Artificial Intelligence, Human Rights and Political Rights in Constitutional Democracy

Zulfa Almira, Tamaulina Br. Sembiring

Abstract

The development of Artificial Intelligence (AI) has significantly transformed democratic processes, particularly political communication, electoral campaigns, and the formation of public opinion. This article aims to analyze the implications of AI development for the protection of human rights and political rights in constitutional democracy and to examine the limitations of AI use in democratic processes based on constitutional principles. This study employs normative legal research using statutory, conceptual, and comparative approaches, with the 2024 Romanian Presidential Election as a case study. The results show that the use of AI and algorithmic systems in political processes can improve the efficiency of political communication but also creates risks of information manipulation, political content amplification, disinformation, and interference with voters' freedom to form political choices. The Romanian case demonstrates the importance of technological transparency, accountability, human oversight, and clear legal procedures in addressing the use of digital technologies in elections. The study concludes that AI use in democracy does not require an absolute prohibition but requires rights-based limitations grounded in human rights and constitutional principles. For Indonesia, the findings imply the need to strengthen electoral regulations and AI governance frameworks to protect political rights while maintaining freedom of expression and electoral integrity.

Keywords: *Artificial Intelligence; Human Rights; Political Rights; Constitutional Democracy; Elections.*

Zulfa Almira
Master Of Law, Universitas Panca Budi, Indonesia
e-mail: zulfaalmira27@gmail.com

Tamaulina Br. Sembiring
e-mail: tamaulina@dosen.panca.budi.ac.id
3rd International Conference Epicentrum of Economic Global Framework (ICEEGLOF)
Theme: Cross-Sector and Cross-Disciplinary Strategies for Achieving the SDGS
https://proceeding.pancabudi.ac.id/index.php/ICEEGLOF

Introduction

Artificial Intelligence (AI) has developed rapidly and increasingly become part of social, political, and governmental activities. The development of AI is not limited to automation or technological efficiency but has also created new forms of interaction between technology, citizens, political actors, and democratic institutions. In the context of democracy, AI can influence the production, distribution, and personalization of political information, as well as the ways in which citizens participate in political processes. Jungherr explains that the relationship between AI and democracy can be examined through four dimensions: self-rule, equality, elections, and competition between political systems. This framework demonstrates that the implications of AI for democracy need to be analyzed through concrete democratic functions rather than through general assumptions about technological development [1].

The development of generative AI has further expanded these challenges. AI can generate text, images, audio, and video at a scale and speed that were previously difficult to achieve. In electoral contexts, such capabilities may be used to create political content, manipulate information, or produce synthetic media that makes it increasingly difficult for citizens to distinguish authentic information from manipulated content. Research on deepfakes in election campaigns shows that generative AI has become relevant to political communication and may create new challenges for electoral integrity [2]. Research on AI-generated misinformation during the 2024 election cycle likewise demonstrates that the increasing availability of generative AI has created additional challenges for democratic information environments [3]. These developments indicate that AI should be considered not only as a technological innovation but also as a factor that may affect the exercise of political rights.

From a human rights perspective, the development of AI raises questions concerning privacy, equality, non-discrimination, freedom of expression, access to information, and political participation. Lane explains that AI governance needs to be connected with established human rights standards because technological development may create new situations in which the rights and responsibilities of individuals, states, and private actors must be clarified [4]. Stahl et al. similarly identify privacy, discrimination, security, safety, and political participation as important human rights and ethical concerns in the development and use of AI [5]. Therefore, the use of AI in democratic processes should be assessed according to whether technological practices remain compatible with the protection of fundamental rights.

Political rights are particularly important because democratic participation depends upon citizens' ability to obtain information, express political opinions, communicate with others, and participate in elections. Montero Caro places the right to participate within the framework of human rights and explains that technological developments can influence the conditions under which individuals exercise political participation [6]. The use of AI and algorithmic technologies can therefore affect not only the availability of political information but also the environment in which citizens form political opinions and make electoral decisions. Auliya et al. further discuss the relationship between AI, privacy, and deliberative decision-making in elections, demonstrating the importance of protecting citizens' autonomy within technologically mediated political environments [7].

The relationship between technological development and legal regulation is also increasingly important. Tamaulina Br. Sembiring et al. explain that technological development, including AI, *big data*, and automation, has the potential to transform the legal system and therefore requires appropriate legal and regulatory responses [8]. Their study identifies the need to anticipate new legal challenges while maintaining efficiency, transparency, accessibility, and ethical considerations in the application of technology. Sembiring et al. further explain that information technology has significantly influenced the Indonesian legal system and society, creating challenges that require appropriate legal and policy responses [9]. These perspectives are relevant to AI governance because technological

development cannot be separated from the state's responsibility to establish legal certainty and protect citizens' rights.

The issue becomes more concrete when examined through electoral processes. The 2024 Romanian Presidential Election provides an important international context for analyzing the interaction between digital technologies, political communication, and democratic processes. Research on the Romanian election identifies TikTok as an important arena of political communication and examines the role of algorithmic amplification, coordinated inauthentic behavior, and social-media dynamics in the campaign environment [10]. More recent research examines the Romanian case through emotional framing, visual communication, memetic sounds, and political mobilization on TikTok [11].

The Romanian case must nevertheless be distinguished from a claim that AI alone determined the election. The documented literature concerns a broader technological environment involving social-media platforms, recommendation mechanisms, algorithmic amplification, coordinated digital activity, and digitally mediated political communication [10], [11]. This distinction is important because AI, algorithmic systems, and social-media technologies are related but not identical concepts. Accordingly, the Romanian case is used in this article as an empirical context for examining how AI-related and algorithmic technologies can interact with political communication and democratic participation, rather than as evidence that AI independently determines electoral outcomes.

The legal question that follows is the extent to which AI and related digital technologies should be limited within a constitutional democracy. Technological capability does not by itself establish legal legitimacy. The use of AI in political and electoral processes should remain subject to legality, transparency, accountability, human oversight, equality, and protection of fundamental rights. Rahman et al. emphasize the importance of responsible AI principles for strengthening democratic norms in Indonesia and the European Union [12]. Armiwulan et al. similarly identify AI-related challenges in Indonesian elections and the need for an appropriate legal framework to address technological developments within electoral processes [13]. These studies demonstrate that AI governance in democracy requires not only technological solutions but also legal safeguards.

The existing literature has made important contributions to the discussion of AI and democracy, human rights and AI governance, political participation, AI-generated misinformation, algorithmic systems, and AI regulation in elections. However, these dimensions are frequently examined separately. Studies on AI and democracy primarily discuss the relationship between AI and democratic institutions [1], [12], while human rights scholarship focuses on privacy, equality, discrimination, and other fundamental rights [4], [5]. Other studies examine political participation and elections from technological or regulatory perspectives [6], [7], [13]. There remains a need for an integrated legal analysis that connects AI, human rights, political rights, and constitutional democracy through an actual international electoral case and subsequently considers its relevance to Indonesia.

The novelty of this article lies in integrating the analysis of Artificial Intelligence, human rights, political rights, and constitutional democracy through the 2024 Romanian Presidential Election as an international case. Rather than treating AI solely as a technological instrument, this article examines its relationship with citizens' political rights, democratic participation, electoral integrity, and constitutional principles. The article also places the Romanian experience within the Indonesian legal context to identify legal and constitutional considerations concerning the limitation and governance of AI and related digital technologies in political and electoral processes.

Based on the foregoing discussion, this article aims to analyze the implications of Artificial Intelligence and related digital technologies for the protection and limitation of political rights within constitutional democracy. It specifically examines the 2024 Romanian Presidential Election as an international case for understanding the relationship between technological development, political communication, human rights, and democratic

participation. Furthermore, this article analyzes the legal and constitutional principles that should guide the limitation of AI in democratic processes and identifies relevant legal lessons for Indonesia in protecting political rights while responding to technological developments.

Literature Review

2.,1 Artificial Intelligence, Democracy, and Political Rights

Artificial Intelligence (AI) has increasingly become part of democratic and political processes, including political communication, electoral campaigns, voter engagement, and election supervision. The development of AI creates opportunities for improving political participation and electoral administration, but it also generates challenges concerning transparency, privacy, equality, political expression, and citizens' autonomy [14]–[15].

In Indonesia, Paskarina explains that AI has created new forms of power relations between humans and technological systems in the digital political environment [14]. Rahman et al. emphasize that the development of responsible AI is important for maintaining democratic norms because AI may be associated with misinformation, political campaigns, data privacy, and political participation [16]. Armiwulan et al. further identify bots, deepfakes, and other forms of AI misuse as potential challenges to electoral integrity in Indonesia [17].

The relationship between AI and political rights is particularly important because citizens require access to information, freedom of political expression, privacy, and equal opportunities to participate in elections. Wahyudi and Wiredarme identify both the benefits and risks of AI-based election supervision, including the detection of hoaxes and deepfakes as well as the risks of inaccurate content classification, excessive surveillance, voter profiling, and suppression of legitimate political expression [15]. Thus, the literature indicates that the use of AI in democratic processes must remain connected to the protection of political rights and fundamental freedoms.

2.2 Artificial Intelligence and Political Campaigns

AI has also changed the way political campaigns communicate with voters. Generative AI can be used to produce images, videos, audio, written content, and personalized political messages. Waty et al. found that AI and digital imaginary content were utilized during the 2024 Indonesian presidential election campaign for political communication, image formation, media utilization, and audience targeting [18]. Hadi and Gandryani further identify the use of AI in electoral activities as an emerging legal issue because Indonesian election regulations have not comprehensively regulated AI-based campaign practices [19].

The use of AI in political campaigns also raises concerns regarding the authenticity of political information. AI-generated content may make it increasingly difficult for citizens to distinguish between genuine and artificially generated political messages. Auliya et al. explain that AI-based profiling and personalized political persuasion can affect privacy and citizens' deliberative autonomy in electoral decision-making [20]. Shukla and Tripathi similarly discuss the increasing challenge of AI-generated misinformation in the 2024 election environment [21].

Therefore, the literature shows that AI-based political campaigns have two interconnected dimensions: technological opportunities for political communication and potential risks to citizens' ability to receive and evaluate political information independently [18]–[21].

2.3 Artificial Intelligence, Human Rights, and Legal Regulation

The use of AI in democratic processes cannot be separated from human rights protection. AI may affect privacy, equality, non-discrimination, freedom of expression, access to information, and political participation [16], [20], [22]. Teo emphasizes that AI development may generate gradual or structural effects on human rights, particularly concerning privacy, freedom of expression, freedom of thought, and human dignity [22]. Zidouemba specifically connects AI governance with the right to political participation and

emphasizes the importance of protecting participation rights in increasingly digital political environments [23].

In Indonesia, the need for legal regulation has become increasingly important. Armiwulan et al. argue that AI use in elections requires a comprehensive legal framework and harmonization between election regulations and future AI regulation [17]. Hadi and Gandryani similarly identify the urgency of regulating AI within Indonesian election law [19]. Sembiring et al. explain more broadly that technological developments, including AI, big data, and automation, require adaptation of the Indonesian legal system to maintain legal certainty, transparency, accessibility, and ethical standards [24].

Accordingly, the literature demonstrates that AI regulation should not merely regulate technological development but should also ensure accountability, transparency, human oversight, equality, and protection of fundamental rights [17], [19], [22]–[24].

2.4 The 2024 Romanian Presidential Election as a Comparative Context

The 2024 Romanian Presidential Election provides an important international context for examining the relationship between digital technology, political communication, and democratic processes. Research by Gross and Schultz examines the role of TikTok and social-media dynamics in the Romanian presidential campaign [25]. Meza et al. analyze emotional performance, memetic communication, and political mobilization in the election [26]. Szabo and Bader examine voter manipulation and electoral campaign hijacking through social-media technologies [27]. Zimmer et al. examine TikTok's content-moderation transparency in connection with the Digital Services Act and the Romanian election [28].

These studies indicate that contemporary elections operate within a complex digital environment involving social-media platforms, algorithmic recommendation, digital political communication, online mobilization, and content moderation [25]–[28]. The Romanian case is therefore relevant for examining how AI-related and algorithmic technologies can interact with political communication and democratic participation. However, the case should not be understood as demonstrating that AI independently determines an electoral outcome; rather, it provides a concrete context for examining the relationship between technological development, political rights, and democratic processes.

Research Methodology

This article uses a normative juridical method combined with a literature review and conceptual approach. The study examines the relationship between Artificial Intelligence (AI), human rights, political rights, and constitutional democracy through relevant legal and academic literature. The use of a qualitative approach based on relevant sources is consistent with Sembiring *et al.*, who examine the impact of information technology on law in Indonesian society through systematic analysis of various relevant sources [29].

The research materials consist of primary and secondary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia and relevant legislation concerning human rights, political participation, elections, information technology, and personal data protection. Secondary materials consist of scientific journal articles and academic literature concerning AI, democracy, human rights, and constitutional law. The literature review is used to identify and analyze the development of legal and democratic issues arising from technological transformation. Putro's study demonstrates the use of literature studies and an interdisciplinary approach to examine the relationship between big data, algorithms, and democracy [30].

The analysis employs a descriptive-qualitative and normative juridical technique. The literature is classified according to four issues: AI and democracy, AI and human rights, AI and political rights, and AI regulation within constitutional democracy. Each issue is analyzed according to the specific arguments and findings presented in the relevant literature rather than combining sources that address different issues. For example, Syahril *et al.* specifically examine AI-related risks to human rights in Indonesia, including bias, discrimination, privacy, and freedom of expression [31].

The problem-solving analysis is conducted through three stages. First, the study identifies legal problems arising from the use of AI and digital technologies in political and democratic processes. Second, these problems are examined using constitutional and human-rights principles. Third, the analysis formulates legal implications for Indonesia. This structure is supported by Amirullah and Rahayu, whose normative juridical study uses legislative, conceptual, case, and comparative approaches to formulate a constitution-based regulatory framework for AI and the protection of constitutional rights [32].

The 2024 Romanian Presidential Election is examined as a case illustration, while the Indonesian context is used as the principal legal context. The case analysis is intended to identify legal issues concerning the interaction between AI-related technologies, digital platforms, political communication, and political rights. The findings are subsequently synthesized to formulate principles concerning human rights protection, political participation, transparency, accountability, and constitutional limitations on AI use.

Results

4.1 Implications of Artificial Intelligence Development for the Protection and Limitation of Political Rights

The development of Artificial Intelligence (AI) has created new opportunities for political communication and electoral participation while simultaneously generating challenges for the protection of political rights. Recent research on Southeast Asian electoral governance shows that AI can improve voter verification, electoral monitoring, administrative coordination, and accessibility. However, the same study identifies algorithmic bias, data-security risks, surveillance, and insufficient regulatory frameworks as important challenges to democratic governance [33]. Thus, the implications of AI for political rights depend not only on its technological capabilities but also on how the technology is designed, deployed, and regulated.

In Indonesia, the use of AI-generated and digitally manipulated content has become particularly relevant in electoral campaigns. Waty *et al.* examined the use of AI and digital imaginary content during the 2024 Indonesian presidential election and found that AI technology was incorporated into campaign strategies by presidential and vice-presidential candidate pairs [18]. This development demonstrates that AI has become part of contemporary political communication and can expand the ways political actors communicate with voters. At the same time, the increasing use of AI-generated content creates a need to distinguish legitimate political communication from content that may mislead voters.

The protection of political rights is also closely connected with algorithmic decision-making and transparency. Hariansah and Qhistina identify constitutional and human-rights concerns arising from algorithmic systems in Indonesia's digital state, particularly regarding due process and the protection of individuals against decisions made through opaque technological mechanisms [34]. In the context of elections, this concern becomes relevant when algorithms influence the visibility, distribution, or moderation of political information because citizens' access to political information forms part of the environment in which political participation takes place.

The human-rights dimension is further emphasized by Satya *et al.*, who examine AI governance from the perspective of human-rights protection and comparative regulatory frameworks for Indonesia. Their analysis emphasizes the importance of incorporating human-rights safeguards into AI governance rather than treating technological regulation separately from fundamental rights [35]. Accordingly, restrictions on AI use in political activities should be directed toward practices that create identifiable risks to rights, rather than toward AI technology as a whole.

The 2024 Romanian Presidential Election provides an international illustration of these challenges. Szabo and Bader's 2026 study identifies the role of TikTok, algorithmic amplification, and coordinated inauthentic activity in the Romanian electoral campaign and

examines the subsequent annulment of the election by the Romanian Constitutional Court . These findings concern the broader social-media and algorithmic environment; therefore, they should not be interpreted as evidence that AI alone determined voters' political choices.

The issue of transparency is further demonstrated by Zimmer *et al.*, who analyzed TikTok's moderation data during the first round of the 2024 Romanian Presidential Election. Using approximately 212 million Statements of Reasons, their study found increased moderation activity around the election period and identified limitations in the transparency system that constrained meaningful electoral auditing [36]. The finding is relevant to political rights because effective oversight of digital political communication requires not only content rules but also sufficient transparency to allow regulators and other stakeholders to examine how platforms apply those rules.

Based on these findings, the implications of AI for political rights can be identified in three interconnected areas: access to political information, protection against technological manipulation, and transparency of AI and platform governanc**e**. The first concerns citizens' ability to participate in political processes within an information environment that is not excessively distorted by technological systems. The second concerns protection against deceptive or manipulative AI-generated content. The third concerns the accountability of platforms and other actors whose technological systems influence the distribution and moderation of political content.

Therefore, the limitation of AI within constitutional democracy should focus on rights-affecting uses of AI rather than on AI technology itself. Recent Indonesian research on political deepfakes identifies the absence of specific regulation governing AI-generated political manipulation as a significant legal gap in the 2024 electoral context [37]. This indicates the importance of developing legal mechanisms that establish transparency, accountability, human oversight, and remedies when AI applications interfere with the exercise of political rights.

4.2 Constitutional and Human Rights Limitations on the Use of Artificial Intelligence in a Democratic State

The use of Artificial Intelligence (AI) in a democratic state requires legal limitations because technological efficiency cannot be separated from constitutional protection. Recent Indonesian constitutional-law scholarship argues that the existing Indonesian regulatory framework remains fragmented and does not yet specifically address several risks associated with AI, particularly concerning privacy, non-discrimination, accountability, and legal certainty [35].

One important limitation is human oversight. AI should function as a technological instrument rather than an autonomous holder of public authority. Rizky *et al.* emphasize that decisions affecting citizens' rights must remain subject to institutional responsibility, supervision, explanation, and human control. Their 2026 normative study therefore places transparency, accountability, and *human oversight* as important requirements for AI use in public governance [38].

A second limitation concerns constitutional rights and due process. AI-based decisions that affect citizens should have a clear legal basis and provide mechanisms through which affected individuals can understand, challenge, or seek correction of decisions. Recent Indonesian research on digital constitutionalism proposes *Ethical Impact Assessment*, *Human Oversight*, and a *Right to Be Fixed* as principles for strengthening constitutional protection in the digital environment [39].

A third limitation is the protection of privacy, equality, and non-discrimination. AI systems may reproduce discriminatory patterns when they rely on data containing historical inequalities or when their decision-making processes are insufficiently transparent. Satya *et al.* identify privacy, non-discrimination, accountability, and legal certainty as central human-rights concerns in AI governance and conclude that existing Indonesian digital regulations were not specifically designed to address the distinctive risks of AI [35].

The regulatory approach can also be understood through the development of the risk-based model in the European Union. Presno Linera and Meuwese explain that the EU AI Act and the Council of Europe Framework Convention on AI, Human Rights, Democracy and the Rule of Law employ approaches that connect AI regulation with fundamental rights, democracy, and the rule of law. Among the principles addressed are human dignity, individual autonomy, transparency, oversight, accountability, equality, and non-discrimination [40].

However, a risk-based framework should not be understood merely as a technical classification of AI systems. Rangone and Megale point out that the EU AI Act's approach raises questions concerning whether all AI applications capable of affecting democracy, rule of law, and fundamental rights are adequately covered [41]. Therefore, constitutional AI governance requires continuous assessment of the actual effects of AI on rights, rather than relying exclusively on the technical characteristics of a system.

For Indonesia, these findings indicate that limitations on AI should be formulated through several constitutional safeguards: legal certainty, transparency, human oversight, accountability, non-discrimination, privacy protection, and effective remedies. Amirullah and Rahayu similarly propose constitution-based AI regulation that incorporates *constitutionalism by design*, independent supervision, algorithmic due process, and Constitutional Impact Assessment, particularly because existing Indonesian regulation does not yet provide equal protection for all constitutional rights affected by AI [42].

Accordingly, the constitutional limitation of AI does not require a general prohibition of technological innovation. Instead, the limitation should be directed toward AI applications that create significant and identifiable risks to constitutional rights, democratic participation, equality, privacy, and the rule of law. This approach allows technological development to continue while maintaining constitutional control over its potentially rights-affecting applications.

4.3 Lessons from the 2024 Romanian Presidential Election for Indonesia

The 2024 Romanian Presidential Election provides an important comparative case for examining the relationship between artificial intelligence, digital platforms, electoral integrity, and constitutional democracy. The Romanian Constitutional Court annulled the electoral process on 6 December 2024 following concerns involving campaign financing irregularities, algorithmic manipulation on social media, and possible foreign influence. Iancu explains that the Romanian case illustrates the difficult relationship between democratic self-defense and the rule of law, particularly when constitutional institutions intervene to protect electoral integrity [43].

One important lesson for Indonesia is the necessity of establishing clear legal standards for addressing AI-assisted electoral manipulation. Móré identifies the Romanian election as an example of the challenges created by the use of artificial intelligence and online campaigning, particularly because AI-supported communication can amplify misinformation and manipulation of public opinion. At the same time, the author emphasizes that annulment of an election should remain an exceptional and last-resort measure because electoral intervention may also affect public confidence in the voting process [44]. Therefore, Indonesian electoral regulation should establish objective criteria concerning when technologically facilitated interference is sufficiently serious to justify legal intervention.

A second lesson concerns institutional accountability and oversight. The Romanian experience shows that protecting elections from foreign interference cannot rely solely on technological platforms or intelligence institutions. Pup's study finds that Romanian intelligence agencies played an important role in identifying and countering foreign interference, but their expanded role also raised questions concerning institutional accountability and democratic oversight [45]. The study consequently highlights the importance of transparency and predictable legal frameworks governing the use of intelligence information in electoral contexts.

A third lesson is the importance of procedural safeguards when constitutional institutions intervene in elections. Roghină's analysis of the Romanian Constitutional Court's annulment identifies tensions between the protection of electoral integrity and the requirements of legality, transparency, predictability, and procedural safeguards [46]. This indicates that protecting democracy from technologically facilitated interference should itself remain subject to constitutional principles. For Indonesia, any intervention against AI-generated misinformation, coordinated digital manipulation, or foreign interference should therefore have a clear statutory basis, identifiable evidentiary standards, competent institutional authority, and mechanisms for legal review.

The Romanian case also demonstrates that AI regulation in elections should not be limited to the content produced by AI. The regulatory focus should also include the technological infrastructure through which political content is distributed. Algorithmic recommendation, automated accounts, coordinated networks, and digital amplification can influence the visibility of political information even when the original content is not itself generated by AI. Accordingly, Indonesian regulation should consider both content-level risks and system-level risks, including algorithmic amplification, automated political communication, undisclosed political advertising, and coordinated inauthentic behaviour.

Based on these lessons, Indonesia can strengthen its constitutional framework through several safeguards: (1) transparency regarding the use of AI in political campaigns; (2) disclosure of automated or AI-generated political content; (3) accountability for coordinated digital manipulation; (4) protection of voters' freedom to form political choices; (5) independent and proportionate oversight of digital platforms; and (6) judicial or administrative remedies against unlawful intervention. These mechanisms should be designed to protect political rights while maintaining freedom of political expression and the constitutional principle of electoral participation.

Thus, the Romanian experience demonstrates that the constitutional problem is not simply whether AI should be used in elections, but under what legal conditions AI and algorithmic technologies may be used without undermining political rights and electoral integrity. For Indonesia, the principal comparative lesson is the need for a rights-based regulatory framework that combines technological transparency, institutional accountability, evidentiary requirements, and procedural safeguards. The Romanian case therefore provides a basis for developing AI governance in Indonesian elections without treating technological innovation itself as unlawful.

Conclusion

The development of Artificial Intelligence (AI) has created new opportunities as well as constitutional challenges for democratic governance, particularly in relation to the protection of human rights and political rights. The analysis shows that AI can influence political communication, electoral campaigns, voter preferences, and the distribution of political information through algorithmic systems. The 2024 Romanian Presidential Election demonstrates how the intensive use of digital platforms and algorithmic mechanisms can create challenges to electoral integrity and constitutional democracy, requiring effective legal and institutional responses. However, regulation of AI in democratic processes should not be understood as a prohibition of technological innovation. Instead, it should establish clear legal boundaries based on legality, proportionality, transparency, accountability, human oversight, privacy, and non-discrimination. For Indonesia, the Romanian experience highlights the need to strengthen electoral regulation by addressing AI-generated political content, algorithmic amplification, coordinated digital manipulation, and the accountability of actors involved in AI-assisted political campaigns. Such regulation should simultaneously protect citizens' political rights and preserve freedom of political expression. Therefore, a rights-based and constitutionally grounded AI governance framework is necessary to ensure that technological

development supports rather than undermines democratic participation and the integrity of elections.

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