive economic nationalism for the common good.

#### 4. CONCLUSION

The future of Indonesia's economic democracy demands a fundamental structural transformation, namely a shift in values from mere market regulation to the democratization of digital asset ownership. The concept of kinship must be reactualized through the implementation of the Cooperativism Platform and Data Cooperatives, where ownership of algorithms and data monetization is returned to the user community, rather than monopolized by a handful of technological oligarchs. In this construction, data must be postulated as a new natural resource controlled by the state and utilized as

much as possible for the prosperity of the people, as mandated by the constitution regarding the earth and water. The state can no longer play a passive role as a night watchman that merely observes the market, but must be present as an interventionist entity that guarantees algorithm transparency and breaks the chain of asymmetric power exploitation. The synthesis of Notonagoro's thinking, Rawls's Theory of Justice, and the Communitarian perspective leads to one progressive conclusion: a just digital economy can only be realized if technology is placed under the supremacy of human ethics.

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