

# Law as an Art in the Era of Digital Disruption: A Humanistic-Progressive Approach

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## ABSTRACT

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This study situates law within the accelerating context of digital disruption, where technologies such as artificial intelligence, blockchain, and automated decision-making challenge the rigidity of traditional legal paradigms and call for more adaptive and human-centered approaches. The purpose of this study is to reconstruct the paradigm of Indonesian law by conceptualizing law as an art, emphasizing flexibility, interpretative sensitivity, and responsiveness to social change through a humanistic-progressive approach. Employing a normative juridical method combined with conceptual and philosophical analysis, this research draws upon statutory regulations, legal doctrines, and interdisciplinary perspectives, particularly progressive legal theory and humanistic jurisprudence, to examine the limitations of positivistic frameworks in addressing digital-era complexities. The findings reveal that the current legal system tends to be formalistic and reactive, resulting in gaps when confronted with rapidly evolving digital phenomena, such as smart contracts, digital assets, and algorithmic governance. In contrast, positioning law as an art enables a more contextual, value-oriented, and justice-driven interpretation, allowing legal actors to balance certainty with fairness and societal needs. This approach also reinforces the role of judges and policymakers as active interpreters rather than mere enforcers of static norms. The study concludes that a humanistic-progressive reconstruction of law is essential to ensure its relevance and effectiveness in the digital era, advocating for a paradigm shift that integrates ethical considerations, social realities, and technological advancements into the development and application of law in Indonesia.

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## 1. INTRODUCTION

The rapid advancement of digital technology has fundamentally transformed the structure of modern society, reshaping the ways individuals interact, transact, and govern their lives. Innovations such as artificial intelligence, blockchain, big data analytics, and automated decision-making systems

have not only accelerated efficiency but also introduced unprecedented legal complexities. In this context, law is no longer confronted with gradual social change, but with disruptive transformations that challenge its very foundations. Traditional legal systems, which are often rooted in rigid, positivistic frameworks, struggle to respond adequately to the fluid, dynamic, and borderless nature of digital phenomena (Russell & Norvig, 2021; Swan, 2015). As a result, there is an increasing urgency to rethink and reconstruct legal paradigms in order to ensure that law remains relevant, adaptive, and capable of delivering justice in the digital age.

Indonesia, as a developing legal system influenced by civil law traditions, faces particular challenges in navigating this digital disruption. Existing legal frameworks tend to emphasize certainty, codification, and formal procedures, which, while essential for maintaining order, may hinder responsiveness to emerging technological realities. Issues such as the legal status of smart contracts, the regulation of digital assets, the accountability of artificial intelligence, and the evidentiary value of electronic data highlight the growing gap between law and technological development (Makarim, 2005; Susskind, 2019). This gap reflects not only a technical limitation but also a deeper epistemological problem: the prevailing understanding of law as a rigid system of rules rather than a living, evolving instrument of justice.

In light of these challenges, this article proposes a reconceptualization of law as an art. Viewing law as an art emphasizes creativity, interpretation, and sensitivity to context, rather than mere mechanical application of rules. Law, in this sense, is not simply a tool for enforcing norms but a dynamic process that involves human judgment, ethical reflection, and social engagement. This perspective aligns with the idea that legal actors—particularly judges, legislators, and scholars—must actively interpret and shape the law in response to changing societal conditions. By adopting this artistic dimension, law can better accommodate the uncertainties and complexities inherent in the digital era.

The notion of law as an art is closely connected to the humanistic-progressive approach, which serves as the theoretical foundation of this study. A humanistic perspective places human dignity, justice, and societal welfare at the center of legal reasoning, ensuring that technological advancement does not undermine fundamental values (Satjipto Rahardjo, 2009). Meanwhile, a progressive legal approach advocates for the transformation of law in response to social needs, rejecting the idea that law is static and immutable. Together, these perspectives encourage a more flexible, responsive, and value-oriented legal system that is capable of addressing the challenges posed by digital disruption.

This research employs a normative juridical method combined with conceptual and philosophical analysis to explore the limitations of existing legal paradigms and to propose a new framework for understanding law in the digital age. By examining relevant legal doctrines, statutory regulations, and scholarly perspectives, this study seeks to identify the structural weaknesses of formalistic legal approaches and to develop an alternative paradigm that integrates humanistic and progressive principles. The analysis is not limited to theoretical considerations but also engages with practical issues arising from digital transformation, such as the enforceability of algorithm-based agreements and the role of human discretion in automated systems.

Furthermore, the digital era necessitates a redefinition of the role of legal actors. Judges, for instance, can no longer rely solely on textual interpretation but must engage in purposive and contextual reasoning to ensure that legal outcomes remain just and equitable. Legislators must anticipate technological developments and create flexible regulatory frameworks that can adapt to future changes. Legal scholars, meanwhile, are tasked with bridging the gap between law and technology by developing interdisciplinary approaches that enrich legal understanding. In this sense, the reconstruction of legal paradigms is not merely an academic exercise but a practical necessity for ensuring the effectiveness of law in a rapidly changing world.

Ultimately, this article argues that the survival and relevance of law in the era of digital disruption depend on its ability to transcend rigid formalism and embrace a more holistic, human-centered approach. By conceptualizing law as an art grounded in humanistic-progressive values, it becomes possible to create a legal system that is not only certain and predictable but also just, adaptive, and responsive to the complexities of contemporary society. This paradigm shift is essential for Indonesia as it navigates the

challenges and opportunities of digital transformation, ensuring that law continues to serve as a meaningful instrument for achieving justice and social order.

## 2. METHODS

This study employs a normative juridical research method to examine the reconstruction of legal paradigms in the context of digital disruption, particularly through a humanistic-progressive approach. The normative method is used to analyze law as a set of norms, principles, and doctrines, focusing on how existing legal frameworks respond to the challenges posed by rapid technological developments. This research relies primarily on secondary data, including statutory regulations, legal literature, scholarly journal articles, and relevant doctrinal sources that discuss digital law, smart contracts, artificial intelligence, and the philosophy of law.

In addition to the normative approach, this study incorporates conceptual and philosophical analysis to explore the underlying assumptions of traditional legal paradigms, particularly legal positivism, and to contrast them with humanistic and progressive legal theories. The conceptual approach is used to clarify key notions such as “law as an art,” “digital disruption,” and “humanistic-progressive law,” while the philosophical approach provides a deeper reflection on the role of law in achieving justice, human dignity, and social welfare in the digital era. These approaches are essential in identifying the limitations of rigid, formalistic legal reasoning when confronted with complex and rapidly evolving technological phenomena.

The analysis is conducted through a qualitative method, involving systematic interpretation and evaluation of legal norms and scholarly arguments. By synthesizing various legal and interdisciplinary perspectives, this study seeks to construct a more adaptive and responsive legal framework. The method ultimately aims to produce a prescriptive analysis that not only explains the existing legal conditions but also offers normative recommendations for reconstructing Indonesian legal paradigms to better align with the demands of the digital age.

## 3. FINDINGS AND DISCUSSION

The rapid development of digital technology has significantly altered the landscape of legal systems worldwide, including in Indonesia. The emergence of technologies such as artificial intelligence, blockchain, and smart contracts has created new forms of legal relationships that challenge conventional legal doctrines. Traditional legal systems, particularly those rooted in civil law traditions, tend to rely heavily on codified rules and formal procedures. However, the dynamic and decentralized nature of digital technologies requires a more flexible and adaptive legal approach (Riskha et al., 2024; Hidayat et al., 2025). This transformation is not merely technical but also structural, affecting how legal norms are created, interpreted, and enforced.

In practice, digital disruption has blurred the boundaries between legal subjects, objects, and processes. The law, which historically evolved within territorially bounded jurisdictions, is now confronted with transnational and borderless digital interactions. This condition challenges the fundamental assumptions of jurisdiction, authority, and enforcement. As digital platforms operate across multiple legal systems simultaneously, the capacity of national law to regulate such phenomena becomes increasingly limited. Consequently, the rigidity of traditional legal frameworks becomes more apparent, revealing their inability to cope with the speed and complexity of technological innovation.

One of the most prominent issues in the era of digital disruption is the increasing use of smart contracts. Smart contracts operate automatically based on pre-programmed code, often without direct human intervention. While they offer efficiency and certainty in execution, they also raise fundamental legal questions regarding validity, enforceability, and accountability. In the Indonesian context, the absence of specific regulations governing smart contracts creates uncertainty, particularly in determining whether such agreements meet the requirements of a valid contract under civil law (Permata et al., 2021; Pradnyana & Yuliantini, 2023). This uncertainty is further compounded by the fact

that smart contracts are often written in programming languages rather than natural language, making them difficult to interpret within traditional legal frameworks.

Moreover, the self-executing nature of smart contracts challenges the classical concept of consent and agreement. In conventional contract law, consent is expressed through clear and mutual understanding between parties. However, in smart contracts, consent is often embedded within code, raising questions about whether users fully understand the implications of their actions. This situation creates potential risks, particularly for individuals who lack technical knowledge. As a result, the principle of freedom of contract may be undermined by asymmetries in information and technological capability.

In addition to smart contracts, the legal status of digital assets, including cryptocurrencies and non-fungible tokens (NFTs), remains ambiguous. Although these assets are increasingly used for investment and commercial purposes, regulatory frameworks often lag behind technological developments. This gap creates legal risks for users, including fraud, lack of consumer protection, and unclear dispute resolution mechanisms (Novellita, 2025; Yulianti & Syarifuddin, 2022). Furthermore, the volatility and speculative nature of digital assets raise concerns about financial stability and market integrity.

The classification of digital assets within existing legal categories also presents significant challenges. Traditional legal systems typically distinguish between tangible and intangible property, but digital assets do not fit neatly into either category. This ambiguity complicates issues such as ownership, transfer, and inheritance. Without clear legal recognition, disputes involving digital assets may be difficult to resolve, particularly in cases involving cross-border transactions.

Another critical issue lies in the evidentiary value of electronic data within civil procedure law. The transition from conventional to digital evidence has transformed the way courts assess proof. Electronic documents, digital signatures, and blockchain-based records present both opportunities and challenges in ensuring authenticity, integrity, and reliability. While Indonesian law has begun to recognize electronic evidence, practical implementation remains inconsistent, particularly in judicial interpretation (Rudy & Mayasari, 2021; Shifa & Wiraguna, 2026). This inconsistency reflects a broader tension between legal formalism and technological innovation.

In many cases, judges are required to evaluate complex technical evidence without sufficient expertise or guidance. This situation increases the risk of inconsistent decisions and undermines legal certainty. Moreover, the reliance on digital evidence raises concerns about cybersecurity, data manipulation, and system vulnerabilities. Ensuring the reliability of electronic evidence therefore requires not only legal reform but also technological infrastructure and institutional capacity.

In addition, the integration of artificial intelligence into legal processes introduces complex questions of accountability and liability. Automated decision-making systems can produce outcomes that significantly impact individuals, yet it is often unclear who should be held responsible for errors or biases embedded in such systems. This issue highlights the limitations of traditional legal frameworks that are primarily designed to regulate human actions rather than autonomous systems (Hidayati & Ridwan, 2022; Nurjanah & Masrukhin, 2026). The opacity of algorithmic processes further complicates accountability, as it may be difficult to trace the reasoning behind specific decisions.

These challenges demonstrate that the current legal paradigm, which emphasizes formalism and legal certainty, is insufficient to address the complexities of digital transformation. Legal positivism, which views law as a closed system of rules, tends to prioritize certainty over justice and flexibility. As a result, it struggles to accommodate rapidly evolving technological realities that require contextual and value-based interpretation (Mustar Lofi, 2025; Kusuma & Jasmine, 2025). This limitation becomes particularly evident in cases where strict adherence to legal rules produces outcomes that are technically correct but substantively unjust.

In response to these limitations, this study proposes the reconceptualization of law as an art. This perspective emphasizes that law is not merely a system of rigid rules but a dynamic process that involves interpretation, creativity, and ethical judgment. Law as an art allows legal actors to navigate

uncertainty by considering not only legal texts but also social values, technological contexts, and the broader pursuit of justice. This approach is particularly relevant in the digital era, where legal issues often extend beyond the scope of existing regulations (Zulfikar & Meiliawati, 2025).

The artistic dimension of law also highlights the importance of intuition and moral reasoning in legal decision-making. While legal rules provide a framework for action, they cannot anticipate every possible situation, especially in a rapidly changing technological environment. Judges and legal practitioners must therefore exercise discretion and creativity in applying the law. This does not mean abandoning legal certainty, but rather complementing it with flexibility and responsiveness.

The humanistic dimension of this approach places human dignity and social welfare at the center of legal reasoning. In the context of digital disruption, this means ensuring that technological advancements do not undermine fundamental rights and values. For example, the use of artificial intelligence in decision-making must be guided by principles of fairness, transparency, and accountability. Similarly, the regulation of digital transactions should prioritize consumer protection and equitable access (Yulianti & Syarifuddin, 2022). This perspective reinforces the idea that law should serve humanity, rather than the other way around.

Meanwhile, the progressive dimension emphasizes the need for law to evolve in response to societal changes. Rather than viewing law as static, progressive legal theory encourages continuous adaptation and innovation. This is particularly important in addressing emerging issues such as smart contracts, digital assets, and algorithmic governance, which cannot be adequately regulated through traditional legal approaches alone (Riska et al., 2024). Progressive law recognizes that legal reform is an ongoing process that must keep pace with technological and social developments.

The integration of humanistic and progressive principles offers a holistic framework for reconstructing legal paradigms in Indonesia. This framework acknowledges the importance of legal certainty while also promoting flexibility, justice, and responsiveness. It encourages judges to adopt a more interpretative and contextual approach, legislators to develop adaptive regulatory frameworks, and legal scholars to engage in interdisciplinary research.

Furthermore, the concept of law as an art emphasizes the central role of human agency in the legal process. Despite the increasing automation of legal functions, human judgment remains essential in interpreting norms, resolving disputes, and ensuring justice. Technology can assist legal processes, but it cannot replace the ethical and moral considerations that underpin legal decision-making. This is particularly important in cases involving vulnerable individuals or complex social issues.

In practical terms, the reconstruction of legal paradigms requires several key reforms. First, there is a need to harmonize existing regulations related to digital technology, including laws on electronic transactions, data protection, and financial technology. Second, legal education must be reoriented to include interdisciplinary approaches that integrate law, technology, and ethics. Third, judicial capacity must be strengthened to ensure that judges are equipped to handle complex digital cases. Fourth, collaboration between legal institutions and technological experts must be enhanced to bridge the gap between law and technology.

Ultimately, the challenges posed by digital disruption cannot be addressed solely through incremental legal reforms. Instead, they require a fundamental shift in how law is understood and practiced. By embracing the concept of law as an art grounded in humanistic-progressive values, Indonesia can develop a legal system that is not only responsive to technological change but also capable of upholding justice, human dignity, and social welfare in the digital age.

#### 4. CONCLUSION

The era of digital disruption has fundamentally challenged the traditional foundations of law, particularly in legal systems that rely heavily on formalism, codification, and rigid interpretation. As technological innovations such as artificial intelligence, blockchain, and smart contracts continue to evolve, the limitations of conventional legal paradigms become increasingly evident. The inability of existing frameworks to adequately address issues such as digital transactions, electronic evidence, and

algorithmic accountability highlights the urgent need for a transformative approach to legal thinking and practice.

This study emphasizes that law can no longer be understood merely as a static system of rules but must be reconceptualized as a dynamic and adaptive process. By positioning law as an art, this research underscores the importance of interpretation, creativity, and ethical judgment in responding to complex and rapidly changing technological realities. Such an approach enables legal actors to move beyond rigid textualism and engage more deeply with the social, technological, and moral dimensions of legal issues.

The integration of a humanistic-progressive perspective further strengthens this paradigm shift. A humanistic approach ensures that legal development remains centered on human dignity, justice, and societal welfare, preventing technology from undermining fundamental values. At the same time, a progressive orientation encourages continuous legal reform and innovation, allowing the legal system to evolve in line with societal and technological changes. Together, these perspectives offer a comprehensive framework for addressing the challenges of digital disruption.

Ultimately, the reconstruction of legal paradigms in Indonesia requires not only doctrinal adjustments but also a broader transformation in legal culture, education, and institutional capacity. By embracing law as an art grounded in humanistic-progressive values, Indonesia can develop a legal system that is more responsive, inclusive, and just, ensuring its continued relevance in the digital age while safeguarding the fundamental principles of law.

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