

Election Law Challenges in the Digital Era

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Abstract

There are many benefits that can be gained from the digitalization process, but there are still many problems that exist in Indonesia. The discourse on digitizing election law enforcement is still a matter of debate. For this reason, it must be studied seriously and actually implemented. Researchers analyze based on normative juridical studies related to digitalization problems and offer solutions to overcome obstacles to digitalization of elections and law enforcement. The advancement of science and technology has both beneficial and detrimental effects on human existence. Similarly, the legal metanarrative must confront the reality of cyberspace as one of the technological advancements. A novel and all-encompassing strategy is required to solve legal metanarratives' helplessness in the face of digital obstacles.

I. Introduction

In this turbulent digital era, developments in information and communication technology have fundamentally changed the social, economic and legal landscape. Technology has become the main driver of change in various sectors of human life, from the way we communicate, work, to interacting with the surrounding environment. Rapid developments such as the internet, artificial intelligence (AI), automation, and cloud computing have brought significant progress, but have also raised a number of complex legal challenges. Technological developments have created unprecedented possibilities, but have also raised new issues that affecting individuals, companies, and governments (Ansori, 2018). One of the main challenges is how the law can adapt quickly to meet these technological challenges. In this digital era, law can no longer rely on regulations that have existed for decades, because technology continues to develop at a very high speed.

The most obvious legal challenges are seen in domains such as data privacy and security, intellectual property in the digital world, cyber crime , and regulation of the sharing economy. Ethical questions surrounding the use of technology, especially in the context of artificial intelligence, are also receiving increasing attention. On the other hand, debates about the limits of

freedom of speech, surveillance and monitoring in the digital world, as well as individual rights regarding the use of personal data are increasingly complicated. All these challenges encourage the need for more rapid and relevant legal review and adaptation (Dan et al., 2017). Therefore, this paper aims to explore the role of law in facing these challenges in the digital era. By understanding the technological changes that are occurring and their impact on everyday life, we can explore how the law can accommodate these technological developments and protect people's rights and values in an increasingly connected and digital world. Nowadays, humans live in a fast-paced, highly efficient culture where everything must happen quickly.

It appears like the word "modern" has to be affixed to every gadget used in modern human life. Aside from contemporary terminology, it is regarded as antiquated, customary, and outdated. The advent of science and technology, along with the influence of swift societal transformations, has ushered in the digital era and all its glitzy extras, such as the dissolution of national boundaries in terms of time and space. The newest digital product, cyberspace, has the ability to transcend time and space, as well as national barriers that have historically defined borders. Cyberspace is a made-up or fictitious virtual environment where people engage in common social activities in novel ways. Everyone has access to the worldwide network (internet) through cyberspace, enabling them to communicate with anybody, anywhere, at any time.

According to Hubermas, cyberspace has evolved into a public environment, or public sphere. The internet has evolved into a forum for free public discourse on a wide range of topics, accessible to all users. Additionally, human activities that were formerly done in the actual world have been diverted into cyberspace. Email, blogs, chat rooms, webcams, Facebook, Twitter, and e-learning, along with e-commerce and e-banking, have all made way for new media to replace physical means of doing tasks (Hidayat, 2017). In actuality, the aforementioned revolutionary developments don't always have a positive impact since technological advancements are known to have two sides: while they can greatly improve human life, they can also be convenient and even increase crime worldwide. Technological advancements will always have a significant influence on every action and mental attitude taken by every member of society, both directly and indirectly, and in both positive and negative ways (Solahudin et al., 2022). Technology can be viewed as a criminogenic factor from a criminological standpoint, meaning that it either increases someone's desire to conduct evil or makes it easier for them to commit evil. Global patterns of life are becoming more and more commonplace, as though they are providing fresh options that not only tackle national legal issues but also enliven the global scene and even propagate localism worldwide.

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2. Research Method

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The method used is the normative juridical method. By using references from various books, journals related to digitalization, law enforcement, cybercrime and elections. Researchers try to analyze the legal challenges of elections in the digital era.

3. Results and Discussion

1. Technological Development in the Digital Era

The digital era has brought drastic changes in the way we live, work and interact with the world around us. Developments in information and communications technology (ICT) have been a major driver of this change. In the last few decades, we have witnessed a massive transformation in various sectors of life, from business to education. One of the most striking aspects of the digital era is the massive transformation in various economic sectors. Companies are adopting technology to optimize their processes, increase productivity, and create new business models. For example, the banking sector has seen a major shift from physical transactions to online transactions. Digital banking services, such as money transfers, bill payments and online investments, have become commonplace and made it easier for people to access financial services (Kurniawan et al., 2023). The creative and entertainment industries are also experiencing significant transformation. Music, films, books and various other creative content can now be accessed digitally through online platforms. This is not only changing the way we consume entertainment, but also creating new opportunities for content creators to interact directly with their audiences. The health sector has also come under the influence of digitalization. Telemedicine, or long-distance medical services, has grown rapidly, allowing patients to consult doctors via video call. Health data generated by digital medical devices can help doctors diagnose diseases and plan more effective treatments.

2. The role of technology in everyday life

Technology has become so tightly integrated into our daily lives that it is difficult to imagine how we would function without it. We carry highly computationally capable smartphones in our pockets, allowing us to communicate with anyone around the world, access information in seconds, and even control smart devices in our homes. It is important to recognize that technology does not only play a role in efficiency and convenience, but also in cultural and social change. Social media, for example, has changed the way we live interacting with others, sharing information, and forming our online identities. Phenomena such as "selfies" and "going viral" have become an inseparable part of popular culture. However, there are also issues that arise along with the role of technology in everyday life. One of them is the issue of privacy. When we use online services and applications, we often provide access to our personal data. This has raised questions about how our data is used,

stored and protected from misuse. In addition, there is also debate about the impact of technology on mental health and social relationships. Dependence on digital devices and social media can cause problems such as sleep disorders, addiction, and social isolation. In the context of this change, the law plays a very important role in regulating and monitoring the use of technology and protecting individual rights in the digital world. The emergence of various legal challenges related to the development of this technology will be discussed further in the next discussion.

3. Legal Challenges in the Digital Era

The digital era has brought extraordinary technological advances, but has also presented a number of complex legal challenges. In this section, we will review some of the main challenges in the legal context of the digital era. One of the most crucial challenges in the digital era is protecting privacy and data security. With the increasing use of online services, individuals' personal data is becoming increasingly vulnerable to misuse. Technology and app companies often collect user data for a variety of purposes, including personalized advertising, behavioral analysis, and product development. However, the question is to what extent can this data be used without violating individual privacy? Several high-profile incidents, such as the Cambridge Analytica case involving Facebook, have revealed how personal data can be exploited for political or commercial purposes without the user's permission. Therefore, strict regulations and transparency in the use of data are very important. Some countries have imposed strict regulations, such as GDPR (General Data Protection Regulation) in the European Union, which gives individuals the right to control their personal data and requires companies to protect that data.

4. Intellectual Property and Copyright in the Digital World

The digital world brings significant challenges related to intellectual property and copyright. The internet makes it possible easy distribution of digital content such as music, films, books and software. However, this also opens the door to copyright violations that are more easily detected and spread quickly. For content creators, the main challenge is protecting their work from theft and misuse. Meanwhile, for users, questions arise about the extent to which the content they purchase they can own and share in a digital environment. This has generated debates about the use of DRM (Digital Rights Management) and open access to digital content. Cyber crime is a serious challenge in the digital era. Cyberattacks can damage critical infrastructure, steal sensitive data, or damage the reputation of individuals and companies. Types of attacks include website hacking, malicious software (malware), DDoS (Distributed Denial of Service) attacks, and identity theft, among others. Law enforcement in cybercrime cases is often complicated because the perpetrators may operate outside the boundaries of state jurisdiction. Cyber police work to identify and pursue cybercriminals, but strong international cooperation is

needed.

5. Ethical Questions around Artificial Intelligence (AI) and Automation

The growth of artificial intelligence (AI) and automation has raised profound ethical questions. Self-learning machines can make decisions without human intervention, and this raises questions about responsibility for the machine's actions. In a legal context, these ethical questions lead to issues such as who is responsible if the AI makes decisions that harm individuals or legal entity? How regulate the use of AI in critical decision making such as in healthcare or autonomous vehicles? A clear legal framework is needed to address these ethical challenges as AI technology advances. The sharing economy has seen rapid growth, driven by platforms such as Airbnb and Uber. However, this also presents challenges in terms of regulation and consumer protection. How to regulate businesses and individuals participating in this sharing economy? Do they have to comply with the same regulations as traditional businesses? How to protect consumer rights and security in a sharing economy environment that may lack oversight? Appropriate regulation in the sharing economy is one of the issues being debated in various countries. Several countries have adopted different approaches to regulating these platforms, and debate continues about the level of regulation required to maintain a balance between innovation and consumer protection. All of these challenges demonstrate the complexity of the law's role in addressing technological change in the digital era. Adjusting regulations and establishing a relevant and effective legal framework is critical to responding to these challenges. Apart from that, ethical considerations must also be taken into account in developing laws that regulate technology in this digital era.

6. Ethical Challenges in Adapting Law to Technology

In addition to legal challenges, adapting law to technology also raises a number of ethical challenges. One of them is how to regulate the use of technology that may have detrimental social or psychological impacts. For example, the use of artificial intelligence (AI) in decision making such as employee selection or credit determination can raise issues of discrimination and bias. Appropriate regulation must consider how this technology can be used without harming specific individuals or groups. Another ethical challenge is how to regulate the use of technology in surveillance and monitoring. Although there is a need to protect security and prevent crime, excessive or invasive use of technology in monitoring individuals may violate individual privacy and freedom rights. In facing these ethical challenges, the law must take into account societal values, individual rights, and principles. ethics that underlie law in the digital era. Apart from that, open discussion and public involvement in formulating ethical regulations are also very important.⁶

4. Conclusion

The following conclusion can be drawn from the previous discussion. The issue with Indonesia's digitization law is that it's too rigid, formal, and applies nationwide (Yonatan & Agustina, 2022). The creation of legality principles, geographical concepts, and actions perceived physically have all been incorporated into the law thus far. The digital era's technological advancements have profoundly affected many facets of human existence. This change affects many different economic areas, which opens up new possibilities but also presents difficult moral and legal issues. When it comes to dealing with the information technology flow that has given rise to cyberspace, modern law, with all of its doctrines as a legal-metanarrative that inherits the rules of the past, is today helpless. It will take innovations, paradigm shifts, adaptability, universal jurisdiction, and harmonization for state law to be upheld in cyberspace.

References

- Ansori, L. (2018). Reformasi Penegakan Hukum Perspektif Hukum Progresif. *Jurnal Yuridis*, 4(2), 148. <https://doi.org/10.35586/v4i2.244>
- Dan, D., Digital, D., Indonesia, D. I., & Dan, P. (2017). Sardini_2017. *Waste Management*, 68, XXX. [https://doi.org/10.1016/s0956-053x\(17\)30669-4](https://doi.org/10.1016/s0956-053x(17)30669-4)
- Hidayat, N. (2017). Rujukan Dan Aplikasi Sistem Hukum Indonesia Berdasarkan Pasal 1 Ayat (3) UUD 1945 Pasca Amandemen Ke Tiga. *Uir Law Review*, 1(02), 191. <https://doi.org/10.25299/uirlrev.2017.1.02.566>
- Kurniawan, M. Y., Siregar, T., & Hidayani, S. (2023). *ARBITER: Jurnal Ilmiah Magister Hukum Penegakan Hukum Oleh Polri Terhadap Pelaku Tindak Pidana Judi Online (Studi Pada Kepolisian Daerah Sumatera Utara) Law Enforcement By Polri Against The Performers Online Gambling Crime (Study On North Sumatra Regional Police)*. 5(1), 85–96. <http://jurnalmahasiswa.uma.ac.id/index.php/arbiter>
- Riswandi, B. A. (2006). Deep Linking dan Framing ditinjau dari aspek hukum. In *Jurna Hukum* (Vol. 13, Issue 2, pp. 251–261).
- Solahudin, S., Sagita, I., & Sutisna, J. (2022). Optimalisasi Peran Litbang Dalam Mewujudkan Kegiatan Litbang Satu Pintu Di Kota Bandung. *Jurnal Administrasi Pemerintahan*, 2(April 2021), 302–308.
- Yonatan, & Agustina, R. (2022). the Feud of Nemo Plus Iuris Ad Alium Transfere Potest Quam Ipse Habet and Nemo Dat Quad Non Habet (Nemo Dat Rule) Legal Principles Against the Legal Principle of Good Faith (Bona Fides) in Indonesian Courts. *Indonesia Law Review*, 12(2), 101–116. <https://doi.org/10.15742/ilrev.v12n2.5>

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