

The Principle of Freedom in Elections: Interpretation and Correlation with Democratic Governance

Burhanuddin¹, Maskawati², Wahyu³

¹ Institut Agama Islam Negeri (IAIN) Bone, Indonesia. E-mail: burhanuddinbasir82@gmail.com

² Institut Agama Islam Negeri (IAIN) Bone, Indonesia. E-mail: maskawatiumar77@gmail.com

³ Sekolah Tinggi Agama Islam (STAI) Al Azhar Gowa, Indonesia. E-mail: wahyu@darulaman.sch.id

Abstract: This article discusses one of the main principles in the implementation of elections, namely the *principle of freedom*. This principle is fundamental and serves to ensure the freedom of voters to make their political choices according to the will of the voters and without pressure, intimidation, or intervention from any party. This normative research uses conceptual and legislative approaches. Conceptually analyze the meaning of the free principle and its correlation with the formation of democratic government. The results of the study show that free elections are an absolute requirement for the birth of a democratic government. Intervention in the form of money politics and violations of the neutrality of state apparatus are the main factors that threaten freedom of choice and have the potential to damage the legitimacy of elections. Therefore, the protection of the principle of freedom needs to be strengthened in the legal and institutional framework because it is considered very dangerous for the continuity of democracy and government that is in favor of the people.

Keywords: the principle of freedom; right to vote; democratic elections; democratic governance

1. Introduction

General elections (Elections) are a means of implementing people's sovereignty. So in the implementation of elections, in principle, it is a form of recognition that the highest sovereignty is in the hands of the people.¹ People's sovereignty is popularly known in the democratic system of government, which is a government that rests on the principles of recognition of the civil and political rights of the people.² The constitutional foundation places the people as sovereign holders whose implementation is based on the provisions of the 1945 Constitution of the Republic of Indonesia (Constitution of the Republic of Indonesia). Thus, there is a link between the democratization of government and the recognition and enforcement of human rights in the dimensions of civil and political rights.

The democratization of government begins by opening up space for the people to determine their representatives or leaders freely. Freedom of choice is one of the principles

¹ Burhanuddin Burhanuddin, "KOLOM KOSONG DALAM REZIM PEMILIHAN KEPALA DAERAH," *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum* 5, no. 1 (June 8, 2018): 64, <https://doi.org/10.24252/jurisprudentie.v5i2.5400>.

² Claudia Zilla, "Defining Democratic Inclusion from the Perspective of Democracy and Citizenship Theory," *Democratization* 29, no. 8 (2022): 1518–38, <https://doi.org/10.1080/13510347.2022.2090929>.

in the implementation of elections which is basically part of human rights.³ This is as stated in the 1945 Constitution of the Republic of Indonesia that elections are held directly, publicly, freely, secretly, honestly and fairly every five years.⁴ As a constitutionally guaranteed right, the freedom to choose representatives and/or leaders is an effort to form a democratic government. Electing leaders to run the government and electing people's representatives to oversee the government. In other words, the government is formed and supervised by the people.⁵

The election of leaders and representatives of the people in elections is actually a manifestation of the free will of the people. However, the various social phenomena surrounding the implementation of elections show a different reality. This is identified in the findings of various violations that can be qualified as acts that degrade the principle of free voting of the people.

The practice of *money politics* and the neutrality of state apparatus in elections are two forms of action that fundamentally affect the people in making their choices. This means that the influence of these two actions can significantly shift the people's beliefs and freedom in making their choices. Based on data from the Election Supervisory Agency (Bawaslu), there have been practices of Money Politics and violations of ASN neutrality in many regions that held the 2020 Regional Head Elections (Pilkada).⁶ Similarly, in the implementation of the 2024 Election, these two violations have the potential to occur so that they become the main focus of Bawaslu's supervision.⁷

There are many studies that examine the principles of elections and their implementation. However, the topic discussed only reviews in general the principles of elections, namely the principles of direct, general, free, secret, honest and fair (LUBER JURDIL) in the implementation of elections. One of the studies was revealed by Sun Fatayati⁸ who study Luber's principles in the implementation of elections are more oriented to voters. Meanwhile, according to him, the integrity of the election is highly determined by the organizers. Therefore, the principle of jurdil is more emphasized to election organizers.

³ Sun Fatayati, "The Relevance of Election Principles as an Effort to Realize Democratic and Integrity Elections," *Journal of Islamic Thought* 28, no. 1 (December 21, 2017): 147–65, <https://doi.org/10.33367/tribakti.v28i1.472>.

⁴ "Undang-Undang Dasar Negara Republik Indonesia Tahun 1945" (n.d.). Pasal 22E ayat (1)

⁵ D Arifani, "The General Elections in Indonesia as the Application of the Concept of People's Sovereignty," *Law Development Journal* 4, no. 225 (2022): 19–31, <http://jurnal.unissula.ac.id/index.php/ldj/article/view/30310%0Ahttp://jurnal.unissula.ac.id/index.php/ldj/article/download/30310/8118>.

⁶ Indriyani Astuti, "Pelanggaran Politik Uang Paling Masif Pada Pilkada 2020," *Media Indonesia*, 2020, <https://mediaindonesia.com/politik-dan-hukum/369277/pelanggaran-politik-uang-paling-masif-pada-pilkada-2020>.

⁷ M. Darwin Fathir, "Bawaslu Fokus Pantau Politik Uang Dan Netralitas ASN Pada Pilkada 2024," *Antaranews.com*, 2024, <https://makassar.antaranews.com/berita/544245/bawaslu-fokus-pantau-politik-uang-dan-netralitas-asn-pada-pilkada-2024>.

⁸ Fatayati, "Relevansi Asas-Asas Pemilu Sebagai Upaya Mewujudkan Pemilu Yang Demokratis Dan Berintegritas."

Likewise, the research of Mhd. Ansor Lubis, et al.⁹ which examines the application of election principles through the use of the E-Voting system. This study concludes that the E-Voting system is an effective system in the implementation of elections based on the principle of transparency.

The two studies show how important the election principle is to be applied consequentially in realizing a fair election. Discussions on the correlation between election principles and election quality are still ongoing. But unfortunately, research that focuses on one principle is still very rare. In fact, there has been no research that specifically discusses the principle of people's freedom in voting. This free principle is the starting point for building a democratic election paradigm whose output is very influential in the implementation of democratic government as well.

The main purpose of this research is to redraw the focus and basis of understanding that the free principle of the people in choosing and determining their representatives/leaders is fundamental in democratic practice. So that the social phenomena that occur in the implementation of the election must be seriously addressed as actions or behaviors that damage the essence of democracy and affect efforts to democratize the administration of government.

2. Method

This research is a research with a normative approach. That is research that examines legal principles and norms related to the implementation of elections and government. This study analyzes the basic principles in elections which is focused on the principle of free people in voting, to rediscover the meaning of the principle of freedom as the basis of democratic practice and elaborated in a descriptive-qualitative manner. With a conceptual approach, this study aims to find the correlation with the formation of a democratic government. The legal material of this research is found in legal norms, especially in the provisions of the constitution and court decisions, legal articles and reference books.

3. Results and Discussion

3.1 Interpretation of the Principle of Freedom in Elections

The implementation of elections is a process in which everyone who meets the requirements gets the opportunity to exercise their rights as political beings. Aristoteles called man a *zoon politicon*. That besides being an individual with the right to privacy, human beings are also social creatures where their happiness can only be achieved through their interactions in the political community.¹⁰ Social interaction is a human nature that indeed needs the presence of others from birth even to survive. Therefore, the existence of *zoon politicon* is manifested in the life of society, the nation and the state. Therefore, in the

⁹ Mhd Ansor Lubis, Muhammad Yasin Ali Gea, and Nur Muniifah, "Penerapan Asas Pemilu Terhadap Electronic Voting (E-Voting) Pada Pemilu Tahun 2024," *Jurnal Ilmiah Penegakan Hukum* 9, no. 1 (2022): 44–56, <https://doi.org/10.31289/jiph.v9i1.6491>.

¹⁰ Edi Sumanto, "Pemikiran Filsafat Politik (Studi Komperatif Al-Farabi Dengan Thomas Aquinas)," *El - Afkar: Jurnal Pemikiran Keislaman Dan Tafsir Hadis* 6, no. 2 (2017): 1–12.

practice of democracy, the state is obliged to open up space for its people to hold elections, including in determining their political choices freely.¹¹

The principle of freedom in elections is one of the principles that become a guideline in the implementation of elections. Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that elections are held directly, publicly, freely, secretly, honestly and fairly. The principle of LUBERJURDIL is the result of the third amendment to the 1945 Constitution of the Republic of Indonesia. This constitutional provision requires that everyone has the freedom to make his or her choice every time an election is held.

The Great Dictionary of the Indonesian Language (KBBI) defines freedom as being completely free, not hindered or disturbed in speaking or doing. In the concept of democracy, freedom is one of the principles in the administration of government. This means that with the principle of freedom, the people have the right to determine what the government should or should not do regarding the desire to live together. From this, the correlation between freedom in elections and the construction of a democratic government can be seen.

The history of the development of the study of human rights (HAM), places freedom as the first generation of human rights that encompasses civil and political rights. The emergence of this right is a form of resistance to the absolute power of the state and other social forces.¹² As a first-generation right, freedom is more of an individual sovereignty. Everyone has the right to determine himself, free from any intervention.

According to Hannah Arendt, true freedom is seen from real actions in the public space. Everyone's freedom is demonstrated through his or her active actions/participation in public affairs and political life.¹³ At the same time, the state is obliged to open freely accessible public spaces for its citizens to participate in political life.¹⁴ John Stuart Mill in his writings *On Liberty* (1859) builds an argument that supports the position of freedom as a fundamental thing. Freedom is mentioned as a basic human disposition so that what is a conscience is seen as the main thing for humans in the social context. J.S. Mill's view was then called the principle of non-intervention.¹⁵

Similarly, in the theory of the socialist republic, it is stated that the people autonomously participate in controlling their own government based on the ideal of protection from the arbitrariness of power.¹⁶ The meaning of protection for the people is a characteristic of the

¹¹ Johannes Hendrik Fahner, "Revisiting the Human Right to Democracy: A Positivist Analysis," *The International Journal of Human Rights* 21, no. 3 (March 24, 2017): 321–41, <https://doi.org/10.1080/13642987.2017.1298735>.

¹² Rhona K.M. Dkk Smith, *Hukum Hak Asasi Manusia*, ed. Knut D. Asplund and Suparman Marzuki Eko Riyadi (Yogyakarta: PUSHAM UII, 2008), www.pushamuii.org.

¹³ Xinyuan Liang, "Freedom and Responsibility: A Discussion by Hannah Arendt," *Open Journal of Social Sciences* 11, no. 11 (2023): 298–309, <https://doi.org/10.4236/jss.2023.1111020>.

¹⁴ Muten Nuna and Roy Marthen Moonti, "Kebebasan Hak Sosial-Politik Dan Partisipasi Warga Negara Dalam Sistem Demokrasi Di Indonesia," *Jurnal Ius Constituendum* 4, no. 2 (2019): 110, <https://doi.org/10.26623/jic.v4i2.1652>.

¹⁵ Andre Ata Ujan, *Filsafat Hukum*, 5th ed. (Yogyakarta: Pustaka Kanisius, 2009).

¹⁶ James Muldoon, "A Socialist Republican Theory of Freedom and Government," *European Journal of Political Theory* 21, no. 1 (2022): 47–67, <https://doi.org/10.1177/1474885119847606>.

constitutional democratic system or democracy based on law. This system places the people in a participatory space that is not only free to determine their political choices but also free to control the administration of the government that they (basically) form themselves.

Freedom is a basic right that humans have as one of the basic principles of human rights.¹⁷ Therefore, the existence of the human degree is measured by the extent to which freedom (especially) in its political life is guaranteed by the state through the recognition and protection contained in the basic provisions of the state (constitution). With this constitutional guarantee, everyone in making their political choices can be said to be free because they have basically been protected from all interventions.¹⁸

Freedom of choice means choosing without intervention. Its actualization is when political choices are based on the will of the voters' hearts. Therefore, everything that causes voters not to vote based on their will is seen as a form of intervention.

Actions identified as a form of interference with freedom in elections are the practice of money politics and violations of the neutrality of state apparatus. Money politics is the act of promising and/or giving money or other material to influence election organizers and/or voters.¹⁹ The practice of money politics can not only intervene voters to choose a certain candidate or party, but it can also intervene in election organizers with the intention of benefiting a particular candidate/party. Offers of money or other materials to voters or election organizers have the potential to change the will of voters in choosing certain candidates or parties.

Likewise, for the organization of elections, money politics can interfere with the independence and integrity of organizers who are expected to hold fair elections. This practice is still rampant in every election or regional head election (Pilkada) is held. There were 166 cases of money politics in the 2020 Regional Elections²⁰ and 130 cases in the 2024 Regional Elections.²¹ Among these cases, the District Court has handed down criminal verdicts for political actors. For example, the decision of the Muara Teweh District Court which sentenced the defendant to 36 months in prison and a fine of Rp. 200 million.²²

Various cases show that the practice of money politics is a real action that is still happening. These cases are proof that there has been an intervention in the constitutionally

¹⁷ Althien John Pesurnay, "Kontrak Sosial Menurut Immanuel Kant: Kontekstualisasinya Dengan Penegakan HAM Di Indonesia," *Jurnal Filsafat* 31, no. 2 (2021): 192, <https://doi.org/10.22146/jf.56142>.

¹⁸ Lars J.K. Moen, "Freedom and Its Unavoidable Trade-Off," *Analytic Philosophy* 65, no. 1 (2024): 22–36, <https://doi.org/10.1111/phib.12301>.

¹⁹ Pasal 286 ayat (1) "UU Nomor 7 Tahun 2017 Tentang Pemilihan Umum" (2017).

²⁰ Rahel Narda Chaterine, "Bawaslu Ungkap Ada 166 Dugaan Pelanggaran Politik Uang Di Pilkada 2020 Baca Artikel Detiknews, 'Bawaslu Ungkap Ada 166 Dugaan Pelanggaran Politik Uang Di Pilkada 2020' Selengkapnya <https://News.Detik.Com/Berita/d-5340587/Bawaslu-Ungkap-Ada-166-Dugaan-Pela>," *DetiNews*, 2021.

²¹ Nur Habibie, "Bawaslu Temukan Ratusan Kasus Dugaan Politik Uang Selama Pilkada 2024," *Liputan6.Com*, 2024, <https://www.liputan6.com/pemilu/read/5809678/bawaslu-temukan-ratusan-kasus-dugaan-politik-uang-selama-pilkada-2024?page=3>.

²² Nur Amalia Abbas, "Putusan Politik Uang Pilkada Barito Utara: Pendekatan Berbeda Bagi Pemberi Dan Penerima," *MARINews*, 2025, https://marinews.mahkamahagung.go.id/berita/putusan-politik-uang-pilkada-barito-utara-0hh?utm_source=chatgpt.com.

protected freedom of choice as a fundamental right of the people. As an act that interferes with voter freedom, the criminal verdict against the perpetrator is seen as a strategic decision that reflects the state's efforts to maintain the dignity of the people to vote according to their hearts.

Likewise with violations of the neutrality of state apparatus. In its provisions, state apparatus understood as State Civil Apparatus (ASN) is a state servant who must obey the principle of neutrality by not taking sides or being part of certain interests. That is why in order to maintain their neutrality, ASN is prohibited from being a member of political parties.²³ ASN neutrality is a logical consequence and demands of a profession based on public service. Apart from being public servants, ASN must be the glue and unifier of the nation. This means that to become the glue and unifier of the nation, ASN must be neutral and free from the intervention of certain interests. However, when ASN shows partiality or deliberately uses its authority to influence others in voting, it becomes a threat to freedom of choice.

Honest and fair elections can only be realized when ASN, including election organizers, are in a neutral position. Because ASN has a strategic position in managing various state resources and facilities, a strong and structured network has a great influence on the voting community. At the same time, the power and authority they have have the potential and tend to be abused for certain interests. This is certainly an obstacle for voters to be free from political pressure and intervention. Therefore, the law plays an important role in providing protection for the sustainability of democratic elections. Elections that place the sovereignty of the people above all political interests of certain groups or groups.

The affirmation of the neutrality of the state apparatus is very important to ensure that voters are free to choose without pressure or coercion from the authorities. So in that context, the Constitutional Court through its decision on a lawsuit against Article 188 of Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 challenging the election of Governors, Regents, and Mayors into law. In its ruling, the Constitutional Court added the phrase "Regional Officials" and the TNI/POLRI in the provisions of Article 188 so that the reach of all state apparatus that has the potential to intervene is wider. This provision is an instrument in an effort to uphold the dignity of voters who are free from the intervention of any party.

1. Correlation of the Free Principle to Democratic Government

One of the basic principles in realizing the principles of democracy is the existence of freedom of opinion or expression of opinions. In a democracy, this freedom is the right of the people which is expressed as a form of participation in the government.²⁴ When the state wants to implement a policy, the people get the opportunity to express their opinions effectively. As political freedom, the voice of the people is very important to control the actions of the government.²⁵

²³ Presiden Republik Indonesia, "Undang-Undang Republik Indonesia Nomor 20 Tahun 2023 Tentang Aparatur Sipil Negara" (2023), <https://peraturan.bpk.go.id/Details/269470/uu-no-20-tahun-2023>.

²⁴ Jimly Asshiddiqie, "Gagasan Negara Hukum Indonesia," *Majalah Hukum Nasional*, 2012, 1–17, <https://doi.org/10.14375/np.9782725625973>.

²⁵ Agusniwan Etra, "Peran Mahkamah Konstitusi Dalam Perlindungan Hak Pilih Dalam Negara Hukum Demokratis," *Jurnal Konstitusi* 19, no. 2 (2022): 479, <https://doi.org/10.31078/jk1930>.

Similarly, in elections, the people's vote as voters has an important role in the formation of a democratic government. This means that elections held without freedom will only give birth to an anti-criticism government. A government formed from elections full of intervention will nullify the participation of the people in policy-making, because from the beginning the people are no longer positioned as autonomous subjects who are sovereign over themselves. As voters, the people are only limited to objects that must follow what is the will of power. When the people are only objects in elections, then a new chapter of authoritarianism has begun.

Jimly Asshiddiqie argues that free and non-interventional elections essentially function as a mechanism of people's control over the government.²⁶ The election is a momentum for the people to evaluate by expressing their will in the form of determining their choices. Therefore, the existence of the free principle in elections prevents the potential emergence of authoritarian governments.

An authoritarian government is a government that runs without supervision. Meanwhile, in the understanding of a democratic state of law, supervision of power begins from the process where the people are free to choose. The principle of democracy teaches that freedom for the people in elections is the source of moral and legal legitimacy of a government. The democratic government was born from the free will of the people in voting every time an election is held. From the perspective of legal positivism, democracy is seen as part of human rights, so the state is obliged to provide protection, especially in the aspect of legality, to the participation of the people in political decision-making and to hold elections that are free from interference.²⁷

A democratic government opens up free space for voters to make their choices without any form of intervention. Meanwhile, the logic of democratic government will build an accountable correlation between the people and the government.²⁸ This correlation is built from the behavior of voters who honestly and without pressure (free) to choose their representatives or leaders on the one hand, and on the other hand create a moral burden and responsibility from those who are elected to fulfill the aspirations of their voters. On the other hand, if the people vote with pressure and intervention, then the elected government will lose moral legitimacy and tend to ignore the rights of the people who elected it.²⁹

Accountable correlation requires that the people are free to choose and the government is responsible for the people who choose them. Democracy built on the basis of coercion, bribery, or socio-political pressure will not result in an accountable and responsive government to the needs of the people. This is in line with Larry Diamond's view that

²⁶ Tri Meilani Ameliya, "Jimly Asshiddiqie Dorong Masyarakat Sipil Topang Pengawasan Pemilu," *Antaranews.com*, 2022, https://www.antaranews.com/berita/2751221/jimly-asshiddiqie-dorong-masyarakat-sipil-topang-pengawasan-pemilu?utm_source=chatgpt.com.

²⁷ Johannes Hendrik Fahner, "Revisiting the Human Right to Democracy: A Positivist Analysis," *The International Journal of Human Rights* 21, no. 3 (March 24, 2017): 321–41, <https://doi.org/10.1080/13642987.2017.1298735>.

²⁸ Yannis Papadopoulos, *Understanding Accountability in Democratic Governance* (Cambridge University Press, 2023), <https://doi.org/10.1017/9781108973823>.

²⁹ Norbert Paulo and Christoph Bublitz, "Pow(d)Er to the People? Voter Manipulation, Legitimacy, and the Relevance of Moral Psychology for Democratic Theory," *Neuroethics* 12, no. 1 (2019): 55–71, <https://doi.org/10.1007/s12152-016-9266-7>.

substantive democracy requires competitive, free, and fair elections, not just formalistic elections that are routinely held.³⁰

In global studies, the principle of free speech in elections is used as one of the indicators to assess the quality of a country's democracy. International institutions such as Freedom House and The Economist Intelligence Unit include political freedom and a free electoral process as important components of their democracy index.³¹ The assessment of the two institutions is based on the extent of the state's success in providing protection and guarantees for freedom of choice in elections. Countries that fail to guarantee freedom of choice will generally score low in these indicators, because they are considered to have not met substantive democratic standards. For example, restrictions on independent access to information, intimidation of voters or candidates, and the non-neutrality of election officials can be signs that the democratic process has deviated from its basic principles.³² This shows that the principle of free is not only important from a normative point of view, but also an international benchmark in assessing whether a system of government is truly democratic or just a mere formality.

The practice of political democracy in Indonesia shows that the existence of the free principle is seriously problematic. Money politics and the non-neutrality of the state apparatus are still the main focus in the election. These practices create distortions of the free will of voters. When people choose not based on their rational political preferences, but because of pressure or reward, democracy loses its authentic value. Governments formed from such processes tend not to side with the public interest, but rather to be subject to the forces of capital or certain political elites who have "secured" votes in an illegitimate way.³³

Therefore, the enforcement of the free principle must be the main concern in every election implementation. The state through election organizers, law enforcement officials, and supervisory institutions such as Bawaslu must be committed to maintaining this space of freedom so that the people can truly become independent voice owners. The democratization of government will only be meaningful if it starts from an electoral process that respects the freedom of the people in making their political choices.

4. Conclusion

The principle of freedom in elections is a fundamental principle in a democratic system. Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia is the constitutional basis for the implementation of direct, public, free, secret, honest, and fair elections (LUBERJURDIL). Philosophically, freedom of choice is a reflection of individual

³⁰ Larry Diamond, "Elections Without Democracy: Thinking About Hybrid Regimes," *Journal of Democracy* 13, no. 2 (April 2002): 21–35, <https://doi.org/10.1353/jod.2002.0025>.

³¹ Freedom House.org, "The Mounting Damage of Flawed Elections and Armed Conflict FREEDOM IN THE WORLD 2024 Highlights from Freedom House's Annual Report on Political Rights and Civil Liberties," 2024, 35, www.freedomhouse.org.

³² International IDEA, "Global Democracy in Decline: Erosion of Electoral Credibility," *Global State of Democracy Report," 2024.

³³ M. Abdim Munib and Irma Mangar, "PROBLEMATIKA HUKUM NETRALITAS APARATUR SIPIL NEGARA DALAM PEMILIHAN KEPALA DAERAH," *Mizan: Jurnal Ilmu Hukum* 13, no. 2 (December 24, 2024): 176, <https://doi.org/10.32503/mizan.v13i2.5941>.

sovereignty in a democratic state. But in practice, this freedom is often threatened by interventions such as money politics and violations of the neutrality of state apparatus. Money politics has the potential to influence and change the will of voters. Similarly, the partiality of state apparatus, especially ASN, TNI, and Polri, is a serious threat to the principle of neutrality that must be maintained in the democratic process. Elections that are held democratically and without coercion or political intervention tend to lead to democratic government as well. If from the beginning, the people as voters are positioned as subjects who have freedom to vote. Therefore, the resulting government will also tend to be responsible by providing the widest possible space for the people to participate in various policy making.

The implication of this study is to strengthen the conceptual understanding of how elections should be held freely without intervention to strengthen the foundations of democracy. Thus, it can encourage fundamental evaluation, especially in the formation of strong election regulations. The limitation of this study lies in the absence of a study on the causes of violations of the free principle which is still ongoing every time an election is held. Thus, it is hoped that in the future research will be carried out on what aspects of strengthening this free principle are carried out and how regulations formulate it.

References

- Abbas, Nur Amalia. "Putusan Politik Uang Pilkada Barito Utara: Pendekatan Berbeda Bagi Pemberi Dan Penerima." *MARINews*, 2025. https://marinews.mahkamahagung.go.id/berita/putusan-politik-uang-pilkada-barito-utara-0hh?utm_source=chatgpt.com.
- Ameliya, Tri Meilani. "Jimly Asshiddiqie Dorong Masyarakat Sipil Topang Pengawasan Pemilu." *Antaranews.com*, 2022. https://www.antaranews.com/berita/2751221/jimly-asshiddiqie-dorong-masyarakat-sipil-topang-pengawasan-pemilu?utm_source=chatgpt.com.
- Arifani, D. "The General Elections in Indonesia as the Application of the Concept of People's Sovereignty." *Law Development Journal* 4, no. 225 (2022): 19–31. <http://jurnal.unissula.ac.id/index.php/ldj/article/view/30310%0Ahttp://jurnal.unissula.ac.id/index.php/ldj/article/download/30310/8118>.
- Asshiddiqie, Jimly. "Gagasan Negara Hukum Indonesia." *Majalah Hukum Nasioanl*, 2012, 1–17. <https://doi.org/10.14375/np.9782725625973>.
- Burhanuddin, Burhanuddin. "KOLOM KOSONG DALAM REZIM PEMILIHAN KEPALA DAERAH." *Jurisprudentie : Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum* 5, no. 1 (June 8, 2018): 64. <https://doi.org/10.24252/jurisprudentie.v5i2.5400>.
- Chaterine, Rahel Narda. "Bawaslu Ungkap Ada 166 Dugaan Pelanggaran Politik Uang Di Pilkada 2020 Baca Artikel Detiknews, 'Bawaslu Ungkap Ada 166 Dugaan Pelanggaran Politik Uang Di Pilkada 2020' Selengkapnnya <https://News.Detik.Com/Berita/d-5340587/Bawaslu-Ungkap-Ada-166-Dugaan-Pela>." *DetiNews*, 2021.
- Diamond, Larry. "Elections Without Democracy: Thinking About Hybrid Regimes." *Journal of Democracy* 13, no. 2 (April 2002): 21–35. <https://doi.org/10.1353/jod.2002.0025>.

- Etra, Agusniwan. "Peran Mahkamah Konstitusi Dalam Perlindungan Hak Pilih Dalam Negara Hukum Demokratis." *Jurnal Konstitusi* 19, no. 2 (2022): 479. <https://doi.org/10.31078/jk1930>.
- Fahner, Johannes Hendrik. "Revisiting the Human Right to Democracy: A Positivist Analysis." *The International Journal of Human Rights* 21, no. 3 (March 24, 2017): 321–41. <https://doi.org/10.1080/13642987.2017.1298735>.
- . "Revisiting the Human Right to Democracy: A Positivist Analysis." *The International Journal of Human Rights* 21, no. 3 (March 24, 2017): 321–41. <https://doi.org/10.1080/13642987.2017.1298735>.
- Fatayati, Sun. "Relevansi Asas-Asas Pemilu Sebagai Upaya Mewujudkan Pemilu Yang Demokratis Dan Berintegritas." *Jurnal Pemikiran Keislaman* 28, no. 1 (December 21, 2017): 147–65. <https://doi.org/10.33367/tribakti.v28i1.472>.
- Fathir, M. Darwin. "Bawaslu Fokus Pantau Politik Uang Dan Netralitas ASN Pada Pilkada 2024." *Antaranews.com*, 2024. <https://makassar.antaranews.com/berita/544245/bawaslu-fokus-pantau-politik-uang-dan-netralitas-asn-pada-pilkada-2024>.
- Freedom House.org. "The Mounting Damage of Flawed Elections and Armed Conflict FREEDOM IN THE WORLD 2024 Highlights from Freedom House's Annual Report on Political Rights and Civil Liberties," 2024, 35. www.freedomhouse.org.
- Habibie, Nur. "Bawaslu Temukan Ratusan Kasus Dugaan Politik Uang Selama Pilkada 2024." *Liputan6.Com*, 2024. <https://www.liputan6.com/pemilu/read/5809678/bawaslu-temukan-ratusan-kasus-dugaan-politik-uang-selama-pilkada-2024?page=3>.
- IDEA, International. "Global Democracy in Decline: Erosion of Electoral Credibility," *Global State of Democracy Report," 2024.
- Indriyani Astuti. "Pelanggaran Politik Uang Paling Masif Pada Pilkada 2020." *Media Indonesia*, 2020. <https://mediaindonesia.com/politik-dan-hukum/369277/pelanggaran-politik-uang-paling-masif-pada-pilkada-2020>.
- Liang, Xinyuan. "Freedom and Responsibility: A Discussion by Hannah Arendt." *Open Journal of Social Sciences* 11, no. 11 (2023): 298–309. <https://doi.org/10.4236/jss.2023.1111020>.
- Lubis, Mhd Ansor, Muhammad Yasin Ali Gea, and Nur Muniifah. "Penerapan Asas Pemilu Terhadap Electronic Voting (E-Voting) Pada Pemilu Tahun 2024." *Jurnal Ilmiah Penegakan Hukum* 9, no. 1 (2022): 44–56. <https://doi.org/10.31289/jiph.v9i1.6491>.
- Moen, Lars J.K. "Freedom and Its Unavoidable Trade-Off." *Analytic Philosophy* 65, no. 1 (2024): 22–36. <https://doi.org/10.1111/phib.12301>.
- Muldoon, James. "A Socialist Republican Theory of Freedom and Government." *European Journal of Political Theory* 21, no. 1 (2022): 47–67. <https://doi.org/10.1177/1474885119847606>.
- Munib, M. Abdim, and Irma Mangar. "PROBLEMATIKA HUKUM NETRALITAS APARATUR SIPIL NEGARA DALAM PEMILIHAN KEPALA DAERAH." *Mizan: Jurnal Ilmu Hukum* 13, no. 2 (December 24, 2024): 176. <https://doi.org/10.32503/mizan.v13i2.5941>.
- Nuna, Muten, and Roy Marthen Moonti. "Kebebasan Hak Sosial-Politik Dan Partisipasi Warga Negara Dalam Sistem Demokrasi Di Indonesia." *Jurnal Ius Constituendum* 4, no. 2 (2019): 110. <https://doi.org/10.26623/jic.v4i2.1652>.
- Papadopoulos, Yannis. *Understanding Accountability in Democratic Governance*. Cambridge

- University Press, 2023. <https://doi.org/10.1017/9781108973823>.
- Paulo, Norbert, and Christoph Bublitz. "Pow(d)Er to the People? Voter Manipulation, Legitimacy, and the Relevance of Moral Psychology for Democratic Theory." *Neuroethics* 12, no. 1 (2019): 55–71. <https://doi.org/10.1007/s12152-016-9266-7>.
- Pesurnay, Althien John. "Kontrak Sosial Menurut Immanuel Kant: Kontekstualisasinya Dengan Penegakan HAM Di Indonesia." *Jurnal Filsafat* 31, no. 2 (2021): 192. <https://doi.org/10.22146/jf.56142>.
- Presiden Republik Indonesia. Undang-Undang Republik Indonesia Nomor 20 Tahun 2023 Tentang Aparatur Sipil Negara (2023). <https://peraturan.bpk.go.id/Details/269470/uu-no-20-tahun-2023>.
- Smith, Rhona K.M. Dkk. *Hukum Hak Asasi Manusia*. Edited by Knut D. Asplund and Suparman Marzuki Eko Riyadi. Yogyakarta: PUSHAM UII, 2008. www.pushamuii.org.
- Sumanto, Edi. "Pemikiran Filsafat Politik (Studi Komperatif Al-Farabi Dengan Thomas Aquinas)." *El - Afkar : Jurnal Pemikiran Keislaman Dan Tafsir Hadis* 6, no. 2 (2017): 1–12.
- Ujan, Andre Ata. *Filsafat Hukum*. 5th ed. Yogyakarta: Pustaka Kanisius, 2009.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (n.d.).
- UU Nomor 7 Tahun 2017 Tentang Pemilihan Umum (2017).
- Zilla, Claudia. "Defining Democratic Inclusion from the Perspective of Democracy and Citizenship Theory." *Democratization* 29, no. 8 (2022): 1518–38. <https://doi.org/10.1080/13510347.2022.2090929>.