



CITIZENS' CONSTITUTIONAL RIGHTS IN ELECTORAL PROCESSES: FREEDOM OF EXPRESSION AND LEGAL RESTRICTIONS

Arif Rahman

Universitas Malikussaleh, Aceh, Indonesia

arifrahman@unimal.ac.id

Elidar Sari

Universitas Malikussaleh, Aceh, Indonesia

elidarsari@unimal.ac.id

Mansari

Universitas Iskandar Muda, Banda Aceh, Indonesia

mansari@unida-aceh.ac.id

ARTICLE INFO

Keywords:

Constitutional Rights;
Electoral Integrity; Freedom
of Expression; General
Elections.

ABSTRACT

The protection of citizens' constitutional rights, including voting rights, candidacy rights, political participation, and freedom of expression, is a fundamental requirement for electoral integrity. The rapid development of digital technology has created new challenges, particularly through disinformation, hate speech, and restrictions on political expression that may affect democratic processes during elections. This study examines the constitutional guarantees of citizens' rights in elections and assesses the compatibility of limitations on freedom of expression with democratic principles and electoral integrity. Using a normative legal research method, the study applies statutory, conceptual, and constitutional approaches. The analysis focuses on the 1945 Constitution of the Republic of Indonesia, Law No. 7 of 2017 on General Elections, and Law No. 1 of 2024 concerning Electronic Information and Transactions (ITE Law). The findings indicate that citizens' constitutional rights in electoral processes are strongly protected within Indonesia's constitutional and statutory framework. Restrictions on freedom of expression may be constitutionally justified when they comply with the principles of legality, proportionality, and the protection of electoral integrity. Strengthening the harmonization of electoral regulations and digital governance is essential to ensure effective protection of constitutional rights while maintaining democratic quality and electoral integrity in the digital era.

A. INTRODUCTION

A democratic state governed by the rule of law cannot be separated from the active participation of its citizens in political life.¹ Public participation constitutes a fundamental prerequisite for the realization of popular sovereignty, while general elections serve as a constitutional mechanism through which citizens determine the direction of governmental administration.² Through elections, citizens not only exercise their political rights but also fulfill their role as the ultimate holders of sovereignty within a democratic system.³ The quality of democracy is largely determined by the extent to which the state is capable of guaranteeing and protecting citizens' constitutional rights throughout the electoral process.⁴ Citizens are entitled to a range of political rights, including voting rights, candidacy rights, participation in political activities, and the freedom to articulate opinions on matters of public concern and state policy.⁵

The protection of these rights is firmly grounded in the 1945 Constitution of the Republic of Indonesia.⁶ Article 27(1) affirms the principle of equality of all citizens before the law and government, Article 28D(3) guarantees equal opportunities in governmental affairs, while Article 28E(3) safeguards the freedoms of association, assembly, and expression. These constitutional guarantees are further elaborated in Law Number 7 of 2017 on General Elections, which stipulates that the conduct of elections must adhere to the principles of being direct, universal, free, secret, honest, and fair (LUBER JURDIL).⁷ The existence of these legal instruments reflects the State's commitment to ensuring the conduct of elections with integrity while simultaneously safeguarding the political rights of its citizens.

Contemporary developments in digital communication technologies have reshaped the manner in which citizens engage in political activities and participate in democratic processes.⁸ Social networking platforms and other online environments now provide important channels for public discourse,

¹ Yu. Ia. Senych, "Civil Society and Legal Culture: Mechanisms of Interaction and Influence on Democratic Institutions," *Scientific Journal of Public and Private Law*, no. 3 (2025): 78.

² Agustin Widjiastuti, "People's Sovereignty Principle on the Implementation of General Election in Indonesia," *Public Policy and Administration Research* 6, no. 4 (2016): 36.

³ Waldemar Wojtasik, "Functions of Elections in Democratic Systems," *Political Preferences*, no. 4 (2013): 25.

⁴ Jørgen Elklit and Andrew Reynolds, "Judging Elections and Election Management Quality by Process," *Representation* 41, no. 3 (2005): 189.

⁵ G. Aidarbekova and A. Sydykov, "The Essence and Legal Nature of Political Rights and Freedoms in the System of Other Human Rights," *Bulletin of Science and Practice* 10, no. 7 (2024): 443.

⁶ Hikmahanto Juwana, "Human Rights in Indonesia," *Indonesian Journal of International Law* 4, no. 1 (2021).

⁷ Siti Sarah and Sri Suatmiati, "General Election System in Indonesia Based on Law of the Republic of Indonesia No. 7 of 2017," *Jurnal Sosial Teknologi* 2, no. 9 (2022): 800.

⁸ Abid Thyab Al Ajeeli and Yousif A. Latif Al-Bastaki, eds., *Handbook of Research on E-Services in the Public Sector: E-Government Strategies and Advancements* Hershey: IGI Global, 2011.

enabling individuals to communicate political views, influence collective opinion, and oversee governmental performance.⁹ The proliferation of digital technologies has expanded public access to political information and created broader opportunities for civic engagement than ever before.¹⁰ At the same time, these developments have generated a range of new challenges, including the dissemination of disinformation, misinformation, hate speech, negative campaigning, and other forms of information manipulation that have the potential to undermine democratic quality and compromise electoral integrity.

The foregoing developments have given rise to increasingly complex legal challenges. On the one hand, freedom of expression constitutes a constitutional right that must be respected and protected by the State. On the other hand, the State bears a corresponding obligation to preserve public order, prevent the misuse of digital platforms, and ensure that elections are conducted in a free, fair, and transparent manner. The tension between the protection of constitutional rights and the necessity of legal regulation has become particularly evident in the enforcement of laws governing electronic information and communications. The application of the provisions of the Law on Electronic Information and Transactions (ITE Law), particularly those relating to political expression in digital spaces, has frequently generated debate regarding the appropriate boundary between safeguarding freedom of expression and imposing legitimate state restrictions. Critics have argued that the enforcement of such provisions may produce a chilling effect on public criticism and political participation if not implemented in a proportionate, transparent, and accountable manner.

These circumstances reveal a gap between the constitutional guarantees formally afforded to citizens and their practical realization within the electoral process. From a normative perspective, Indonesia's legal framework provides substantial protection for citizens' political rights. In practice, however, various challenges continue to emerge, raising concerns regarding the effectiveness of such protections, particularly when freedom of expression comes into conflict with restrictive measures imposed through specific legal instruments. This situation underscores the importance of examining the protection of citizens' constitutional rights in the electoral context as a significant and timely subject of legal inquiry.

The urgency of this research is further reinforced by the growing reliance on digital platforms as the primary medium for political communication, electoral campaigning, and the formation of public opinion.

⁹ Iris Vanhommerig and Philip Marcel Karré, "Public Accountability in the Internet Age: Changing Roles for Governments and Citizens," *International Review of Public Administration* 19, no. 2 (2014): 206.

¹⁰ Rabia Karakaya Polat, "The Internet and Political Participation: Exploring the Explanatory Links," *European Journal of Communication* 20, no. 4 (2005): 435.

Such developments necessitate an appropriate balance between the protection of citizens' constitutional rights and the State's responsibility to safeguard public order and the integrity of democratic processes. Any imbalance in the formulation or enforcement of legal regulations may erode public confidence in democratic institutions and, ultimately, undermine the legitimacy of electoral outcomes themselves.

A considerable body of previous scholarship has examined various issues relating to the integrity of election supervisory institutions,¹¹ political participation,¹² democracy in the digital era,¹³ freedom of expression within democratic systems,¹⁴ and the implementation of the Electronic Information and Transactions Law (ITE Law). Nevertheless, the majority of these studies have addressed such issues in a fragmented and sector-specific manner. Scholarly analyses that specifically position citizens' constitutional rights as the point of intersection between electoral law, constitutional law, and the regulation of digital spaces remain relatively limited. This gap is particularly significant given that technological advancements and evolving patterns of political participation increasingly demand a more comprehensive examination of the relationship between constitutional guarantees, legally imposed restrictions, and the functioning of electoral democracy.

The present study aims to enrich the body of knowledge in constitutional and electoral law while providing practical guidance for the application and development of legal frameworks in these fields. From an academic standpoint, it seeks to enrich scholarly discourse on the protection of constitutional rights within the framework of electoral democracy in the digital age. From a practical perspective, the findings are expected to serve as a valuable reference for policymakers, electoral management bodies, and law enforcement authorities in formulating regulatory frameworks and policy measures that safeguard electoral integrity without undermining the fundamental rights and freedoms of citizens.

Against this background, this study aims to examine the constitutional guarantees afforded to citizens' rights in the conduct of elections and to assess the extent to which legal restrictions on freedom of expression during the electoral process are consistent with constitutional principles, democratic values, and the objective of preserving electoral integrity. To achieve these

¹¹ Muhammad Ja'far, "Eksistensi dan Integritas Bawaslu dalam Penanganan Sengketa Pemilu," *Madani Legal Review* 2, no. 1 (2019): 59.

¹² Ni Ketut Arniti, "Partisipasi Politik Masyarakat dalam Pemilihan Umum Legislatif di Kota Denpasar," *Jurnal Ilmiah Dinamika Sosial* 4, no. 2 (2020): 329.

¹³ Denda Hiliya Agustina, Fardan Efendi, and Baiq Widyan Safira, "Demokrasi di Era Digital: Peluang dan Ancaman," *Journal of Social and Education* 2, no. 1 (2026): 106.

¹⁴ Della Luysky Selian and Cairin Melina, "Kebebasan Berekspresi di Era Demokrasi: Catatan Penegakan Hak Asasi Manusia," *Lex Scientia Law Review* 2, no. 2 (2018): 189.

objectives, the study addresses the following research questions: (1) What constitutional guarantees are provided for citizens' rights to freedom of expression during the electoral process? (2) To what extent do legal restrictions on freedom of expression during elections conform to constitutional norms and democratic standards? (3) How do legal limitations on freedom of expression contribute to, or potentially undermine, the preservation of electoral integrity?

B. RESEARCH METHODS

This study employs a normative legal research method using statutory, conceptual, and constitutional approaches, with doctrinal analysis as the primary analytical method. The analysis examines the 1945 Constitution of the Republic of Indonesia, Law No. 7 of 2017 on General Elections, Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law), as well as other relevant laws and regulations governing freedom of expression, political participation, and electoral integrity. Through a systematic examination of constitutional provisions, statutory norms, legal doctrines, and scholarly literature, the study evaluates the compatibility of legal restrictions on freedom of expression during elections with constitutional principles, democratic standards, and the objective of safeguarding electoral integrity.

To address the research objectives, the study combines legislative analysis, conceptual examination, and judicial case assessment.¹⁵ The statutory approach is employed to examine legal provisions governing citizens' constitutional rights, particularly the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 on General Elections, Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, as well as other relevant legislative instruments. This approach facilitates a comprehensive assessment of the normative framework regulating political rights, electoral participation, and freedom of expression within the Indonesian legal system. The conceptual approach is utilized to analyze the fundamental concepts underlying the study, including constitutional rights, democracy, freedom of expression, electoral integrity, and the permissible limitations of rights within a state governed by the rule of law. Through this approach, the research examines the theoretical foundations and doctrinal developments that inform the interpretation and protection of constitutional rights in democratic governance. The case approach is conducted through an examination of decisions rendered by the Constitutional Court of the Republic of Indonesia concerning political rights

¹⁵ Mansari, *Metodologi Penelitian Hukum: Normatif, Empiris, dan Teknik Pencarian Literatur Digital*, (Banda Aceh: Elfarazy Media Publisher, 2026), 89.

and freedom of expression in the electoral context. Such judicial decisions serve as authoritative constitutional interpretations and provide valuable guidance regarding the scope, protection, and limitation of constitutional rights. The combination of these approaches is intended to generate a comprehensive understanding of the legal issues under investigation. The analysis is undertaken systematically to evaluate the extent to which existing legal norms are aligned with the constitutional principles and democratic values that constitute their normative foundation.

The legal materials utilized in this study comprise primary, secondary, and tertiary legal sources.¹⁶ Primary legal materials consist of the 1945 Constitution of the Republic of Indonesia, statutory regulations governing elections and freedom of expression, as well as Constitutional Court decisions relevant to the subject matter under examination. These sources provide the principal normative framework for assessing the constitutional protection of citizens' rights within the electoral process. Secondary legal materials are derived from an extensive literature review, including legal textbooks, peer-reviewed journal articles, previous research findings, and other scholarly works addressing constitutional rights, democracy, and electoral law. These materials serve to support the doctrinal and theoretical analysis of the legal issues under investigation and provide insight into the development of contemporary legal discourse concerning constitutional governance and democratic participation.

Tertiary legal materials include legal dictionaries, encyclopedias, and other reference sources that facilitate a clearer understanding of the legal concepts, terminology, and doctrines employed throughout the study. The collection of legal materials was conducted through document-based research and a systematic review of relevant literature. The legal materials were analyzed using a qualitative legal analysis method, employing both prescriptive and interpretative legal reasoning. This analytical framework was applied to formulate legal arguments concerning the protection of citizens' constitutional rights and to determine the permissible scope of restrictions on freedom of expression within the administration of elections in Indonesia. Through this approach, the study seeks to evaluate the coherence of the existing legal framework and its capacity to uphold constitutional principles, democratic values, and electoral integrity.

¹⁶ Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2009), 31.

C. DISCUSSION

1. Constitutional Protection of Citizens' Rights in the Electoral Process

Elections represent a fundamental democratic institution through which the will of the people is translated into governmental authority.¹⁷ The role of elections extends beyond a mere procedure for the periodic transfer of political power; they also represent a concrete manifestation of the exercise of citizens' constitutional rights.¹⁸ Constitutional democracy recognizes both voting rights and candidacy rights as essential political freedoms that support the operation of a lawful democratic system. The recognition of these rights reflects the central position of citizens in determining the direction of governmental administration and public governance.¹⁹ Within a democratic constitutional framework, citizens are not merely subjects of governmental authority but active participants in the formation and exercise of political power. The effective conduct of democratic elections therefore requires the provision of adequate safeguards for the protection and exercise of all political rights enjoyed by citizens. Such constitutional guarantees serve as an important benchmark for assessing the quality of democracy and the degree to which the State respects and upholds constitutional principles. The protection of electoral rights is essential not only for ensuring the legitimacy of electoral outcomes but also for maintaining public confidence in democratic institutions and the rule of law.

The constitutional foundation of citizens' electoral rights is enshrined in several provisions of the 1945 Constitution of the Republic of Indonesia. Article 1(2) affirms that sovereignty resides in the people and is exercised in accordance with the Constitution, positioning citizens as the ultimate holders of political authority. Article 22E(1) further mandates that elections be conducted directly, universally, freely, secretly, honestly, and fairly. Constitutional protection of political rights is reinforced by Article 27(1), which guarantees equality before the law and government. Accordingly, all eligible citizens must enjoy equal opportunities to vote and stand for election without discrimination, ensuring electoral justice and democratic legitimacy.

Article 28D(3) of the 1945 Constitution of the Republic of Indonesia guarantees that every citizen has the right to equal opportunities in

¹⁷ Pansy Tlakula, "Democratic Elections in a Global Context," *Potchefstroom Electronic Law Journal* 10, no. 2 (2017): 96.

¹⁸ Head of the Department of Monitoring of Legislative Initiatives and Systematization of Laws of the Legal Directorate of the Administrative Office of the Federation and Aleksey G. Golovin, "The System of Guarantees of Electoral Rights as the Fundamental Legal Structure of the Mechanism of Delegation of Power by the People," *Electoral Legislation and Practice*, June 13, 2024: 6.

¹⁹ A. Basalaeva, "The Constitutional Right of a Citizen to Participate in the Management of State Affairs: Methodological Principles," *Analytical and Comparative Jurisprudence* 1, no. 6 (2025): 130.

government. This provision is closely linked to the protection of political rights within the electoral process. Equal opportunity extends beyond the right to vote and encompasses the right to stand for election and to participate in political decision-making processes. In numerous decisions, the Constitutional Court has consistently affirmed that political rights constitute constitutional rights that must be protected by the State. Any restriction on these rights must comply with the principle of legality and must not impair the essential substance of the rights guaranteed by the Constitution. This constitutional understanding underscores that the protection of political rights is not merely a policy objective but a fundamental constitutional obligation of the State.

Freedom of expression is a fundamental constitutional right protected under Article 28E (3) of the 1945 Constitution of the Republic of Indonesia, which guarantees the freedoms of association, assembly, and expression. In the electoral context, this right enables citizens to articulate political views, scrutinize public policies, and participate in democratic oversight. Freedom of expression is essential for fostering an open, competitive, and pluralistic political environment, thereby supporting meaningful public participation and informed electoral decision-making. Democratic elections cannot function effectively where political expression is subject to excessive or unjustified restrictions, as such limitations may undermine public engagement and democratic accountability. Consequently, the protection of freedom of expression serves as a cornerstone of constitutional democracy by promoting transparency, public oversight, and the active participation of citizens in the electoral process.

The study of citizens' constitutional rights in the electoral process can be examined through the lens of constitutional democracy theory. This theory regards the Constitution as an instrument that both limits the exercise of state power and safeguards the fundamental rights of citizens.²⁰ Democracy is not merely understood as government based on majority rule; it is also a system that guarantees respect for individual rights and freedoms. Within this framework, the Constitution functions as a mechanism for preventing the abuse of governmental authority and ensuring that public power is exercised in accordance with the rule of law. The protection of citizens' political rights constitutes one of the principal indicators of a successful constitutional democracy. This theoretical perspective is particularly relevant for explaining the relationship between elections and the constitutional guarantees afforded to citizens' rights.

²⁰ Anang Dony Irawan, Muhammad Ardhi Razaq Abqa, Rizda Ardyati, et al., *Konstitusi dan Kelembagaan Negara: Teori, Struktur, dan Dinamika Ketatanegaraan* (Padang: CV. Gita Lentera, 2026), 25.

Further regulation regarding the exercise of constitutional rights in elections is provided under Law Number 7 of 2017 on General Elections. Article 2 of the Law stipulates that the conduct of elections must be based on the principles of direct, general, free, secret, honest, and fair elections.²¹ These principles constitute an operational elaboration of the constitutional norms enshrined in the 1945 Constitution of the Republic of Indonesia. The enactment of this statute is intended to ensure legal certainty in the administration of elections. Detailed regulatory provisions are necessary to guarantee the effective realization of citizens' rights in the electoral process. The existence of such legal norms reflects the State's commitment to ensuring the implementation of high-quality democratic governance and the protection of constitutional guarantees within the electoral system.

The perspective of the rule of law theory explains that the protection of political rights forms part of the State's obligation to respect citizens' fundamental rights. The concept of the rule of law positions law both as an instrument for limiting governmental power and as a mechanism for safeguarding human rights.²² Every act of government in the administration of elections must be based on applicable legal norms. The exercise of power without a lawful basis has the potential to result in violations of citizens' constitutional rights. This principle requires the establishment of effective oversight mechanisms at every stage of the electoral process. Such functions are carried out by various state institutions, including the Constitutional Court as the guardian of the Constitution.

The role of the Constitutional Court in safeguarding citizens' constitutional rights is of fundamental importance. Its authority to conduct judicial review of statutes against the 1945 Constitution of the Republic of Indonesia enables the correction of legal norms that are considered inconsistent with constitutional rights. Various Constitutional Court decisions have strengthened the protection of citizens' political rights in the electoral process. These rulings not only resolve constitutional disputes but also provide a more progressive interpretation of political rights. The Court's interpretative function demonstrates that constitutional protection is dynamic and responsive to societal change. Despite the existence of a legal framework governing constitutional rights in elections, several normative weaknesses remain. Certain statutory provisions have not fully anticipated developments in information and communication technology. Electoral regulations were

²¹ Veri Junaidi, Khoirunnisa Agustyati, and Ibnu Setyo Hastomo, *Politik Hukum Sistem Pemilu: Potret Keterbukaan dan Partisipasi Publik dalam Penyusunan Undang-Undang Nomor 8 Tahun 2012 tentang Pemilihan Umum Anggota DPR, DPD, dan DPRD* (Jakarta: Yayasan Perludem, 2013).

²² Oksidelfa Yanto, *Buku Negara Hukum Kepastian, Keadilan, dan Kemanfaatan Hukum dalam Sistem Peradilan Pidana Indonesia* (Depok: Pustaka Reka Cipta, 2020), 43.

originally designed for conventional campaigning patterns, which differ significantly from contemporary digital practices. The rise of digital media has generated new forms of political participation that are not yet adequately accommodated by existing regulations. These regulatory gaps may lead to legal uncertainty in practice, indicating the need for more adaptive legal reform in response to ongoing social and technological change.

Another issue arises in the relationship between freedom of expression and the regulation of electronic information. Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law provides a legal basis for the State to regulate societal activities in digital spaces. Such regulation is intended to prevent the dissemination of information that may harm the public interest. In practice, digital spaces are frequently used as platforms for political campaigning and the dissemination of electoral information. This situation creates the need to maintain a balance between the protection of constitutional rights and the imperative of preserving public order. Overly broad regulatory provisions may potentially lead to ambiguous interpretations in their application.

The human rights theory perspective holds that freedom of expression is a fundamental right that may be subject to limitations under certain conditions.²³ Such restrictions must satisfy the principles of legality, necessity, and proportionality. These three principles have become universal standards reflected in various international human rights instruments. The State is authorized to impose limitations where necessary to protect the rights of others or to maintain public order. However, the margin of discretion enjoyed by the State must not be exercised arbitrarily. The protection of freedom of expression must remain a priority within a democratic system.

An analysis of the existing legal framework indicates that strengthening the protection of citizens' constitutional rights requires regulatory harmonization. Provisions scattered across various statutes often give rise to divergent interpretations. Such conditions may undermine legal certainty in the administration of elections. Harmonization is therefore necessary to ensure that all regulations share a coherent orientation toward the protection of citizens' political rights. This effort is also essential to prevent overlapping jurisdictions among state institutions. Consistency among legal norms constitutes a key prerequisite for establishing an effective legal system.

Rapid social change has transformed the character of citizens' political participation.²⁴ The use of digital technologies enables citizens to engage in

²³ Rhona K. M. Smith, Knut D. Asplund, and Suparman Marzuki, *Hukum Hak Asasi Manusia* (Yogyakarta: Pusat Studi Hak Asasi Manusia, Universitas Islam Indonesia, 2008), 46.

²⁴ Devith Rohjer Sinamo, Gresmawati Martiana Gultom, Raymond Sinurat, and Roida Lumbantobing, "Media dan Perubahan Sosial Studi Kasus: Tentang Penggunaan Media Sosial dalam Kampanye Politik dan Dampaknya terhadap Partisipasi Politik," 1, no. 3 (2025).

political discourse on a significantly broader scale than in the past.²⁵ This phenomenon calls for a more responsive and adaptive legal approach. Overly rigid regulatory frameworks risk lagging behind societal developments. Law must be capable of anticipating change without compromising the protection of constitutional rights.²⁶ These challenges constitute an important agenda in national legal development.

2. Compatibility of Freedom of Expression Restrictions with Constitutional Principles and Electoral Integrity

Among the various constitutional liberties recognized in democratic governance, freedom of expression remains one of the most significant and indispensable. The existence of this right enables citizens to articulate their aspirations, criticisms, and political views concerning governmental administration and the conduct of elections. An open and accessible sphere of expression constitutes a prerequisite for meaningful political participation and active civic engagement. Democratic maturity is frequently measured by how effectively public institutions safeguard open discussion, diverse viewpoints, and citizen participation in political debate. This right extends beyond the interests of individual citizens and encompasses the broader public interest in accessing diverse sources of information and perspectives. The free exchange of ideas contributes to informed public deliberation and strengthens democratic accountability by enabling citizens to scrutinize governmental actions and electoral processes. A democratic electoral system therefore requires a political environment in which ideas, opinions, and competing viewpoints can be communicated freely while remaining consistent with the principles of responsibility and respect for the rights of others.

The protection of freedom of expression is firmly grounded in the 1945 Constitution of the Republic of Indonesia. Article 28E(3) expressly provides that every person has the right to freedom of association, assembly, and expression. This provision demonstrates that freedom of expression constitutes a constitutional right that is formally recognized and protected by the State. As a fundamental constitutional guarantee, it serves as an essential pillar of democratic governance and facilitates citizens' participation in public and political affairs. Article 28F of the Constitution further guarantees the right of every individual to seek, obtain, possess, store, process, and disseminate information through any available means of communication. This right bears particular significance in the context of electoral processes, as democratic

²⁵ Zahara Rahmadani, Maritsa Nurahmi, Hilda Ramadani, and Dia Ramadani, "Peran Literasi Digital dalam Meningkatkan Partisipasi Politik Generasi Muda di Media Sosial," *Jurnal Literasi Digital* 5, no. 3 (2025): 232.

²⁶ Laila Khansa Muzaimah and Aditya Abimanyu, "Konstitusi di Zaman Digital: Relevansi, Adaptasi, dan Dampaknya," *Jurnal* 7, no. 2 (2025): 29.

governance depends upon the free flow of information and the ability of citizens to access diverse sources of political knowledge. An informed electorate is indispensable for ensuring meaningful participation in elections and enabling voters to make reasoned political choices. These constitutional safeguards provide a robust legal foundation for the realization of participatory electoral democracy. By protecting both freedom of expression and the right to information, the Constitution creates the conditions necessary for public debate, political accountability, and citizen engagement, all of which are essential components of a democratic electoral system.

The theory of deliberative democracy provides an important framework for understanding freedom of expression as a means of fostering a rational and inclusive public sphere.²⁷ Jürgen Habermas argues that democratic legitimacy emerges from communicative processes that enable citizens to participate in public deliberation on an equal footing.²⁸ Within this perspective, elections are not merely arenas of political competition; they also serve as forums for the exchange of ideas, allowing citizens to evaluate the policies, programs, and capacities of electoral contestants. The protection of freedom of expression facilitates the development of meaningful public scrutiny over the exercise of political power. Public criticism functions as an essential mechanism of democratic oversight, enabling citizens to hold public officials and state institutions accountable for their actions. From the standpoint of deliberative democratic theory, freedom of expression performs a strategic role in sustaining democratic accountability by ensuring that political decision-making remains subject to open debate, public reasoning, and informed citizen participation. This perspective underscores the fundamental importance of freedom of expression in maintaining the legitimacy, transparency, and responsiveness of democratic governance.

Although freedom of expression enjoys constitutional protection, its exercise is not absolute and may be subject to lawful restrictions under specific circumstances. Article 28J(2) of the 1945 Constitution of the Republic of Indonesia provides that, in exercising their rights and freedoms, all individuals are required to comply with limitations prescribed by law. Such limitations are imposed to ensure the recognition and protection of the rights and freedoms of others, as well as to safeguard moral values, public security, and public order. This provision reflects Indonesia's constitutional commitment to the principle of responsible freedom, under which the exercise of individual rights must be balanced against the broader interests of society. The Constitution

²⁷ Erfain Erfain, "Resiliensi Civil Society di Tengah Polarisasi Sosial-Politik dalam Perspektif Demokrasi Deliberatif," *Journal of Humanities, Social Sciences, and Education* 1, no. 1 (2025): 103.

²⁸ Mohammad Asy'ari Muthhar, "Membaca Demokrasi Deliberatif Jürgen Habermas dalam Dinamika Politik Indonesia," *Ushuluna: Jurnal Ilmu Ushuluddin* 2, no. 2 (2020).

therefore grants the State the authority to regulate the permissible boundaries of rights and freedoms, provided that such restrictions are imposed in a proportionate manner and in accordance with constitutional principles. Within this framework, limitations on rights function as a legal mechanism to prevent the abuse of freedoms in ways that may harm the rights of others or undermine legitimate public interests. Accordingly, constitutional protection of freedom of expression must be understood not as an absolute entitlement, but as a fundamental right whose exercise remains subject to lawful, necessary, and proportionate restrictions within a democratic society.

The conduct of elections presents challenges that differ significantly from those encountered during ordinary political activities. Political competition during the electoral period often gives rise to various forms of expression that have the potential to disrupt public order and undermine the integrity of democratic processes. Negative campaigning, the dissemination of false information, political defamation, information manipulation, and hate speech have become increasingly prevalent phenomena within contemporary electoral environments. The rapid advancement of digital technologies has further accelerated the spread of such content on an unprecedented scale. The consequences of these practices extend beyond influencing voters' political preferences. They may also erode public trust in democratic institutions and undermine the legitimacy of electoral outcomes. In certain circumstances, the widespread dissemination of misleading or harmful information can compromise the fairness and transparency of elections, thereby affecting the overall quality of democratic governance. These concerns provide a legitimate basis for the State to impose certain restrictions aimed at protecting electoral integrity and preserving the proper functioning of the democratic process.

Law Number 7 of 2017 on General Elections contains a number of provisions that restrict forms of campaigning deemed detrimental to the democratic process.²⁹ Article 280(1) prohibits election organizers, candidates, participants, and campaign teams from insulting individuals, religions, ethnic groups, races, social groups, candidates, or other election participants. The prohibition also extends to acts of incitement, defamation, and conduct intended to provoke hostility or social division within society. These restrictions are designed to foster a political competition that is fair, ethical, and consistent with democratic values.³⁰ The existence of these provisions demonstrates that

²⁹ Nyndya Fatmawati Octarina and Hardianto Djanggih, "Legal Implication of Black Campaigns on the Social Media in The General Election Process," *Jurnal Dinamika Hukum* 19, no. 1 (2019): 271.

³⁰ Abdul Hakam Sholahuddin, Anik Iftitah, and Uun Dewi Mahmudah, "Pelaksanaan Pasal 280 Undang-Undang Republik Indonesia Nomor 7 Tahun 2017 Tentang Pemilihan Umum: Pelanggaran Kampanye Pemilu 2019 di Kabupaten Blitar," *Jurnal Supremasi* 9, no. 2 (2019): 17.

electoral law serves not only to protect freedom of expression but also to safeguard the quality and reliability of information circulating within the public sphere. Citizens and political actors remain free to express their views and engage in political discourse, provided that such expression does not infringe upon the rights of others or undermine the integrity of the electoral process. In this regard, electoral regulation seeks to strike an appropriate balance between the protection of constitutional freedoms and the preservation of democratic order and electoral integrity.

The same regulatory approach can also be found in the Electronic Information and Transactions Law (ITE Law), as most recently amended by Law Number 1 of 2024. This legislation provides the legal basis for the State to take action against the dissemination of electronic information containing elements of defamation, hate speech, or false information that causes harm.³¹ The enactment of the ITE Law was originally intended to address the challenges posed by the rapid development of information technology, which had not been adequately anticipated by conventional legal frameworks. The increasing use of social media as a platform for political campaigning has further enhanced the relevance of these provisions within the electoral context. Challenges arise, however, when certain provisions are perceived as allowing excessively broad interpretation. Such circumstances have generated concerns regarding the potential for disproportionate restrictions on freedom of expression. Broadly framed legal norms may create uncertainty in their application and raise questions about the appropriate balance between the protection of public interests and the safeguarding of constitutionally protected freedoms. In the context of elections, this issue becomes particularly significant, as political discourse, public criticism, and democratic participation constitute essential components of a functioning democratic system.

The theory of the rule of law requires that any restriction on rights be imposed in accordance with the principle of legality.³² Restrictions can-not be justified solely on the basis of political considerations or the inter-ests of those in power. The legal provisions forming the basis of such limitations must be drafted in a clear and precise manner to avoid ambiguity and conflicting interpretations. Legal certainty constitutes an essential pre-requisite for enabling citizens to distinguish between conduct that is permitted and conduct that is prohibited by law. Vague or poorly defined legal norms may create uncertainty in law enforcement and increase the risk of inconsistent

³¹ Septavela Gusti Putri, Echwan Irianto, and Dodik Prihatin An, "Law Enforcement of Criminal Defamation Through Electronic Media," *Lentera Hukum* 6, no. 2 (2019): 263.

³² Mohamed Elewa Badar, "Basic Principles Governing Limitations on Individual Rights and Freedoms in Human Rights Instruments," *The International Journal of Human Rights* 7, no. 4 (2003): 63.

application. Such circumstances may adversely affect citizens' freedom to express their views and opinions within the public sphere.

Such restrictions cannot be justified solely on the basis of political considerations or the interests of those in power. The legal provisions serving as the basis for limiting rights must be formulated clearly and pre-cisely so as to avoid ambiguity and multiple interpretations. Legal certainty is an essential prerequisite for enabling individuals to distinguish between conduct that is permissible and conduct that is prohibited under the law. Vague or unclear legal norms may create uncertainty in law enforcement and increase the risk of arbitrary application. Such circumstances may, in turn, adversely affect the public's willingness to exercise their freedom of expression within the public sphere.

The principle of proportionality constitutes a fundamental criterion in assessing the constitutionality of restrictions imposed upon constitutional rights and freedoms. This principle requires a fair balance between the legitimate objective pursued by the State and the restrictive measures employed to achieve that objective. Any limitation on constitutional rights must not exceed what is necessary to protect a legitimate public interest and must remain proportionate to the aims sought to be achieved. Within a democratic constitutional framework, proportionality serves as an essential safeguard against excessive state intervention in the exercise of fundamental freedoms. The enforcement of electoral laws and regulations must therefore take into account the potential impact of such measures on citizens' constitutional rights. While the protection of electoral integrity and public order constitutes a legitimate governmental objective, enforcement mechanisms should be carefully calibrated to avoid unnecessary restrictions on political participation and freedom of expression. A legal response that prioritizes punitive measures without adequate consideration of constitutional guarantees may undermine the democratic values that electoral regulations are intended to protect. An overly repressive approach to the enforcement of electoral violations may generate a chilling effect on political expression, discouraging citizens from engaging in legitimate criticism, public debate, and democratic participation. Such circumstances may weaken the capacity of civil society and the broader public to perform their essential oversight function within the democratic process. Effective public scrutiny of electoral conduct, governmental actions, and political actors represents a vital component of democratic accountability. Consequently, the application of electoral laws should maintain an appropriate balance between the protection of electoral integrity and the preservation of the constitutional freedoms that enable democratic legitimacy to function effectively.

An examination of various decisions of the Constitutional Court of the Republic of Indonesia demonstrates that the protection of freedom of expression occupies a prominent position within Indonesia's constitutional jurisprudence.³³ The Court has consistently affirmed that political rights and freedom of expression constitute fundamental constitutional rights whose continued protection is essential to the functioning of a democratic constitutional order.³⁴ Through its constitutional interpretations, the Court has emphasized that restrictions on such rights may only be justified when they pursue a legitimate objective and do not impair the essential substance of the rights concerned. The interpretative approach adopted by the Constitutional Court reflects the core principles of constitutional democracy, which place the protection of citizens' rights and liberties at the center of democratic legitimacy. Within this framework, constitutional rights are not merely formal guarantees but serve as substantive safeguards against arbitrary limitations imposed by state authorities. The Court's jurisprudence underscores the principle that any restriction on constitutional freedoms must satisfy standards of legitimacy, necessity, and proportionality consistent with constitutional norms. The Constitutional Court therefore plays a pivotal role in ensuring that state-imposed restrictions remain within constitutional boundaries. Through its function of constitutional review, the Court acts as a guardian of democratic values by preventing the excessive exercise of governmental power and preserving the balance between public interests and individual freedoms. This supervisory function provides an important institutional safeguard against the emergence of repressive tendencies within democratic legitimacy and reinforces the constitutional commitment to the protection of political participation, electoral fairness, and the rule of law.

3. The Impact of Freedom of Expression Restrictions on Electoral Integrity in the Digital Era

The relationship between restrictions on freedom of expression and electoral integrity remains a central constitutional dilemma in contemporary democracies. From the perspective of deliberative democracy, freedom of expression constitutes a prerequisite for meaningful public participation and democratic legitimacy. At the same time, electoral integrity may justify certain legal restrictions aimed at preventing disinformation, hate speech, electoral manipulation, and other practices capable of distorting democratic competition. Consequently, the constitutional challenge lies not in determining

³³ Zaka Firma Aditya and Sholahuddin Al-Fatih, "Indonesian Constitutional Rights: Expressing and Purposing Opinions on the Internet," *The International Journal of Human Rights* 25, no. 9 (2021): 1395.

³⁴ Zaka Firma Aditya and Sholahuddin Al-Fatih, "Indonesian Constitutional Rights: Expressing and Purposing Opinions on the Internet," *The International Journal of Human Rights* 25, no. 9 (2021): 1395.

whether restrictions may exist, but in ensuring that such limitations comply with the principles of legality, necessity, and proportionality while preserving citizens' opportunities to participate in public debate and political discourse.³⁵

A significant weakness of the current regulatory framework lies in the lack of effective harmonization between electoral law and the legal regime governing digital spaces. Several legal provisions remain sectorally formulated, creating the potential for overlap and inconsistency in their application.³⁶ Law Number 7 of 2017 on General Elections, particularly Article 280(1), establishes various prohibitions applicable to electoral campaigns, including the dissemination of defamatory statements, insults, hate-based expressions, and conduct that may disrupt public order. These provisions reflect the legislature's commitment to safeguarding electoral integrity and promoting fair and healthy political competition. The scope of these norms primarily focuses on the substantive nature of campaign violations without providing detailed regulation concerning violations committed through digital platforms, social media, or other forms of modern communication technology.³⁷ As electoral campaigning increasingly shifts into digital environments, new challenges have emerged that are not yet fully accommodated within the existing electoral legal framework. This situation demonstrates that electoral regulations continue to address campaign violations predominantly from a sectoral perspective centered on the electoral law regime, while issues relating to digital information governance are regulated through separate legal instruments.³⁸

A similar situation can be observed in Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, particularly Article 28(2), which prohibits the dissemination of information intended to incite hatred or hostility based on ethnicity, religion, race, or intergroup affiliation. This provision was designed to preserve social order and prevent the misuse of digital spaces that may harm society. Its regulatory focus is directed primarily toward controlling electronic content and protecting the digital environment in general, rather than specifically safeguarding the integrity of electoral processes. Consequently, when a political post on social media simultaneously constitutes negative campaigning and satisfies the legal

³⁵ Thabo Maseko, Hichem Bouazizi, and Mariana Scouza, "Digital Disinformation and Electoral Integrity: Legal Responses and Democratic Implications," *Interdisciplinary Studies in Society, Law, and Politics* 4, no. 4 (2025): 1.

³⁶ Firdaus Arifin, Ihsanul Maarif, Bunyamin Bunyamin, Robi Asadul Bahri, and Anastasia Wahyu Murbani, "Reforming Indonesia's Electoral System: Legal and Policy Considerations," *Jambe Law Journal* 8, no. 1 (2025): 61.

³⁷ Pujiono Pujiono and Nanik Prasetyoningsih, "Elections for Sale: The Shortcomings of Indonesia's Election Law in Preventing Vote-Buying and Ensuring Fair Play," *Sibatik Journal* 3, no. 8 (2024): 1043.

³⁸ Beatriz Kira, Clara Iglesias Keller, Gabriel Wajman, et al., *Current Challenges in Digital Elections: Lessons from Electoral Regulation and Digital Campaigning in Brazil* (Berlin: Weizenbaum Institute, 2025)

elements of hate speech, there is a possibility that two distinct legal regimes may be applied to the same conduct. Such circumstances illustrate that the relationship between electoral law and cyber law remains fragmented and sectorally compartmentalized. This regulatory fragmentation has the potential to generate legal uncertainty, divergent interpretations, and overlapping institutional jurisdictions in the enforcement of violations committed within digital spaces during electoral processes. The existence of multiple legal frameworks governing similar conduct may also create challenges in determining the appropriate enforcement mechanism and the competent authority responsible for adjudicating such violations, thereby undermining legal coherence and the effective protection of democratic values in the digital era.

Differences in regulatory approaches between electoral law and cyber law frequently create difficulties in determining the most appropriate legal instruments to address violations occurring during the electoral process. Such circumstances may affect the consistency and effectiveness of law enforcement, particularly when conduct associated with a single electoral violation falls within the scope of multiple regulatory regimes. Legal certainty becomes increasingly difficult to achieve when the norms governing a particular act are dispersed across various legislative instruments with differing objectives, standards, and enforcement mechanisms. This situation highlights the urgent need for a more comprehensive harmonization and synchronization of electoral and cyber regulatory frameworks. Emerging artificial intelligence applications have introduced new dimensions to the regulation of political communication and expressive freedoms during electoral processes.³⁹ Advances in synthetic media technologies now enable the creation and circulation of highly convincing manipulated content, making misinformation more difficult to identify and control and difficult for the general public to detect. These technological capabilities pose significant risks to the integrity of political communication, public deliberation, and electoral decision-making.⁴⁰ The existing legal framework has yet to provide an adequate regulatory response to these emerging threats. Regulatory gaps may be exploited to influence voters' political preferences through misleading, fabricated, or manipulated information, thereby undermining the fairness and credibility of electoral processes. The challenges posed by artificial intelligence and advanced digital technologies demonstrate that legal systems must evolve at a pace that is commensurate with technological change. A predominantly

³⁹ Jaya Thapa, "The Impact of Artificial Intelligence on Elections," *International Journal for Multidisciplinary Research* 6, no. 2 (2024): 17524.

⁴⁰ Andrew Lewis, Patrick Vu, Raymond M. Duch, and Areeq Chowdhury, "Deepfake Detection with and without Content Warnings," *Royal Society Open Science* 10, no. 11 (2023): 231214.

reactive regulatory approach is no longer sufficient to address the increasingly complex realities of digital democracy. Instead, future legal frameworks should adopt a more anticipatory and adaptive orientation, enabling democratic institutions to respond effectively to emerging technological risks while maintaining robust protection for constitutional rights and freedoms.

The need for legal reform has become increasingly urgent as political activities and public engagement progressively shift into digital environments. Existing electoral regulations remain largely grounded in frameworks originally designed for conventional forms of campaigning and political communication. The distinctive characteristics of social media platforms, marked by their speed, extensive reach, and transnational nature, require the development of a more adaptive and responsive legal framework capable of addressing contemporary challenges in electoral governance. Regulatory provisions concerning digital campaigning, algorithmic influence, transparency of political advertising, and the accountability of digital platforms should be formulated with greater precision and clarity. These issues have become increasingly significant in shaping political discourse, influencing voter behavior, and affecting the overall integrity of electoral processes. The absence of comprehensive regulation in these areas may create legal uncertainty and expose democratic institutions to emerging risks associated with digital technologies. The formulation of new legal norms must nevertheless preserve an appropriate balance between the protection of constitutional rights and the necessity of safeguarding electoral integrity. Any regulatory response should be carefully designed to ensure that measures intended to prevent manipulation, disinformation, or other electoral threats do not disproportionately restrict fundamental freedoms. Accordingly, the primary objective of future legal reform should be the strengthening of democratic legitimacy and constitutional guarantees rather than the limitation of political participation. A modern electoral framework must therefore promote both electoral integrity and the effective exercise of citizens' constitutional rights within an increasingly digital democratic landscape.

The experience of various democratic countries demonstrates that collaborative approaches are generally more effective than purely repressive measures in addressing challenges to electoral integrity and democratic legitimacy.⁴¹ The active involvement of electoral management bodies, government institutions, digital platforms, academic communities, and civil society organizations constitutes a crucial factor in preserving the quality of democracy in the digital age. Such multi-stakeholder engagement facilitates a more balanced and sustainable response to the complex challenges arising

⁴¹ Gunsu Nurmansyah and Eriyani Erman, "Participatory Monitoring of Electoral Integrity: Perspectives of Independent Monitors and Civil Society," *Pranata Hukum* 20, no. 2 (2025): 203.

from the digitalization of political communication. Digital literacy should be regarded as an integral component of the broader strategy for protecting citizens' constitutional rights. Efforts aimed at enhancing the public's capacity to critically evaluate, verify, and interpret information are likely to produce more enduring outcomes than reliance on punitive sanctions alone. A society equipped with strong digital literacy skills is better positioned to exercise its political rights responsibly while remaining resilient against disinformation, manipulation, and other threats to democratic processes. The development of legal awareness within society further strengthens democratic resilience from within the constitutional order itself. When citizens possess a deeper understanding of their rights and obligations, they are more capable of participating constructively in public affairs and contributing to the preservation of democratic values. Such an approach creates broader opportunities for the cultivation of a healthy democratic culture, characterized by informed participation, accountability, respect for constitutional principles, and the effective protection of fundamental rights.

From the perspective of constitutional democracy, electoral integrity must be pursued without compromising the fundamental rights of citizens.⁴² Electoral integrity is not measured solely by compliance with legal procedures; it is equally reflected in the capacity of the legal system to protect political freedoms and ensure meaningful public participation in democratic processes. The right to criticize electoral contestants, public officials, and state institutions constitutes an essential component of democratic legitimacy and must be effectively safeguarded. Excessive restrictions on political expression risk diminishing the quality of democracy and undermining public confidence in democratic institutions. A healthy sphere of freedom enables citizens to participate actively in monitoring electoral processes, holding public authorities accountable, and contributing to informed public discourse. Within a constitutional democratic framework, the relationship between electoral fairness and electoral integrity should not be viewed as antagonistic. Rather, these principles must be understood as complementary and mutually reinforcing elements that collectively sustain the legitimacy, transparency, and credibility of the electoral process.

Future legal reform should place the protection of constitutional rights at the core of electoral regulation. Regulatory improvement should not be confined to the introduction of additional sanctions or the expansion of prohibitions. The formulation of legal norms must take into account technological advancements, evolving social dynamics, and the changing

⁴² Dian Puspita Sari, Mohammad Haris Taufiqur Rahman, and Moch Hasan Hafani, "Keseimbangan antara Efisiensi, Demokrasi, dan Amanat Konstitusi dalam Rekonstruksi Sistem Pemilihan Kepala Daerah," *MARAS: Jurnal Penelitian Multidisiplin* 3, no. 1 (2025): 62.

needs of society. A principle-based regulatory framework is likely to be more adaptable and resilient than one that is excessively technical and rigid. Such legal flexibility is essential for responding effectively to the rapid transformations occurring within the digital sphere. In this regard, a responsive legal system has become a fundamental requirement of contemporary democratic legitimacy.

Restrictions on electoral fairness during elections should be understood as mechanisms for safeguarding democracy rather than limiting it. This objective can only be achieved when any restriction is grounded in constitutional principles, implemented in a proportionate manner, and subject to effective oversight and accountability. The legal framework must provide legal certainty while simultaneously preserving adequate space for citizens to exercise their fundamental freedoms. The protection of constitutional rights should remain the primary benchmark for evaluating the quality and legitimacy of electoral regulations. Electoral integrity is more likely to be achieved when the law successfully maintains an appropriate balance between liberty, justice, and legal certainty. The evolving realities of digital society require the development of a legal framework that is increasingly adaptive, democratic, and oriented toward the protection of citizens' constitutional rights.

D. Conclusion

This study answers two principal research questions. First, it finds that citizens' rights to vote, stand for election, participate in political life, and express opinions during elections are constitutionally guaranteed under the 1945 Constitution, Law No. 7 of 2017 on General Elections, and related legislation. Second, legal restrictions on freedom of expression during elections are compatible with constitutional norms and democratic standards only when they are prescribed by law, pursue a legitimate objective, and satisfy the principle of proportionality. Such restrictions can contribute to electoral integrity by preventing disinformation, hate speech, and electoral manipulation, but they may undermine democratic legitimacy if applied excessively or arbitrarily. The study further demonstrates the need to harmonize electoral regulations with digital governance frameworks to address challenges arising from technological developments. Strengthening this regulatory framework is essential to ensure effective protection of constitutional rights while maintaining democratic quality and electoral integrity in the digital era. Legal restrictions on freedom of expression can contribute positively to electoral integrity when they prevent disinformation, hate speech, and electoral manipulation. However, disproportionate restrictions may create chilling effects on political participation and public deliberation, thereby weakening democratic legitimacy.

This study contributes to the development of constitutional and electoral law scholarship in three respects. First, it integrates constitutional rights analysis, electoral integrity theory, and digital governance within a single analytical framework. Second, it demonstrates how the principles of legality, necessity, and proportionality can be used as constitutional benchmarks for assessing restrictions on freedom of expression during elections. Third, it highlights the growing relevance of digital platforms and emerging technologies in shaping the relationship between constitutional rights and electoral regulation in contemporary democracies.

BIBLIOGRAPHY

Journals:

- Aditya, Zaka Firma, and Sholahuddin Al-Fatih. "Indonesian Constitutional Rights: Expressing and Purposing Opinions on the Internet." *The International Journal of Human Rights* 25, no. 9 (2021): 1395-1419.
- Agustina, Denda Hiliya, Fardan Efendi, and Baiq Widyan Safira. "Demokrasi di Era Digital: Peluang dan Ancaman." *Journal of Social and Education* 2, no. 1 (2026): 106-111.
- Aidarbekova, G., and A. Sydykov. "The Essence and Legal Nature of Political Rights and Freedoms in the System of Other Human Rights." *Bulletin of Science and Practice* 10, no. 7 (2024): 443-452.
- Arifin, Firdaus, Ihsanul Maarif, Bunyamin Bunyamin, Robi Asadul Bahri, and Anastasia Wahyu Murbani. "Reforming Indonesia's Electoral System: Legal and Policy Considerations." *Jambe Law Journal* 8, no. 1 (2025): 61-99.
- Arniti, Ni Ketut. "Partisipasi Politik Masyarakat dalam Pemilihan Umum Legislatif di Kota Denpasar." *Jurnal Ilmiah Dinamika Sosial* 4, no. 2 (2020): 329.
- Badar, Mohamed Elewa. "Basic Principles Governing Limitations on Individual Rights and Freedoms in Human Rights Instruments." *The International Journal of Human Rights* 7, no. 4 (2003): 63-92.
- Basalaeva, A. "The Constitutional Right of a Citizen to Participate in the Management of State Affairs: Methodological Principles." *Analytical and Comparative Jurisprudence* 1, no. 6 (2025): 130-134.
- Elklit, Jørgen, and Andrew Reynolds. "Judging Elections and Election Management Quality by Process." *Representation* 41, no. 3 (2005): 189-207.
- Erfain, Erfain. "Resiliensi Civil Society di Tengah Polarisasi Sosial-Politik dalam Perspektif Demokrasi Deliberatif." *Journal of Humanities, Social Sciences, and Education* 1, no. 1 (2025): 103-115.
- Golovin, Aleksey G., and Head of the Department of Monitoring of Legislative Initiatives and Systematization of Laws of the Legal Directorate of the

- Administrative Office of the Federation. "The System of Guarantees of Electoral Rights as the Fundamental Legal Structure of the Mechanism of Delegation of Power by the People." *Electoral Legislation and Practice*, June 13, 2024: 2-9.
- Jafar, Muhammad. "Eksistensi dan Integritas Bawaslu dalam Penanganan Sengketa Pemilu." *Madani Legal Review* 2, no. 1 (2019): 59-70.
- Juwana, Hikmahanto. "Human Rights in Indonesia." *Indonesian Journal of International Law* 4, no. 1 (2021).
- Khansa Muzaimah, Laila, and Aditya Abimanyu. "Konstitusi di Zaman Digital: Relevansi, Adaptasi, dan Dampaknya." (Ambon) 7, no. 2 (2025): 29-35.
- Lewis, Andrew, Patrick Vu, Raymond M. Duch, and Areeq Chowdhury. "Deepfake Detection with and without Content Warnings." *Royal Society Open Science* 10, no. 11 (2023): 231214.
- Maseko, Thabo, Hichem Bouazizi, and Mariana Scouza. "Digital Disinformation and Electoral Integrity: Legal Responses and Democratic Implications." *Interdisciplinary Studies in Society, Law, and Politics* 4, no. 4 (2025): 1-11.
- Muthhar, Mohammad Asy'ari. "Membaca Demokrasi Deliberatif Jurgen Habermas dalam Dinamika Politik Indonesia." *Ushuluna: Jurnal Ilmu Ushuluddin* 2, no. 2 (2020).
- Nurmansyah, Gunsu, and Eriyani Erman. "Participatory Monitoring of Electoral Integrity: Perspectives of Independent Monitors and Civil Society." *Pranata Hukum* 20, no. 2 (2025): 203-218.
- Octarina, Nyndya Fatmawati, and Hardianto Djanggih. "Legal Implication of Black Campaigns on the Social Media in The General Election Process." *Jurnal Dinamika Hukum* 19, no. 1 (2019): 271.
- Polat, Rabia Karakaya. "The Internet and Political Participation: Exploring the Explanatory Links." *European Journal of Communication* 20, no. 4 (2005): 435-459.
- Pujiono, Pujiono, and Nanik Prasetyoningsih. "Elections for Sale: The Shortcomings of Indonesia's Election Law in Preventing Vote-Buying and Ensuring Fair Play." (Mataram) 3, no. 8 (2024): 1043-1066.
- Putri, Septavela Gusti, Echwan Irianto, and Dodik Prihatin An. "Law Enforcement of Criminal Defamation Through Electronic Media." *Lentera Hukum* 6, no. 2 (2019): 263.
- Rahmadani, Zahara, Maritsa Nurahmi, Hilda Ramadan, and Dia Ramadan. "Peran Literasi Digital dalam Meningkatkan Partisipasi Politik Generasi Muda di Media Sosial." *Jurnal Literasi Digital* 5, no. 3 (2025): 232-241.
- Rohjer Sinamo, Devith, Gresmawati Martiana Gultom, Raymond Sinurat, and Roida Lumbantobing. "Media dan Perubahan Sosial Studi Kasus: Tentang

- Penggunaan Media Sosial dalam Kampanye Politik dan Dampaknya terhadap Partisipasi Politik." (Lampung) 1, no. 3 (2025).
- Sarah, Siti, and Sri Suatmiati. "General Election System in Indonesia Based on Law of the Republic of Indonesia No. 7 of 2017." *Jurnal Sosial Teknologi* 2, no. 9 (2022): 800-804.
- Sari, Dian Puspita, Mohammad Haris Taufiqur Rahman, and Moch Hasan Hafani. "Keseimbangan antara Efisiensi, Demokrasi, dan Amanat Konstitusi dalam Rekonstruksi Sistem Pemilihan Kepala Daerah." *MARAS: Jurnal Penelitian Multidisiplin* 3, no. 1 (2025): 62-76.
- Selian, Della Luysky, and Cairin Melina. "Kebebasan Berekspresi di Era Demokrasi: Catatan Penegakan Hak Asasi Manusia." *Lex Scientia Law Review* 2, no. 2 (2018): 189-198.
- Senych, Yu. Ia. "Civil Society and Legal Culture: Mechanisms of Interaction and Influence on Democratic Institutions." *Scientific Journal of Public and Private Law*, no. 3 (2025): 78-82.
- Sholahuddin, Abdul Hakam, Anik Iftitah, and Uun Dewi Mahmudah. "Pelaksanaan Pasal 280 Undang-Undang Republik Indonesia Nomor 7 Tahun 2017 Tentang Pemilihan Umum: Pelanggaran Kampanye Pemilu 2019 di Kabupaten Blitar." *Jurnal Supremasi* 9, no. 2 (2019): 17-27.
- Thapa, Jaya. "The Impact of Artificial Intelligence on Elections." *International Journal for Multidisciplinary Research* 6, no. 2 (2024): 17524.
- Tlakula, Pansy. "Democratic Elections in a Global Context." *Potchefstroom Electronic Law Journal* 10, no. 2 (2017): 96-115.
- Vanhommerig, Iris, and Philip Marcel Karré. "Public Accountability in the Internet Age: Changing Roles for Governments and Citizens." *International Review of Public Administration* 19, no. 2 (2014): 206-217.
- Widjiastuti, Agustin. "Peoples' Sovereignty Principle on the Implementation of General Election in Indonesia." *Public Policy and Administration Research*.
- Wojtasik, Waldemar. "Functions of Elections in Democratic Systems." *Political Preferences*, no. 4 (2013): 25-38.

Books:

- Al Ajeeli, Abid Thyab, and Yousif A. Latif Al-Bastaki, eds. *Handbook of Research on E-Services in the Public Sector: E-Government Strategies and Advancements*. Hershey: IGI Global, 2011.
- Ali, Zainuddin. *Metode Penelitian Hukum*. Jakarta: Sinar Grafika, 2009.
- Dony Irawan, Anang, Muhammad Ardhi Razaq Abqa, Rizda Ardyati, et al. *Konstitusi dan Kelembagaan Negara: Teori, Struktur, dan Dinamika Ketatanegaraan*. Padang: CV. Gita Lentera, 2026.
- Junaidi, Veri, Khoirunnisa Agustyati, and Ibnu Setyo Hastomo. *Politik Hukum Sistem Pemilu: Potret Keterbukaan dan Partisipasi Publik dalam*

- Penyusunan Undang-Undang Nomor 8 Tahun 2012 tentang Pemilihan Umum Anggota DPR, DPD, dan DPRD*. Jakarta: Yayasan Perludem, 2013.
- Mansari, Mansari. *Metodologi Penelitian Hukum: Normatif, Empiris, dan Teknik Pencarian Literatur Digital*. Banda Aceh: Elfarazy Media Publisher, 2026.
- Smith, Rhona K. M., Knut D. Asplund, and Suparman Marzuki. *Hukum Hak Asasi Manusia*. Yogyakarta: Pusat Studi Hak Asasi Manusia, Universitas Islam Indonesia (PUSHAM UII), 2008.
- Yanto, Oksidelfa. *Buku Negara Hukum Kepastian, Keadilan, dan Kemanfaatan Hukum dalam Sistem Peradilan Pidana Indonesia*. Depok: Pustaka Reka Cipta, 2020.