

Educational Democracy in the Digital Era: Constitutional Challenges in Ensuring Equitable Access to Education in Indonesia

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ABSTRACT

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This study examines the constitutional challenges of ensuring equitable access to education within the framework of educational democracy in Indonesia's digital era. Despite constitutional guarantees under Article 31 of the 1945 Constitution, significant disparities persist in access to digital education, particularly between urban and rural areas. This raises critical questions: (1) to what extent does the digital transformation of education align with the principles of educational democracy; and (2) how effectively does the state fulfill its constitutional obligation to ensure equitable access to education in the digital context? This research employs a normative juridical method with a socio-constitutional approach, analyzing legal frameworks, policy developments, and relevant scholarly literature. The findings reveal that while digitalization has expanded educational opportunities, it has also reproduced structural inequalities due to unequal infrastructure, digital literacy gaps, and socio-economic disparities. The state's role remains pivotal but insufficiently optimized, as existing policies tend to emphasize technological expansion rather than substantive equality. Consequently, educational democracy in Indonesia faces a paradox between formal constitutional guarantees and unequal practical outcomes. This study contributes to the academic discourse by offering a critical constitutional perspective on digital education, emphasizing the need to shift from formal equality to substantive justice. It proposes a reconceptualization of educational democracy that integrates digital inclusion as a constitutional mandate, thereby providing a framework for more equitable and responsive education policies in Indonesia's evolving digital landscape.



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Introduction

The introduction is written in Garamond font font size 11 with 1 space. The introductory section describes the background of the research problem, literature facts, research gaps, novelty, research question, and the purpose of writing. The problem must be clear and requires research to solve the problem. For Arabic writing or fragments of verses from the Qur'an, the Traditional Arabic font size is 16. Foreign language words or phrases are written in italics, while Arabic-Latin transliteration refers to Arabic-Indonesian transliteration according to the SKB 3 Menteri. The body of paper must be elaborated between 4.500 - 7.000 words (maximum) including abstract and references. The rapid advancement of digital technology has significantly transformed the educational landscape, particularly in developing countries such as Indonesia. The integration of digital platforms into education has been widely promoted as a means to enhance accessibility, efficiency, and inclusivity. However, this transformation has

simultaneously exposed persistent structural inequalities, especially in access to digital infrastructure, internet connectivity, and technological literacy. Empirical studies indicate that disparities between urban and rural regions remain substantial, with urban areas benefiting from better digital infrastructure compared to rural communities (Sari & Nugroho, 2022). Moreover, the digital divide in Indonesia is influenced not only by infrastructure gaps but also by socio-economic factors, educational background, and digital skills, which collectively hinder equal participation in digital learning environments (Putri et al., 2023).

From a broader perspective, educational inequality in Indonesia is not a new phenomenon but has been exacerbated by digital transformation. Despite ongoing reforms and significant investment in education, inequalities persist in terms of resource allocation, teacher quality, and access to facilities across regions and socio-economic groups (Rahmawati, 2021). The shift toward online learning during the COVID-19 pandemic further intensified these disparities, revealing unequal access to devices, internet connectivity, and digital competencies among students (Hidayat & Prasetyo, 2022). In this context, digitalization, which is often perceived as a tool for democratizing education, paradoxically risks reinforcing existing inequalities rather than eliminating them.

The concept of educational democracy emphasizes equal participation, inclusivity, and fairness in accessing educational opportunities. However, in the digital era, this concept must be reinterpreted to incorporate digital inclusion as a fundamental component. The digital divide has emerged as a critical barrier to achieving educational democracy, particularly in developing countries where uneven technological development persists (Wahyuni, 2023). Furthermore, digital literacy has become an essential factor in enabling meaningful participation in education and democratic processes. In Indonesia, the level of digital literacy remains uneven, which affects individuals' ability to critically engage with digital information and participate effectively in educational systems (Setiawan, 2022).

Despite the growing body of literature on digital education and inequality, most existing studies focus primarily on technological, pedagogical, or socio-economic aspects. There is still a significant gap in the literature regarding the constitutional dimension of educational democracy, particularly in examining the state's obligation to ensure equitable access to digital education as a fundamental right. Previous research has not sufficiently addressed how constitutional principles, such as equality before the law and the right to education, are operationalized in the context of digital transformation (Nasution, 2020). This gap is critical, as digital inequality is not merely a technical issue but also a constitutional and governance challenge.

This study seeks to address this gap by analyzing educational democracy in the digital era from a constitutional perspective. The research is guided by two main questions: (1) how are the principles of educational democracy reflected in Indonesia's digital education policies; and (2) to what extent does the state fulfill its constitutional obligation to ensure equitable access to education in the digital context? By employing a normative juridical method combined with a socio-constitutional approach, this research examines legal frameworks, policy instruments, and socio-educational realities shaping digital education in Indonesia (Creswell, 2014).

The novelty of this study lies in its effort to reconceptualize educational democracy as a constitutional mandate that integrates digital inclusion as a core element. Unlike previous studies that focus on policy implementation or technological development, this research positions digital inequality as a constitutional issue, thereby expanding the discourse on the right to education in the digital age. This study argues that achieving genuine educational democracy requires a shift from formal equality to substantive justice, where the state actively addresses structural disparities and ensures inclusive access to digital education. Ultimately, this research aims to contribute to the development of a more equitable, inclusive, and constitutionally grounded educational system in Indonesia.

Method

This study employs a qualitative research design using a normative juridical method combined with a socio-constitutional approach. The normative juridical method is applied to examine legal principles, constitutional provisions, and statutory regulations governing the right to education in Indonesia, particularly within the framework of educational democracy (Marzuki, 2017). Meanwhile, the socio-constitutional approach is used to analyze how these legal norms operate within the social context of digital transformation, especially in relation to issues of inequality and access to education (Friedman, 1975). The type of research conducted in this study is doctrinal legal research, which focuses on analyzing legal norms, concepts, and doctrines derived from primary and secondary legal materials (Soekanto, 2014). Primary legal materials include the 1945 Constitution of the Republic of Indonesia, especially Article 31 concerning the right to education, as well as relevant laws and regulations related to education and digital governance. Secondary data consist of scholarly journal articles, books, policy reports, and recent academic publications discussing digital education, constitutional law, and educational inequality (Creswell,

2014). Data collection is carried out through a comprehensive literature review, focusing on recent and relevant academic sources. The data analysis method used is qualitative analysis, which involves organizing, interpreting, and critically evaluating legal materials and academic literature. This analysis is conducted using an interpretative and analytical technique to identify gaps between constitutional guarantees and empirical realities in digital education access (Miles et al., 2014).

In addition, this study incorporates a normative analysis of justice, particularly examining the transition from formal equality to substantive justice in ensuring educational access. This approach aligns with the concept of law as a tool of social engineering, where legal frameworks must adapt to address social inequalities (Rahardjo, 2009). Where relevant, the analysis also considers normative-ethical dimensions, including principles of fairness, inclusivity, and social justice, which may intersect with broader normative frameworks, including religious or ethical perspectives such as justice (*'adl*) and public interest (*maslahah*) in addressing inequality in education (Kamali, 2008). Through this methodological framework, the study aims to provide a comprehensive understanding of the constitutional challenges in achieving educational democracy in the digital era, offering both normative and contextual insights into policy and legal reform.

Results and Discussion

1. Digital Transformation and Inequality in Educational Access

The findings indicate that digital transformation in Indonesia's education sector has significantly expanded learning opportunities, particularly through online platforms and digital learning systems. However, this expansion is not equally distributed across regions and socio-economic groups. Empirical data show that disparities in internet access, digital infrastructure, and device ownership remain dominant factors contributing to unequal access to education (Putri et al., 2023). Rural and remote areas experience limited connectivity, which restricts students' ability to participate in digital learning compared to their urban counterparts (Sari & Nugroho, 2022).

Furthermore, socio-economic disparities exacerbate digital inequality. Students from low-income households often lack access to adequate devices and stable internet connections, resulting in limited engagement in digital education (Hidayat & Prasetyo, 2022). These findings confirm that digitalization, while intended to democratize education, may instead reproduce structural inequalities when not supported by inclusive policies. This aligns with previous studies that emphasize the persistent digital divide in developing countries (Wahyuni, 2023). Digital transformation has significantly reshaped the educational landscape by integrating information and communication technologies (ICT) into teaching and learning processes, enabling broader access to knowledge and more flexible learning environments. The rapid expansion of online learning platforms and digital resources has accelerated this transformation. However, while these developments offer opportunities to democratize education, they have also intensified existing inequalities in educational access. The concept of the digital divide remains central, encompassing not only unequal access to infrastructure but also disparities in digital skills and usage (Afzal, 2023; Warschauer, 2020).

Inequality in educational access can be understood through multiple dimensions of the digital divide. The first level refers to disparities in access to devices and internet connectivity, particularly affecting students in low-income and rural contexts (Durand et al., 2022; Prasetyo et al., 2025). The second-level divide concerns differences in digital literacy and competencies, where students from advantaged backgrounds are better equipped to utilize digital tools effectively (Zhang et al., 2022; Harutyunyan et al., 2024). The third-level divide focuses on unequal outcomes, where differences in social and educational support lead to disparities in academic achievement (Van Dijk, 2020; Liu et al., 2024).

Several structural factors contribute to these inequalities, including socioeconomic status, geographic disparities, and institutional readiness. Students from disadvantaged backgrounds often lack access to digital resources and supportive learning environments (Nearing et al., 2024). Rural areas continue to face infrastructural limitations compared to urban regions (Prasetyo et al., 2025). Additionally, differences in institutional capacity and teacher preparedness further widen the gap (Hidayat & Chao, 2025).

Digital transformation has significantly reshaped the educational landscape by integrating information and communication technologies (ICT) into teaching and learning processes, enabling broader access to knowledge and more flexible learning environments. The rapid expansion of online learning platforms, digital resources, and virtual classrooms particularly during and after the COVID-19 pandemic has accelerated this transformation. While these developments offer opportunities to democratize education, they have also exposed and, in some cases, intensified existing inequalities in educational access. The concept of the digital divide remains central to understanding these

disparities, as it encompasses not only unequal access to technological infrastructure but also differences in digital skills and the ability to effectively utilize digital tools (Afzal, 2023). Inequality in educational access within the context of digital transformation can be understood through multiple dimensions of the digital divide. The first level refers to disparities in access to devices, stable internet connections, and technological infrastructure, which remain significant barriers for students in low-income households and rural areas (Dongoran & Aditia, 2026). Beyond physical access, the second-level digital divide highlights differences in digital literacy and competencies, where students from more advantaged backgrounds tend to possess higher levels of technological proficiency, enabling them to engage more effectively with digital learning environments (Zhang et al., 2022). Furthermore, the third-level digital divide emphasizes unequal educational outcomes, where even students with similar access and skills may experience different levels of academic success due to variations in support systems, learning contexts, and social capital (Van Dijk, 2005; Liu et al., 2024).

Several structural factors contribute to the persistence of these inequalities. Socioeconomic status plays a critical role, as students from disadvantaged backgrounds often lack access to digital devices, reliable internet connectivity, and supportive learning environments at home (Livingstone, 2012). Geographic disparities further exacerbate the issue, particularly in developing countries, where rural areas frequently face limited infrastructure and connectivity compared to urban centers (Prasetyo et al., 2025). In addition, institutional readiness varies significantly across schools and educational systems, with differences in teacher training, technological infrastructure, and policy implementation influencing the effectiveness of digital learning (Chapman, 2010). Cultural and gender-related factors also shape digital access and participation, as societal norms and expectations can limit opportunities for certain groups to engage with digital technologies (Nemer, 2015).

The consequences of digital inequality are far-reaching and have a direct impact on educational outcomes. Students who lack adequate access to digital resources are more likely to experience learning loss, reduced engagement, and lower academic achievement. Moreover, digital transformation, rather than serving as an equalizing force, can reinforce existing social inequalities by privileging those who already possess economic, social, and cultural advantages (Liu et al., 2024). This dynamic creates a cycle in which disadvantaged students are further marginalized, limiting their ability to benefit from educational innovations and opportunities provided by digital technologies (Wei et al., 2023).

Addressing these challenges requires a comprehensive and inclusive approach that goes beyond merely providing access to technology. Investments in digital infrastructure are essential to ensure equitable connectivity and access to devices, particularly in underserved regions. At the same time, developing digital literacy among both students and educators is crucial for maximizing the benefits of digital learning environments. Policy interventions should focus on promoting not only equal access but also equitable outcomes, ensuring that all learners can meaningfully engage with and benefit from digital education. Collaborative efforts between governments, educational institutions, and private sectors are also necessary to bridge the digital divide and foster inclusive digital transformation in education (Afzal, 2023).

In conclusion, while digital transformation has the potential to expand educational access and improve learning outcomes, it also presents significant challenges related to inequality. Without deliberate and sustained efforts to address disparities in access, skills, and outcomes, digitalization risks deepening existing educational inequalities. Therefore, achieving equitable education in the digital age requires integrated strategies that address structural barriers and ensure that the benefits of digital transformation are accessible to all learners.

2. Constitutional Obligations and the Role of the State

The results reveal a gap between constitutional guarantees and practical implementation. Article 31 of the 1945 Constitution explicitly mandates the state to ensure the right to education for all citizens. However, the findings suggest that the state's role in ensuring equitable access to digital education remains suboptimal. Government policies tend to prioritize technological expansion rather than addressing structural inequalities in access and participation (Rahmawati, 2021).

From a constitutional perspective, the state is not only obligated to provide access but also to ensure that such access is equitable and inclusive. The concept of *positive obligation* in constitutional law requires the state to actively remove barriers that hinder the realization of fundamental rights (Nasution, 2020). In the context of digital education, this includes providing infrastructure, enhancing digital literacy, and ensuring affordability. The findings demonstrate that the current approach reflects a form of formal equality, where access is provided in principle but not fully realized in practice.

The right to education is widely recognized as a fundamental human right, embedded in constitutional frameworks and international instruments. This places a clear obligation on the state to ensure equitable access to education for all citizens. International standards emphasize that education must be accessible, available, acceptable, and adaptable (UNESCO, 2015; UNESCO, 2020). In the context of digital transformation, these obligations extend to ensuring equitable access to digital education. The state must guarantee access to infrastructure, devices, and digital competencies necessary for participation in modern learning systems. Failure to address digital inequality may constitute a violation of the right to education (Tomaševski, 2001; Heeks, 2021).

The principle of equality further requires governments to adopt proactive measures to reduce disparities. This includes addressing structural disadvantages through targeted policies and resource allocation (Fredman, 2011). The welfare state perspective reinforces that education is a public good, and digital transformation must align with social justice principles (Sen, 1999). The right to education is widely recognized as a fundamental human right and is embedded in numerous constitutional frameworks and international legal instruments, placing a clear obligation on the state to ensure equitable access to education for all citizens. Constitutions in many countries explicitly mandate the provision of education as a state responsibility, reflecting the principle that education is essential for individual development, social mobility, and democratic participation. At the international level, instruments such as the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966) affirm that education must be accessible, available, acceptable, and adaptable, thereby establishing a comprehensive framework for state obligations (UNESCO, 2015).

In the context of digital transformation, these constitutional obligations extend beyond traditional forms of education to include equitable access to digital learning environments. As education increasingly relies on digital technologies, the state has a responsibility to ensure that all citizens can access the necessary infrastructure, devices, and digital competencies required for meaningful participation in modern education systems. Failure to address digital inequality may constitute a violation of the right to education, as it creates structural barriers that disproportionately affect marginalized and disadvantaged groups (Tomaševski, 2001). Thus, the state's role evolves from merely providing physical schooling to actively facilitating inclusive digital ecosystems that support equal learning opportunities.

The principle of equality before the law further reinforces the state's duty to eliminate discrimination in educational access. Constitutional guarantees of equality require governments to adopt affirmative measures to address systemic disadvantages faced by certain populations, including those in rural areas, low-income households, and minority communities. In this regard, the state must not only refrain from discriminatory practices but also take proactive steps to reduce disparities through targeted policies, resource allocation, and inclusive educational planning (Fredman, 2011). This includes bridging the digital divide by investing in infrastructure, subsidizing access to technology, and ensuring that digital education initiatives are inclusive and accessible to all.

Moreover, the concept of the welfare state underscores the government's responsibility to provide essential public services, including education, as part of its social contract with citizens. Education is not merely a service but a public good that contributes to national development and social cohesion. Therefore, the state must ensure that digital transformation in education aligns with principles of social justice and equity, rather than reinforcing existing inequalities. This involves regulatory oversight, strategic planning, and collaboration with private sectors to ensure that technological advancements serve the public interest (Sen, 1999).

The role of the state is also critical in ensuring accountability and governance within the education system. Governments must establish clear legal and policy frameworks that regulate the integration of digital technologies in education, ensuring quality, data protection, and equitable access. In addition, monitoring and evaluation mechanisms are necessary to assess the effectiveness of digital education policies and to identify gaps in implementation. Without strong governance, digital transformation risks becoming fragmented and inequitable, undermining the state's constitutional mandate to provide education for all (UNESCO, 2020).

In conclusion, constitutional obligations place a fundamental responsibility on the state to guarantee the right to education, which in the digital era includes ensuring equitable access to digital learning opportunities. The role of the state is therefore multifaceted, encompassing infrastructure development, policy formulation, regulation, and the promotion of social equity. To fulfill these obligations, governments must adopt comprehensive and inclusive strategies that address both traditional and digital forms of educational inequality, ensuring that no individual is left behind in the process of digital transformation.

3. Educational Democracy in the Digital Era: Between Formal Equality and Substantive Justice

The analysis shows that educational democracy in Indonesia's digital era faces a fundamental paradox. On one hand, digital technology offers the potential to broaden access and promote inclusivity. On the other hand, unequal access to digital resources creates new forms of exclusion. This indicates a shift in the meaning of educational democracy, from mere access to education toward meaningful participation in digital learning environments. Theoretically, this condition can be understood through the distinction between formal equality and substantive justice. Formal equality emphasizes equal treatment under the law, while substantive justice focuses on achieving equitable outcomes by addressing structural inequalities (Rawls, 1999). The findings suggest that Indonesia's digital education policies still largely operate within the framework of formal equality, without sufficiently addressing underlying disparities.

Educational democracy is grounded in equal opportunities for all individuals to access and benefit from education. In the digital era, this principle is shaped by technological integration, raising questions about whether digital access reflects genuine inclusion or merely formal equality. Formal equality focuses on equal provision, whereas substantive justice emphasizes equitable outcomes (Fredman, 2011). Many digital education policies emphasize access, yet equal access does not guarantee equal participation or success. Students from diverse socioeconomic backgrounds experience different capacities to benefit from digital learning environments (Selwyn, 2016; Calderón Gómez, 2021). These disparities are closely linked to differences in digital capital, which influence how learners engage with technology (Ragnedda & Ruii, 2020; Addeo et al., 2023).

From a theoretical perspective, Bourdieu's concept of capital explains how social and cultural advantages shape educational outcomes, including in digital contexts (Bourdieu, 1986; Pitzalis & Porcu, 2024). Furthermore, digital systems themselves may introduce new forms of inequality, such as algorithmic bias and unequal platform access (Williamson, 2017; Bayne, 2024). In addition, socio-legal perspectives highlight that law is not only a normative system but also a social institution shaped by societal conditions (Friedman, 1975). Therefore, achieving educational democracy requires integrating legal norms with socio-economic realities. This implies that digital inclusion must be recognized as a fundamental component of the right to education.

Educational democracy is grounded in the principle that all individuals should have equal opportunities to access and benefit from education as a means of personal development and civic participation. In the digital era, this principle is increasingly shaped by the integration of technology into educational systems, which has transformed not only how education is delivered but also how equality is conceptualized. While digital transformation has expanded access to educational resources, it has also raised critical questions about whether such access reflects genuine democratic inclusion or merely formal equality. Formal equality refers to the equal provision of opportunities or resources, whereas substantive justice emphasizes equitable outcomes by addressing structural inequalities that affect individuals differently (Fredman, 2011).

In many cases, digital education policies are framed within the logic of formal equality, where governments and institutions focus on providing uniform access to digital platforms, devices, or online learning systems. However, equal access does not necessarily translate into equal participation or success. Students come from diverse socioeconomic, cultural, and geographic backgrounds that shape their ability to engage with digital education. For instance, learners with limited digital literacy, inadequate learning environments, or restricted access to support systems may struggle to benefit from the same technological resources provided to more advantaged peers (Selwyn, 2016). As a result, policies that prioritize access alone risk overlooking deeper inequalities embedded within social structures.

The concept of substantive justice offers a more comprehensive framework for understanding educational democracy in the digital era. It requires the state and educational institutions to move beyond equal distribution of resources and instead address the conditions that hinder meaningful participation. This includes recognizing disparities in digital skills, economic capacity, and cultural capital, all of which influence educational outcomes. Drawing on Bourdieu's theory of capital, differences in social and cultural capital significantly affect how students navigate digital learning environments, reinforcing existing patterns of inequality (Bourdieu, 1986). Thus, achieving educational democracy requires targeted interventions that account for these differences and provide additional support to disadvantaged groups.

Furthermore, the digitalization of education has introduced new forms of exclusion that challenge traditional notions of democracy. Algorithmic biases, unequal access to high-quality digital content, and disparities in platform usability can create invisible barriers that limit participation. These issues highlight the need for critical governance of digital education systems to ensure fairness, transparency, and inclusivity. Without such oversight,

digital transformation may reproduce or even deepen inequalities under the guise of technological progress (Williamson, 2017). Therefore, educational democracy in the digital era must incorporate principles of digital justice, ensuring that technological systems are designed and implemented in ways that promote equity. The role of the state is crucial in bridging the gap between formal equality and substantive justice. Governments must adopt inclusive policies that not only provide access to digital infrastructure but also address the broader social determinants of educational inequality. This includes investing in digital literacy programs, supporting marginalized communities, and ensuring that digital education initiatives are responsive to diverse needs. In addition, participatory approaches that involve stakeholders such as educators, students, and communities in policy design can enhance the democratic legitimacy of digital education reforms (Biesta, 2011).

In conclusion, educational democracy in the digital era cannot be achieved solely through the provision of equal access to technology. While formal equality remains an important starting point, it is insufficient to address the complex and multidimensional nature of educational inequality. Substantive justice requires a deeper commitment to equity, recognizing and addressing the structural barriers that limit meaningful participation in digital education. By aligning digital transformation with principles of social justice, inclusivity, and democratic participation, education systems can move closer to realizing truly equitable and democratic outcomes for all learners.

4. Toward a Constitutional Reconstruction of Digital Educational Democracy

Based on the findings, this study identifies the need for a constitutional reconstruction of educational democracy in the digital era. Such reconstruction should move beyond formal guarantees and focus on substantive justice by ensuring equitable access to digital education. This includes strengthening state intervention in providing infrastructure, promoting digital literacy, and implementing inclusive policies that prioritize marginalized groups. Recent studies emphasize that inclusive digital policies are essential in reducing educational inequality and promoting social justice (OECD, 2021). Moreover, integrating ethical and normative principles such as fairness and public interest (*maslahah*) can provide a broader framework for addressing inequality in education (Kamali, 2008). The novelty of this study lies in positioning digital inequality as a constitutional issue rather than merely a technological or policy problem. By framing digital education within the context of constitutional obligations and educational democracy, this study contributes to expanding the discourse on the right to education in the digital era. It proposes that digital inclusion should be treated as a constitutional mandate, thereby ensuring that technological advancement aligns with the principles of justice and equality.

The expansion of digital technologies in education necessitates a constitutional rethinking of educational democracy. Traditional frameworks were not designed for digital contexts, requiring reinterpretation of constitutional principles such as equality and the right to education (Tomaševski, 2001). The right to education must now include access to digital infrastructure and competencies, reflecting evolving socio-economic rights (Heeks, 2021). This shift emphasizes substantive equality, requiring states to address structural inequalities rather than relying solely on formal access (Fredman, 2011). The growing role of private actors in digital education also raises concerns regarding accountability and equity. Without proper regulation, digital education risks becoming market-driven rather than a public good (Williamson, 2017; Vassilakopoulou & Hustad, 2023). Additionally, issues such as data privacy and algorithmic governance highlight the need for stronger constitutional safeguards (UNESCO, 2020). A participatory approach is essential to ensure democratic legitimacy in digital education policies. Involving stakeholders in decision-making processes enhances inclusivity and responsiveness (Biesta, 2011).

The rapid expansion of digital technologies in education necessitates not only policy adaptation but also a deeper constitutional rethinking of how educational democracy is conceptualized and implemented. Traditional constitutional frameworks were largely designed in the context of physical schooling and did not anticipate the profound implications of digital transformation. As a result, existing legal and institutional arrangements often struggle to adequately address emerging forms of inequality in digital education. A constitutional reconstruction of digital educational democracy is therefore required to ensure that the right to education remains meaningful and effective in the digital era, particularly in the face of evolving technological and social challenges.

Such reconstruction involves reinterpreting constitutional principles such as equality, non-discrimination, and the right to education—in light of digital realities. The right to education must be understood as encompassing not only access to schools but also access to digital infrastructure, connectivity, and the skills necessary to participate in digital learning environments. This expanded interpretation aligns with the evolving understanding of socio-economic rights, which emphasizes the state's obligation to create enabling conditions for the full realization of rights rather than merely ensuring formal compliance (Tomaševski, 2001). In this sense, digital access becomes an

integral component of constitutional guarantees, and the failure to provide it may constitute a form of indirect discrimination against marginalized populations. A constitutional approach also requires embedding substantive equality within the governance of digital education. As discussed earlier, formal equality such as equal provision of devices or platforms is insufficient to address structural disparities. Instead, constitutional reconstruction must prioritize substantive justice by recognizing differences in socioeconomic status, geographic location, and digital literacy. This perspective is consistent with contemporary theories of equality, which argue that states must adopt differentiated measures to achieve genuinely equitable outcomes (Fredman, 2011). Consequently, constitutional norms should guide the design of digital education policies that are responsive to the needs of disadvantaged groups, ensuring that digital transformation does not reproduce or exacerbate existing inequalities.

Moreover, the reconstruction of digital educational democracy must address the growing influence of private actors in the education sector. The increasing reliance on digital platforms, ed-tech companies, and data-driven systems raises important questions about accountability, transparency, and the protection of fundamental rights. Without adequate regulation, the involvement of private entities may shift the focus of education from a public good to a market-driven service, potentially undermining democratic values and equity. A constitutional framework must therefore establish clear boundaries and responsibilities for both public and private actors, ensuring that educational technologies are governed in accordance with principles of public interest, fairness, and human rights (Williamson, 2017).

Another critical dimension of constitutional reconstruction is the incorporation of digital rights into the broader framework of educational rights. Issues such as data privacy, algorithmic bias, and digital surveillance have significant implications for students' autonomy and dignity. The protection of these rights is essential for fostering a democratic learning environment in which individuals can participate freely and safely. This requires not only legal safeguards but also institutional mechanisms for oversight and accountability, including independent regulatory bodies and participatory governance structures (UNESCO, 2020).

Furthermore, constitutional reconstruction must embrace a participatory and inclusive approach to policy development. Educational democracy is not solely about access and outcomes but also about the processes through which decisions are made. In the digital era, this entails involving diverse stakeholders students, educators, communities, and civil society in the design and implementation of digital education policies. Such participation enhances the legitimacy of reforms and ensures that they reflect the lived realities of those most affected by digital inequality (Biesta, 2011).

In conclusion, moving toward a constitutional reconstruction of digital educational democracy requires a fundamental shift in how the right to education is understood and operationalized. It demands an expanded interpretation of constitutional obligations, a commitment to substantive equality, robust regulation of private actors, and the integration of digital rights into educational frameworks. By aligning constitutional principles with the realities of digital transformation, states can create more inclusive, equitable, and democratic education systems that are capable of addressing the challenges of the digital age.

Author Contributions Statement

SAI conceptualized the research, developed the theoretical framework, and led the analysis from a constitutional law perspective. VSP contributed to the research design, conducted analysis related to business and civil law aspects, and supported the interpretation of legal implications. Both authors collaborated in writing, reviewing, and approving the final manuscript.

AI Usage Statement

The authors declare that the use of Artificial Intelligence (AI) tools in this work was strictly limited to supportive functions, including language editing, grammar checking, and improving clarity and readability. AI was not used to generate core ideas, conduct substantive analysis, interpret data, or draw scholarly conclusions. The authors retain full responsibility for the originality, accuracy, and academic integrity of the content, and no AI tools are credited as authors or contributors in accordance with ethical standards in academic publishing.

Conflict of Interest

The authors declare that there are no conflicts of interest regarding the publication of this article.

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