

The Role of Constitutional Law in Character Forming Education in Higher Education

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Abstract.

Character education in higher education plays a strategic role in shaping a generation of the nation with integrity, democracy, and adherence to constitutional principles. In this context, Constitutional Law serves as a normative framework governing the implementation of national education, including the mandate to shape student character. This study aims to analyze how the principles of Constitutional Law—such as constitutional supremacy, good governance, and human rights protection—play a role in formulating and directing character education policies in higher education. This study uses a juridical-normative approach by examining the legal norms contained in the 1945 Constitution of the Republic of Indonesia, Article 31 paragraph (3) concerning the objectives of national education, Law No. 12 of 2012 concerning Higher Education, and Law No. 20 of 2003 concerning the National Education System. The results of the study indicate that State Administrative Law provides a strong constitutional foundation for the development of character education through the affirmation of moral values, public ethics, and citizen responsibility. In addition, higher education regulations mandate the integration of character in the curriculum, university governance, and the formation of a civilized academic culture. This study concludes that the role of Constitutional Law is not limited to normative aspects, but also encompasses oversight, institutional strengthening, and the guarantee of systematic character education implementation. Effective implementation requires regulatory harmonization, commitment from higher education institutions, and synergy between the state and society in shaping students' character as citizens based on the values of Pancasila and the constitution.

Keywords: Constitutional Law; Higher Education and Character Education.

I. INTRODUCTION

Character building in higher education has become an increasingly important issue amidst rapidly changing social, political, and technological dynamics. Although Article 31 of the 1945 Constitution clearly mandates that national education must develop capabilities and shape the nation's character, the reality on the ground shows that the implementation of this mandate has not been optimal (Nurrahman et al., 2025). Changes in student behavior due to the rapid flow of digitalization, instant culture, and the dissemination of unverified information have presented universities with new and challenging challenges. Universities, which should be spaces for fostering civic virtue and public ethics, now face increasingly complex moral and behavioral issues. This situation underscores the importance of research into how the constitutional legal framework works to strengthen character education in higher education (Mbato & Sungging, 2022). Changes in the behavior of the younger generation in the digital era are influenced not only by the rapid development of technology, but also by the erosion of national values and the decline in the quality of healthy social interactions. Many students are trapped in a pattern of rapid information consumption without the ability to filter values (Setiawan et al., 2025). As a result, the phenomena of hate speech, intolerance, digital bullying, and political polarization are increasingly infecting campus environments. This condition indicates an imbalance between the academic intelligence developed by universities and the character formation that should go hand in hand (Anandari, 2024). Various recent studies have shown that technological development without moral reinforcement makes students vulnerable to deviant behavior that is detrimental to themselves and their social environment (Saputra, 2025).

Furthermore, the increasing number of cases of student ethical violations, such as plagiarism, academic data manipulation, and acts of violence in student organization activities, further emphasizes the urgency of improving character education. Many universities lack effective ethics oversight mechanisms or structured character development systems (Firdaos et al., 2024). Although Law No. 12 of 2012 affirms that universities are responsible for developing individuals with character, its implementation often relies on

highly variable internal campus policies. This inconsistency results in the absence of a truly robust national standard to ensure that all students receive equal character development (A. Asri, 2024). The gap between normative state policies and their implementation in higher education is a crucial issue. Many higher education institutions only treat character education as a supplementary or ceremonial activity, rather than an integral part of the curriculum or academic culture (Yunanto & Kasanova, 2023). Yet, character formation requires ongoing, systematic intervention. This inaccurate policy orientation creates a gap that prevents students from receiving adequate moral guidance during their education. Various studies confirm that the lack of integration between constitutional values and the university curriculum is a major cause of the weak internalization of student character (Mentari et al., 2021). Another social phenomenon that reinforces the urgency of research is the increasing cases of sexual violence, drug abuse, radicalism, and other criminal acts in several higher education environments.

This situation demonstrates that character issues are not merely moral issues but have also become a matter of social order and national security (W. K. Asri et al., 2023). A growing body of research indicates that students are a vulnerable group to risky behavior when educational institutions do not provide a conducive environment for character formation and strengthening. Therefore, the role of the state in ensuring strong regulations and systematic oversight mechanisms is crucial (Muslich, 2022). On the other hand, challenges in implementing character education also stem from the limited capacity of higher education institutions to effectively integrate Pancasila values into the learning process. Many lecturers have not received specific training in character pedagogy or values-based teaching methods. As a result, character education is often delivered normatively without providing students with direct experiences to internalize these values. The lack of evaluation and character assessment instruments makes character building efforts ineffective or even immeasurable. Several post-2020 studies confirm that without experiential learning models and cross-curricular integration, character education will not have a significant impact (Qari et al., 2024). Character issues in higher education are also exacerbated by weak internal campus governance. Transparency, accountability, ethical code enforcement mechanisms, and reward-and-sanction systems are often not consistently implemented. When campus organizational structures are not built on principles of good governance, students lose important role models in the character-building process. The campus environment should reflect public ethical values stipulated in various laws and regulations, but in reality, many campuses still face internal integrity issues.

Recent research shows that good institutional governance significantly influences the quality of student character (Harizi et al., 2025). Another problem arises from the significant disparity between public and private universities in developing character-building programs. Some private universities face resource constraints, both in terms of human resources and supporting facilities. These limitations impact the institution's ability to design effective and sustainable character-building programs. This disparity impacts the quality of graduates nationally, despite the state's obligation to ensure the equitable fulfillment of citizens' educational rights. (Rudiyanto & Kasanova, 2023) The urgency of this research is further reinforced by the fact that today's workplace demands far more complex character competencies than a decade ago. Skills such as integrity, empathy, discipline, and social responsibility are key concerns for industry and public organizations. When college graduates lack strong character, they not only struggle to compete in the workforce but also potentially engage in actions that harm the public. This demonstrates that character issues are not merely a moral responsibility of universities but also have strategic implications for national development. (Nurpratiwi, 2021) In the context of constitutional law, regulations regarding character education are inseparable from the state's obligation to ensure that the national education system operates in accordance with the constitutional mandate.

The state is responsible for providing a clear regulatory framework, strong oversight, and ensuring alignment between national policies and internal university policies. However, the reality is that existing regulations are still general and do not provide measurable implementation guidelines. Recent studies have demonstrated the need for regulatory harmonization and the creation of new, more specific legal instruments related to character education in higher education. Beyond the regulatory aspect, this research is crucial given the limited in-depth study of the relationship between constitutional law and character education in higher

education. (Hubi et al., 2023) Most previous studies have focused more on character education at the elementary and secondary school levels. Yet, as future leaders, students play a strategic role in determining the quality of democracy, public ethics, and legal development in Indonesia. This gap in scientific research needs to be filled to create a more comprehensive conceptual model and implementation framework for higher education. Considering all these issues, this research has strong academic and practical urgency to re-examine the role of constitutional law in strengthening student character education. A comprehensive analysis of the legal framework, implementing regulations, and practices in higher education is essential to produce a new, more effective concept. Through this research, it is hoped that a more adaptive mechanism for strengthening the state's role can be formulated, capable of addressing the challenges of social change and the long-term needs of national character development.

II. METHODS

This study uses a juridical-normative approach as the primary basis for analyzing the role of constitutional law in character education in higher education. This approach was chosen because the research focuses on the study of legal norms, regulatory structures, and constitutional principles governing the implementation of national education. Through this approach, the study seeks to understand how laws and regulations are designed, implemented, and linked to the responsibility of higher education institutions in shaping student character. The analysis is conducted by examining various legal products, such as the 1945 Constitution, laws, government regulations, and derivative policies related to higher education governance and character development. To strengthen the analysis, this study also uses a conceptual approach (*conceptual approach*) to explore ideas, theories, and academic perspectives regarding the relationship between constitutional law and character education. This approach allows researchers to examine philosophical concepts such as constitutional values, character education, public ethics, and the function of the state in human development. Thus, the research not only relies on legal texts but also places these norms within a more comprehensive scientific framework (Ahmad et al., 2024). The data used in this study consists of primary, secondary, and tertiary legal materials. Primary legal materials include applicable laws and regulations, including the 1945 Constitution, Law Number 12 of 2012 concerning Higher Education, and various relevant implementing regulations. Secondary legal materials include academic literature, scientific books, accredited journals, and the latest research findings on character education and constitutional law studies.

Meanwhile, tertiary legal materials are used to provide additional explanations through dictionaries, encyclopedias, and other supporting sources that help clarify certain terms or concepts (Rizkia & Fardiansyah, 2023). The legal material collection technique is carried out through documentation studies by identifying, inventorying, and classifying relevant legal sources. These documents are then analyzed using techniques. *content analysis* to assess the consistency, relevance, and effectiveness of norms. In addition, this study also utilizes *literature review*. This study aims to gain an in-depth understanding of the perspectives of legal experts and educators regarding the urgency of character education in the context of the Indonesian constitutional system. Literature analysis helps enrich the context of understanding and strengthens the normative arguments in this research. (Juliardi et al., 2023) All legal data obtained were analyzed qualitatively using a descriptive-argumentative analysis model. Descriptive analysis was used to map the content of legal norms and illustrate how regulations related to character education are designed and enforced. Meanwhile, argumentative analysis was used to assess the effectiveness of these regulations, identify normative weaknesses, and put forward scientific arguments regarding the need to strengthen the constitutional legal framework for developing student character. The results of this analysis were then synthesized to produce coherent findings that could address the focus of the research problem.

III. RESULT AND DISCUSSION

The research findings demonstrate that the role of Constitutional Law in the implementation of character education in higher education is not only normative but also operational, as it influences the entire structure, governance, and direction of national education policy. The main findings of this study confirm

that Indonesia's constitutional framework has provided a strong foundation for national character development, but its implementation at the higher education level still faces various fundamental issues that require regulatory strengthening and ongoing oversight by the state. This research reveals that the 1945 Constitution of the Republic of Indonesia, through Article 31 paragraph (3), has emphasized the state's responsibility to organize a national education system that aims to "enlighten the life of the nation" and "develop the character and civilization of a dignified nation." This constitutional basis provides strong legitimacy that character education is not an option, but rather a mandate that must be implemented at every level of education, including higher education. However, the research found a significant gap between this normative basis and empirical achievements in higher education institutions, especially related to the weak integration of character education in the curriculum system, academic culture, and institutional governance. This indicates that the constitutional mandate has not been fully internalized in the practice of higher education administration. Furthermore, this study found that the derivative regulatory framework, particularly Law No. 20 of 2003 concerning the National Education System and Law No. 12 of 2012 concerning Higher Education, has provided more operational guidelines regarding the role of character education as part of *learning outcomes* for university graduates.

Law 12/2012 explicitly states that higher education aims to develop individuals with character, morals, and integrity. However, a number of universities still treat character education as an additional aspect or non-mandatory activity, so it is not systematically integrated into the core curriculum. Research shows that the weak harmonization of internal university regulations with national regulations leads to a lack of synchronization between national policies and institutional implementation. In terms of governance, research findings confirm that the state's oversight mechanism, through the Ministry of Education, Culture, Research, and Technology (Kemendikbudristek), has not been fully optimized in ensuring that regulations on character education are consistently implemented. For example, Government Regulation No. 4 of 2014 concerning the Implementation of Higher Education provides an accountability pathway for education implementation through internal quality assurance systems (SPMI) and external quality assurance systems (SPME). However, research finds that character education indicators are often not included in quality evaluation instruments or are simply supplementary variables without measurable quantitative and qualitative measures. The lack of evaluation instruments makes oversight of character education implementation lacking coercive power. Another significant finding is the cultural and academic environment constraints in many universities that do not fully support character building. Based on observations and field data analysis, internal policies regarding academic ethics are still often ignored, for example regarding plagiarism, an instant mentality, or a weak culture of discipline.

Although regulations such as the Minister of National Education Regulation No. 17 of 2010 concerning the Prevention and Handling of Plagiarism have been issued, their implementation is uneven. This indicates that aspects of academic morality have not been comprehensively incorporated into the character education ecosystem as mandated by the regulations. The research also shows that character building cannot be achieved solely through compulsory general courses (MKU) such as Pancasila Education and Civics. Many universities still rely on MKU as the sole instrument, without integrating character values into project-based learning, student organization experiences, or a holistic student development system. However, Law 12/2012 emphasizes that learning must encompass the cognitive, affective, and psychomotor domains, which can only be achieved if character education is embedded in all activities of the Tri Dharma of Higher Education. From a Constitutional Law perspective, this study found weaknesses in the top-down policy planning process, which neglected to consider institutional readiness and human resource capacity in higher education institutions. The absence of more detailed technical guidance on the implementation of character education often led to universities making their own interpretations that did not always align with the objectives of national regulations.

This policy fragmentation resulted in unequal quality of character education among state, private, and vocational universities, thus preventing the constitutional goals of national education from being achieved evenly. Another important finding is the lack of administrative law enforcement for universities that fail to implement the character education mandate. Although regulations are in place, the state still lacks a

firm and measurable sanction mechanism for universities that neglect the character aspect in implementing the Tri Dharma. In the context of Constitutional Law, this weakness *law enforcement* This is one of the main factors why character education has not been able to provide significant changes to the academic behavior and moral ethos of graduates. This research also highlights that character education requires strong institutional support, including synergy between the government, universities, and the community. However, field findings indicate that many universities have not yet established strategic partnerships with local governments or community organizations to foster student character through social, cultural, and community service activities.

This is despite Government Regulation No. 4 of 2014 providing a legal basis for universities' obligation to carry out community service as an integral part of moral and social character development. Conceptually, the research results reveal that character education must be monitored through policy design based on constitutional principles, principles *good governance*, and principles *accountability* Public. These principles are essential pillars of modern Constitutional Law. However, in practice, a number of universities still view character education as a moral issue rather than a constitutional mandate, resulting in its implementation lacking adequate structural support and funding. Ultimately, this study confirms that strengthening character education in higher education requires a more effective regulatory oversight and oversight mechanism. Constitutions and laws serve only as normative guidelines without robust implementation and evaluation instruments. Therefore, the government must develop national standards for character education that are mandatory, measurable, and part of institutional accreditation. Furthermore, higher education institutions need to build a values-based academic ecosystem, strictly enforce academic ethics, and integrate character development into all courses and student activities.

Discussion

This study confirms that character education in higher education is not only a moral obligation, but also a constitutional obligation as stipulated in Article 31 paragraph (3) and Article 28C paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The Constitution emphasizes the right of every citizen to receive an education that not only improves intellectual intelligence but also forms moral character and personality. The results of the study indicate that although the normative basis is clear, the implementation of character education in higher education still faces significant obstacles. The lack of synchronization between national regulations and institutional practices, the low integration of character values in the curriculum, and the lack of monitoring mechanisms are the main factors that influence the effectiveness of character education. From a regulatory perspective, Law No. 20 of 2003 concerning the National Education System and Law No. 12 of 2012 concerning Higher Education provide an adequate legal framework to support character education. The National Education System Law emphasizes that education must shape students who are not only intelligent but also possess noble character. Law 12/2012 affirms the goal of higher education to produce individuals with integrity, ethics, and social responsibility. However, research findings indicate that in many universities, character education is still viewed as a supplementary or additional activity, rather than an integral part of the curriculum and academic culture. This condition results in the internalization of character values in students being less than optimal. Institutional governance is also a crucial factor. Government Regulation No. 4 of 2014 concerning the Implementation of Higher Education emphasizes the importance of internal and external quality assurance systems, yet research has found that character education indicators are rarely included in accreditation evaluations or quality control.

The lack of evaluation instruments makes character education implementation less measurable and receives less serious attention, resulting in the development of ethical values on campus remaining suboptimal. In addition, the development of technology and digital media presents new challenges in shaping student character. The rapid dissemination of information, *hate speech*, and intolerant behavior on social media influence students' mindsets. Although Law No. 19 of 2016 concerning Electronic Information and Transactions (ITE) regulates digital media ethics, universities have not optimally utilized this regulation for digital literacy and digital ethics education. This suggests that character education needs to be combined with legal understanding and digital literacy to foster ethical behavior in the technological era. This study also found that character education relying solely on general compulsory courses, such as Pancasila Education

and Civics, remains ineffective. Character education should be integrated into all courses, organizational experiences, social projects, and community service activities, in accordance with Law No. 12/2012 concerning the Tri Dharma of Higher Education. This way, students can learn character values through real-life experiences, not just theory. Academic governance and exemplary conduct also have a significant impact. Many universities have not consistently implemented the principles *good governance*, such as accountability, transparency, and integrity. When the academic environment lacks concrete examples, efforts to shape student character become less effective. Constitutional law serves as a normative guideline and instrument to ensure higher education institutions uphold integrity values in their daily institutional practices. The gap between public and private universities is also a problem.

Private universities often face limited resources, both in terms of human resources, facilities, and funding, resulting in uneven implementation of character education. This highlights the need to harmonize national policies with internal university regulations so that all institutions can implement character education consistently. Government support, through the Ministry of Education, Culture, Research, and Technology, including technical guidelines, incentives, and oversight mechanisms, is key to achieving uniform national standards. Character education also has strategic implications for national development. College graduates with strong character play a crucial role in the quality of democracy, public ethics, and the sustainability of the legal system. Conversely, weak character development can lead to corrupt behavior, low social responsibility, and weakened future leadership. Therefore, character education must be seen as a strategic instrument for human and national development. Overall, this research discussion confirms that strengthening character education in higher education requires the integration of three main elements: (1) clear and comprehensive regulations from the state, (2) transparent and accountable campus governance, and (3) experiential learning strategies and active student participation. The integration of these three elements is necessary to bridge the gap between the mandate of constitutional law and practice in higher education. Thus, character education not only fulfills legal requirements but also produces graduates who are competent, have integrity, and are able to face global challenges.

IV. CONCLUSION AND SUGGESTION

Conclusion

Based on the research results and discussion, it can be concluded that constitutional law plays a crucial role in the implementation of character education in higher education. The constitutional basis in the 1945 Constitution of the Republic of Indonesia, Article 31 paragraph (3) and Article 28C paragraph (1) emphasizes the state's obligation to provide education that not only improves intellectual abilities, but also forms moral character and personality. Derivative regulations, such as Law No. 20 of 2003 concerning the National Education System, Law No. 12 of 2012 concerning Higher Education, and Government Regulation No. 4 of 2014 concerning the Implementation of Higher Education, provide a normative and operational legal framework for character education in higher education. However, research has found a gap between regulations and practice in higher education. Character education is often viewed as an optional activity, not yet systematically integrated into the curriculum, academic activities, and student organizations. Institutional factors, such as weak role models, ineffective internal governance, and minimal monitoring and evaluation mechanisms, also influence the effectiveness of character education.

Furthermore, technological developments and digital culture, which are susceptible to the spread of negative information, demand a more comprehensive and adaptive approach to character education. Overall, the effectiveness of character education in higher education depends heavily on the integration of national regulations with internal institutional policies, the implementation of the Tri Dharma of Higher Education integrated with character values, and the support of an academic environment that emphasizes ethics, integrity, and social responsibility. Structured and sustainable character education will produce graduates who are not only academically competent but also possess integrity and are prepared to face professional and social challenges.

Suggestion

Based on the research findings, there are three main suggestions for strengthening character education in higher education:

1. Universities must make character education an integral part of all learning, research, and community service processes. Character education should be developed through an experience-based approach (*experiential learning*), student organization activities, social projects, and community service, so that moral and ethical values can be truly internalized by students.
2. Universities need to build an academic culture that emphasizes integrity, accountability, transparency, and discipline. Consistent enforcement of the code of ethics for lecturers, educational staff, and students must ensure the academic environment serves as a role model for students in instilling legally mandated character values.
3. The government and accreditation bodies must ensure that character education is a primary indicator in assessing the quality of higher education institutions. Regular evaluations using both quantitative and qualitative indicators will ensure that character education is not merely a formality but has a real impact on student personality development.

By implementing these three suggestions, character education in higher education can be implemented more effectively, systematically, and sustainably, thus producing graduates who excel academically while also possessing integrity and ethics in accordance with the mandate of the constitution and the goals of national education.

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