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Constitutional Democracy and the Challenges of Election Administration in the Era of Digital Disruption

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Abstract: Digital disruption has fundamentally transformed the electoral landscape in Indonesia, shifting political campaigns and discourse into cyberspace. This transformation presents a paradox for constitutional democracy: on the one hand, technology offers potential efficiency through innovations such as e-voting; on the other hand, it has become a primary vector for the spread of disinformation, hoaxes, and hate speech that undermine election integrity, erode public trust, and deepen social polarization. The existing legal framework for elections, particularly law no. 7 of 2017, has proven inadequate to effectively regulate the dynamics of digital campaigns and address cyber threats, leaving election organizers (the general elections commission (KPU) and the elections supervisory agency (bawaslu) often in a reactive position. This study aims to analyze the impact of digital disruption, particularly disinformation, on the integrity of election administration and constitutional democracy in Indonesia, evaluate the adequacy of the legal framework for elections in addressing digital challenges, and examine the legal, technical, and social feasibility of implementing technological innovations such as e-voting. This study uses a normative legal method with a legislative approach. The analysis is conducted on the 1945 constitution, law no. The study examined law no. 7 of 2017 concerning elections, the electronic information and transactions law (UU ITE), and regulations from the general elections commission (KPU) and the elections supervisory agency (bawaslu) to assess the gap between legal norms and the reality of digital challenges. It found that current election regulations have significant legal gaps regarding the oversight and enforcement of campaign violations on social media, such as trolling and non-transparent political advertising. Oversight efforts by bawaslu and the KPU tend to be reactive (e.g., content takedowns) and rely heavily on collaboration with other institutions such as the ministry of communication and information. The implementation of e-voting is hampered by three main obstacles: the lack of a comprehensive legal basis, cybersecurity vulnerabilities, and low public trust in digital systems. Digital disruption poses a fundamental threat to Indonesia's electoral democracy that has not been mitigated by the existing legal and institutional framework. Comprehensive reform of the elections law is needed to specifically regulate digital campaigns, ensure transparency of funds, and implement strict sanctions. Furthermore, strengthening the technical and digital forensic

capacity of bawaslu and the KPU is a necessity, which must be balanced with a national digital literacy program to build community resilience against disinformation.

Keywords: Constitutional Democracy, Elections, Digital Disruption, Disinformation, E-voting

INTRODUCTION

Background study this based on understanding that elections in Indonesia are the most obvious manifestation from principle of sovereignty people as confirmed in article 1 paragraph (2) of the 1945 constitution of the republic of Indonesia (mud 1945). Elections become mechanism constitutionally possible people in a way direct determine direction governance and leadership politics. Therefore that, election must execute based on principle direct, general, free, secret, honest and fair (luber jurdil). Principles this no just norm procedural, but is prerequisite substantive guarantees upholding the rule of law democratic (rechtsstaat), namely a state based on law, not power solely (rukmana amanwinata, 2020). In other words, legitimacy results election determined not only by participation the people, but also by the integrity of the processes that accompany it.

However, the development of the digital disruption era brings change fundamental to practice organization elections. Digitalization communication political has move part big competition arena political from room physique to room cyber. Social media platforms become channel main campaign, place discourse political ongoing, and means formation opinion public. Transformation this present opportunity new at a time complex challenges. In one side, technology offer improvement efficiency logistics elections, data transparency, and the possibility adoption innovation such as e-voting which can increase accountability and reduce potential manual manipulation (sri rahayu, 2019; syah, 2024). However, on the other hand, technology also brings threat potential asymmetry damage principle the basis of luber jurdil.

The most serious threat appears from disinformation and hoaxes circulating in a way massive through digital space. Disinformation no only nature sporadic, but often produced in a way systematic with utilize troll and buzzer network. Phenomenon this in Indonesia has documented since a long time ago, including through international media investigation that found existence professional buzzer operation with thousands account fake managed for profit political and economy (cna insider, 2017). This action clear threatens rationality voters, because decision political no again based on correct information, but rather results manipulation narrative.

Disinformation being spread in a way organized then implications more far from polarization politics. Research in KPU election governance journal (2024) shows that buzzer practice is not only effort win candidate certain, but campaign strategies systematic and purposeful create division politics. The polarization created with on purpose make public split to in strongholds extreme, so that weaken cohesion social. When conditions this left alone without adequate regulations, elections precisely risky become source instability politics, instead of instrument consolidation democracy.

If reviewed from perspective law, this digital threat facing Indonesia with challenges serious. Law number 7 of 2017 concerning general election, which became umbrella law main organization elections, basically still referring to the paradigm conventional. Rules in the election law more focus on mechanisms campaign face face, print media, and broadcasting television, meanwhile aspect digital campaigns and abuse room cyber relatively not yet arranged in a way detail. Emptiness law this make commission general election

commission (KPU) and the supervisory body elections (bawaslu) tend to be in a reactive position, only taking action after it has happened, not preventing it since early.

Condition this causes a serious dilemma for electoral integrity. On one side, society hangs more information politics on social media and digital platforms. On the other hand, the existing laws are not yet capable of giving an appropriate supervision mechanism. As a result, potential manipulation of information and misuse of technology is far bigger than state capacity to handle it. This ultimately damages principal equality and justice in election, because actors politically with source power big can utilize technology for controlling public narrative without clear boundaries.

In context mentioned, the formulation of the problem study becomes very relevant. Question first is how digital disinformation, polarization, and the practice of trolls and buzzers threaten electoral integrity, organization of elections, and destruction of principal democracy constitutional. Question second is to what extent is Law No. 7 of 2017 adequate in arranging digital campaign, ensuring transparency of advertisement politics, and addressing cyber violation, and where it is located emptiness the most significant law. Question third is what just constraint legal, technical and social obstacles implementation of fundamental innovations such as e-voting in Indonesian national election.

Formulation of the problem is important for answered because election is not only a procedural problem, but also substantive legitimacy of democracy. If the election fails to fulfil the principle of free and fair dealing, consequence of digital manipulation, then legitimacy of the resulting politics will erode. As a result, stability of the political system and public beliefs against the rule of law can also be disturbed. With thus, the analysis comprehensive academic required to answer this challenge.

Research purposes this is to analyze the gap in regulations in the 2017 election law before digital challenges, studying the impact of disinformation to legitimacy of democracy, and evaluate eligibility of e-voting implementation. In-depth analysis expected can produce greater understanding clear about connection between law, technology, and democracy. More far, research this also aims to identify the need for reform of regulations so that the law elections in Indonesia are not left behind from current development.

Benefits of research this divided become two dimensions, namely academic and practical. From the side academic, research this expected can enrich literature constitutional law, law elections, and digital law in Indonesia. Previous studies generally still limited to aspects technical organization elections, meanwhile study about intersection between law and digital disruption still relatively rare (journal constitution & democracy, 2021). With thus, research this can give contribution conceptual for development of knowledge law in the digital age.

Temporary from side practical, research this expected capable give recommendations based on proof law for institution maker policy such as the DPR, KPU, and bawaslu. The recommendations produced can be used to strengthen regulations of digital campaign, increasing capacity of supervision to practice disinformation, as well as prepare instrument law for adoption of new technology such as e-voting. Practical purposes this in line with need real in the field, where existing regulations still weak in anticipating ongoing digital threats develop.

METHOD

Research methods used in studies this is method juridical normative (*normative juridical research*) with approach statutory approach. Election method this based on objectives main research, namely evaluate norm law written regulations that apply in Indonesia regarding with organization elections, at the same time test its consistency with principles constitutional, in particular principle direct, general, free, secret, honest and fair (*luber jurdil*) as stated in the 1945 constitution. Approach juridical normative viewed relevant

because capable connect between norm ideal law (*das sollen*) with reality practice law in the field (*das sein*), so that gap law can identified in a way more systematic and comprehensive. With thus, research this not only stop at the level textual law, but also relate it with effectiveness implementation in face challenges of the digital era (Akbar, 2024).

Within the framework said, research utilize various source law as a basis for analysis. Source primary law consists of from the 1945 constitution of the republic of Indonesia (UUD 1945) as law base highest, law number 7 of 2017 concerning general election (election law) which is regulations main organization elections, as well as constitution number 11 of 2008 concerning information and transactions relevant electronic (ITE law) in context arrangement digital space. Sources this primary law give framework clear normative related obligations, prohibitions, and underlying principles practice organization elections.

In addition, the research also uses source law secondary function strengthen analysis to law positive. Source secondary covering decision court constitution (MK) related constitutionality of the election law (court) constitution of the republic of Indonesia, 2023; expert body of the house of representatives of the republic of Indonesia, 2022), and regulation technical regulations issued by the KPU and bawaslu as implementer election. Not to be outdone important, literature academic, results study previous and studies scientific about digital democracy and governance elections participate made into reference. For example, mahdi hidayatullah's (2024) study regarding the influence of digital media in contestation politics and related bppt (2016) reports readiness e-voting technology in Indonesia has become integral part for understand relevance law with dynamics technology.

The analysis techniques applied is analysis qualitative-descriptive with approach analysis gap legal gap analysis. Through technique this research compare ideality norm the law as stipulated in the 1945 constitution, the 2017 election law, and the ite law with reality digital challenges faced in organization elections. Comparison this aim for in a way clear confirm where it is located emptiness legal vacuum and weakness existing regulations, in particular in respond threat digital disinformation, buzzer practices, and barriers implementation innovation electoral such as e-voting. With method analysis this research expected can give description intact about effectiveness law elections in Indonesia, at the same time offer runway academic for recommendation reform more laws responsive to the era of digital disruption.

RESULTS AND DISCUSSION

Threat disinformation and social fragmentation: towards polarization tipping point

Digital disruption has change characteristic threat to integrity election. Analysis deep show that disinformation and hoaxes no again just lie that are not organized, but rather structured components in campaign strategy politics (KPU election governance journal, 2024). In Indonesia, the group known *troll* as *buzzer* operated in a way professional with economic motives (cna insider, 2017), spread narrative provocative for manipulate perception public and create polarization.

Intensity disinformation this own very potential damaging, where some studies identify existence *polarization tipping point* — the point at which fragmentation social events that occur through disinformation become so deep and difficult restored (KPU election governance journal, 2024). If the polarization this keep going strengthened, he in a way collective damage participation voters and lower trust public to the entire election process.

Threat this operate as *cognitive warfare* (war) cognitive), where the actor political use information false for influence choice society (widi nurintan ary k., 2025). If practice this done in a way structured, systematic, and massive (TSM)namely organized, paid for, and carried out in a way expanded (court constitution of the republic of Indonesia, 2023) — then principal honesty and fairness as mandated by the 1945 constitution have been violated

fundamentally. Although election held, if the result dominated by manipulation cyber, he will lost base legitimacy constitutionally, regardless from legality procedural. Therefore that, failure law for addressing digital TSM potential cause crisis more legitimacy in than dispute administrative normal.

Analysis legal vacuum in law no. 7 of 2017

Evaluation regarding law no. 7 of 2017 reveals existence *emptiness* worrying *law* in face challenge cyber. Existing regulations designed for context political pre -digital, so that no capable tie actors and phenomena in space cyber.

Emptiness regulation digital campaigns and sanctions

Limitations of the election law has put forward in testing in court constitution, where the applicant highlight no adequate rule campaign in respond potential tsm violations and conflicts interests that arise in the digital era (court constitution of the republic of Indonesia, 2023). Article 280 of the election law only arrange prohibition general, such as use facility government or places of worship (KPU RI, 2024), however fail for in a way specific covers violation TSM cyber, operational *troll* farms, generated content algorithm, or manipulation identity (Mahdi Hidayatullah, 2024).

Weakness this exacerbated by the mechanism enforcement. Sanctions regulated criminal law in article 521 of the election law relatively light, maximum 2 years imprisonment and a fine of rp. 24,000,000.00 (Qonita Hamidah, 2023). Sanctions this no proportional with impact damages caused by digital TSM violations, which may threaten stability social and legitimacy results elections. Weak sanctions create impunity, especially for *buzzer* operators professionals who operate for profit economy (cna insider, 2017).

Absence transparency advertisement digital politics

Aspect another critical is lack of transparency funding advertisement politics on social media, or what is known as *dark ads*. Election law moment this no-load obligation for party political or participant election for in a way clear and transparent report source funding and expenditure their digital advertising (Mahdi Hidayatullah, 2024; KPU election governance journal, 2024).

Absence clear regulations about transparency of digital campaign funds, including tracking use *e-wallet* or digital donations (Qonita Hamidah, 2023), open room for misuse of funds that is not detected. Situation this trigger injustice (*unequal treatment*) between participant elections, where the party that has source power financial big can spread disinformation massive without accountability, violation principle fair in election (court) constitution of the republic of Indonesia, 2023).

The fact that evaluation legislative official against law 7/2017 (house of representative's expertise body, 2022) in particular explicit no-load analysis or recommendation about emptiness law digital campaign shows existence inaction in respond threat this. Reformation regulations must move beyond draft conventional *black campaign* (Simamora, 2023) towards coercive regulations platform accountability and transparency digital actor (Noviana Hewa Kelung, 2023).

Table 1. Transparency of digital political advertising

Digital aspects	Regulation existing (law 7/2017)	Gaps & challenges	Implications to democracy constitutional
Content digital campaign	Article 280 (prohibition) general	Not set in a way specific violation TSM cyber (e.g., <i>troll farms</i> , generated content) algorithm, manipulation identity)	Let manipulation structured, threatening principle honest and fair.
Advertisement politics and funding	Regulation conventional, limited to print / electronic media traditional	N't any transparency must for <i>dark ads</i> or digital political fund tracking (<i>e-wallet</i>)	Trigger injustice (<i>unequal treatment</i>) and misuse of campaign funds that are not detected .
Supervision and enforcement	Article 521 (sanctions) criminal)	Sanctions light; bawaslu nature reactive (<i>takedown</i>) content)	Weaken principle certainty law and effectiveness enforcement, creating impunity for offender structured.

Dilemma innovation technology: evaluation national e-voting eligibility

Disruption also brings opportunity innovation, one of them is discourse implementation *e-voting* for increase efficiency and accountability (sri rahayu, 2019; syah, 2024). *E-voting* has tested in a way limited to more from 2000 village head elections since 2010 (regency KPU sekadau, 2023), and its implementation at the district level local even has get legality from court constitution (made et al., 2014). However, adoption at the level of national hindered by obstacles trinity: juridical, technical, and social.

Legal and institutional obstacles

Fundamental obstacle is absence runway comprehensive law in the election law for implementation *e-voting* at the level election national (legislative and presidential) (bppt, 2016; KPU regency sekadau, 2023). KPU, as organizers, limited by the principles that all innovations made no may beyond rule the highest, namely law (KPU RI, 2022). Failure legislative for amend the election law which is still focus on mechanisms paper voice conventional has hinder progress potential technical and efficiency produced. Without umbrella adequate law, implementation *e-voting* at the level national risky violate principal certainty law and very prone to for canceled through testing in court constitution.

Technical and trust barriers public

In a way technically, Indonesia is facing challenge equality digital infrastructure, including gap internet access and electricity in many regions (Syah, 2024). Challenges the biggest is security cyber. Digital systems are vulnerable to hacking and *system failure* (Syah, 2024). Incident failure system recap of the 2024 election, although only functioning as tool help calculation, has been trigger polemic wide and become warning real destructive trust public to initiative technology elections in a way collective (Syah, 2024).

Crisis trust this implies that failure technical *e-voting* at the level national will cause crisis far constitutional more critical than dispute manual count, because he threatens integrity and legitimacy results elections in a way overall. For overcome dilemma trust this is the model adopted by democratic countries. Big like India, which uses *voter verifiable paper audit trail* (VVPAT) as physical audit trail for every voice electronics, must considered as prerequisite transparency (regency KPU Sekadau, 2023).

Response institutional: from reactive going to proactive

Organizer election (KPU and bawaslu) at the moment this difficulty in face threat cyber which is TSM in nature. Bawaslu, as institution supervisor, often only capable is at in position reactive, for example through action *takedown* content (Hasanuddin university, 2021).

Limitations this caused by two factors: lack of mandate powerful digital forensics in the election law, and high dependence on the work of the same with institution external such as the ministry of communication and information (Kemkominfo) for enforcement cyber. Dependence this make handling violation cyber become slow, no adaptive and vulnerable to friction bureaucracy, even though response to *cognitive warfare* must done in a way fast (Widi Nurintan Ary K., 2025).

Required strengthening capacity institutional, good from aspect source power man and technology digital forensics, for the KPU and bawaslu (Gultom, 2024; Mahdi Hidayatullah, 2024). However, strengthening capacity this must balance with more effort area at level society, namely through the national digital literacy program. Resilience electoral to disinformation is function synergistic between binding regulations and resilience public (*societal resilience*) that is built through education. Failure for build resilience public will make all effort regulations become not enough effective (Mahdi Hidayatullah, 2024).

CONCLUSION

Dynamics elections in the digital era show existence challenge serious that is not can again viewed as problem technical only, but fundamental threat to integrity democracy. Disinformation and polarization ongoing social in a way structured has become instrument capable politics grind trust public as well as weaken legitimacy results election. Framework existing laws still trapped in paradigm pre -digital, so that leave gap big in arrangement digital campaigns, transparency of political funds, and enforcement law to practice manipulation cyber. Light sanctions and mechanisms supervision that tends to reactive make things worse condition, because create room impunity for actors who play in the digital realm. Meanwhile that, discourse e-voting innovation is also not yet ready implemented in a way national consequence limitations runway juridical, gap infrastructure, threats security cyber, as well as low level trust public. With thus, the future honest and fair elections very depend on reform adaptive regulation to digital challenges, strengthening capacity institutional elections, as well as development community digital literacy for strengthen power stand collective face war cognitive. Without steps strategic said, election risky lost legitimacy substantive as mechanism sovereign democracy.

REFERENCES

- Akbar, fma (2024). Qualitative and quantitative methods in islamic studies. *Ar rasyiid: journal of islamic studies*, 2 (2), 95-112.
- Expert body of the Indonesian house of representatives. (2022). *Analysis and evaluation constitution number 7 of 2017 concerning general election based on decision court constitutio* agungfernando386@gmail.com. Jakarta: monitoring center implementation law, secretariat general of the Indonesian house of representatives.
- Bppt. (2016). Bppt e- verification trial: the future election 2019 electronics. *Brief information of the Indonesian house of representatives*, viii (15).
- Cna insider. (2017). *Indonesia also has its troll industry with fake accounts running for profit*. Singapore: channel news asia.
- Gultom. (2024). Utilization of bawaslu data house. *Ijps: journal knowledge politics and social*, 2(1).

- Journal constitution & democracy. (2021). *Publishing journal of constitutional law, faculty of law, university of Indonesia*. Accessed from ui scholarhub.
- Election governance journal. (2024). Trolls, disinformation, and campaign strategies: the challenges of digital democracy in the 2024 elections. *KPU election governance journal*, 3(1).
- Regency KPU sekadau. (2023). *Challenges implementation of e-voting in Indonesia*. Accessed from KPU page.
- Indonesian general election commission (KPU ri). (2022). *Involvement expert law strengthen regulations technical election*. Accessed from KPU page.
- Indonesian general election commission (KPU ri). (2024). *Prohibition campaign election*. Accessed from KPU page.
- Made, et al. (2014). *Legalization of e-voting in village head elections*. Accessed from KPU regency page sekadau.
- Mahdi hidayatullah. (2024). Stražnik digital democracy: innovation election supervisory agency face challenge 2024 election. *Law studies and justice journal (laju)*, 1(3).
- Court constitution of the republic of Indonesia. (2023). *Vacancies law rule campaign in the election law tested*. Accessed from mk page.
- Noviana hewa kelung. (2023). Improvement role election supervisory agency republic of Indonesia in supervise campaign black on social media in the election simultaneously 2024. *Journal of civic law*, 8(2).
- Qonita hamidah. (2023). Implications regulations constitution number 7 of 2017 regarding money politics via e-wallet in 2024 election. *Qaumiyyah: journal of constitutional law*, 4(2).
- Rukmana amanwinata. (2020). *Strengthening study system Indonesian democracy*. Jakarta: mpr ri.
- Simamora, d. (2023). Problems enforcement law to black campaign practices in election general. *Iso journal: journal social sciences, politics and humanities*, 4(2).
- Sri rahayu. (2019). *Election simultaneously: e-voting as solution?* Accessed from medan city KPU page.
- Shah, r. (2024). *E-voting has been used for a long time in village head elections, are you ready for the election?* Kompas.id.
- Hasanuddin university. (2021). *Effectiveness of content takedown election bawaslu makassar city* (thesis).
- Widi nurintan ary k. (2025). *Capacity building institutional supervisor election*. Accessed from KPU regency page blora.