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THE ROLE OF THE NATIONAL ELECTIONS COMMISSION IN ENSURING THE RIGHTS AND OBLIGATIONS OF THE COMMUNITY TO PARTICIPATE IN THE 2023 PARLIAMENTARY ELECTIONS IN TIMOR LESTE

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Abstract:

The National Election Commission or Comissão Nacional da Eleições, abbreviated as CNE is an independent institution/body that organizes national elections, meaning that the Comissão Nacional de Eleições (CNE) is one of the central institutions in Timor Leste tasked with supervising, organizing, managing and organizing General Elections as an instrument to realize the sovereignty of the people, form a legitimate government and as a means of articulating the aspirations and interests of the people. The role of the Comissão Nacional de Eleições (CNE) in organizing, supervising, organizing and managing the National Parliamentary Elections has provided guarantees and opportunities for citizens to convey their voices and elect leaders who will represent them in government. In the General Election, eligible citizens have the right to cast their votes for the candidates or political parties of their choice. The election results are then used to determine who will hold political office, either at the local, regional or national levels, through the winning party in the election. The purpose of this study is to describe and analyze the role of the Comissão Nacional de Eleições in ensuring the rights and obligations of the community to participate in the General Election and Parliamentary Election in 2023 in Timor-Leste. The method used to examine the research problem is a qualitative descriptive approach. While data collection techniques include observation, document studies, and interviews, while data analysis techniques include the stages of data collection, data reduction, data presentation, and drawing conclusions

Keywords: Role, Comissão Nacional De Eleições, participation, politics

INTRODUCTION

The National Election Commission or Comissão Nacional da Eleições, abbreviated as CNE, is an independent institution/body that organizes national elections, meaning that the Comissão Nacional de Eleições (CNE) is one of the central institutions in Timor Leste that is tasked with supervising, organizing, managing and organizing General Elections as an instrument to realize the sovereignty of the people, form a legitimate government and as a means of articulating the aspirations and interests of the people. This commission also functions as an Election Supervisory Body whose task is to independently organize and supervise, maintain, and care for the democratic system through all forms of general election processes in the State of Timor-Leste. Its main role is supervision and civic education. As an independent institution, the Parliament formulated and refined Law Number 16 of 2021 as the basis for legal force to guarantee the function of the National Elections Commission (CNE) based on Article 65 concerning General Elections and paragraph (1) of the RDTL Constitution that "The elite soberania nian ho poder local sei hili their eleisaun, host eleisaun universal, free, director, secretary ema ida vote ida, no periodic." This means that elected bodies of local sovereignty and power are elected through general elections, which are held with



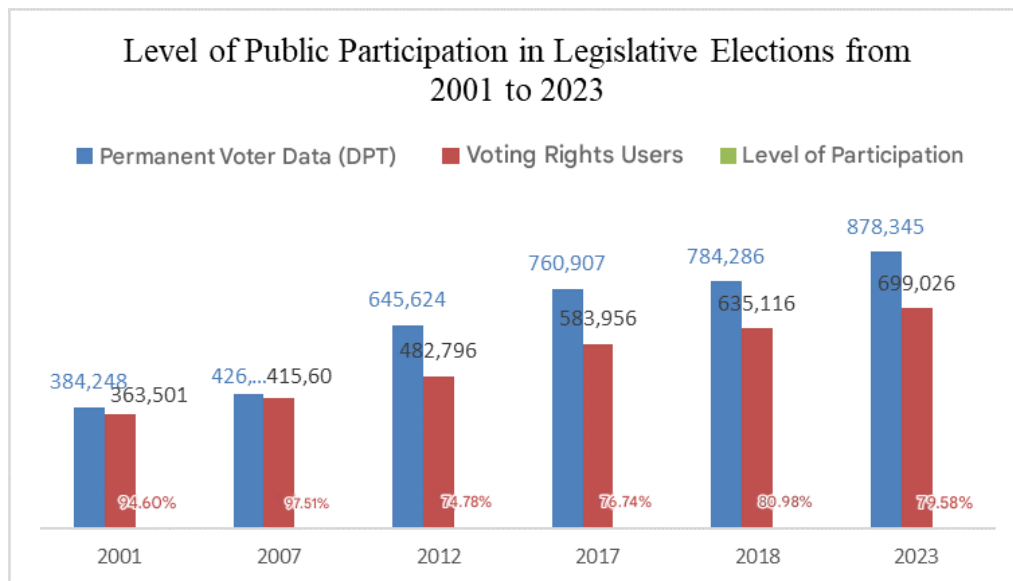
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universal, free, direct, secret, personal, and periodic suffrage. The role of the National Elections Commission (CNE) in organizing, supervising, and managing the National Parliamentary Elections has provided citizens with guarantees and opportunities to express their voices and elect leaders who will represent them in government. In Timor-Leste, the number of voters in the 2023 legislative election experienced a percentage decrease from the previous election in 2018 because the level of public participation in Timor-Leste in the parliamentary general election did not reach the national target of 90 percent.

Table 1. Data on the Level of Public Participation in Legislative Elections from 2012 to 2023 in Timor Leste

No.	Parliamentary Election Event	Permanent Voter Data (DPT)	Voter Rights Users	Participation Level
1	2001	383.244	363.501	94,60%
2	2007	426.210	415.060	97,51%
3	2012	645.624	482.796	74,78%
4	2017	560.907	583.956	76,74%
5	2018	784.286	635.116	80,98%
6	2023	878.345	699.026	79,58%

Source: CNE Secondary Data processed by the author, 2024



Source: CNE National Tabulation processed by the author, 2024

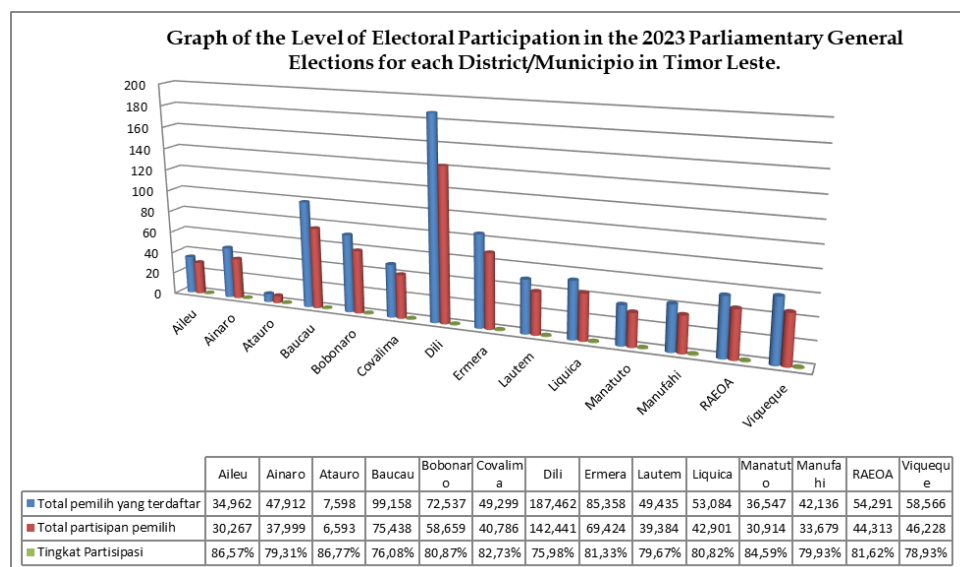
Figure 1. Level of Community Participation in the Legislative Election in Timor-Leste

Based on the data from the table and graph above, it can be seen that the level of voter participation in the 2023 election has a lower percentage compared to the results of the 2018 election. In the 2023 election, the level of voter participation in the legislative election was 79.58%. This figure is lower than the 2018 election, which achieved 80.98% in the legislative election. In 2007, the voter participation rate reached 76.74% of the total number of Timor-Leste people from 13 municipalities and 5 places in the diaspora who are registered on the Permanent Voter List (DPT).

Table 2. Recapitulation of the Level of Election Participation in the 2023 Parliamentary General Election for each Municipality in Timor Leste

No	Municipality Name	Total registered voters	Total number of voters	Participation Level
1	Aileu	34.962	30.267	86,57%
2	Ainaro	47.912	37.999	79,31%
3	Atauro	7.598	6.593	86,77%
4	Baucau	99.158	75.438	76,08%
5	Bobonaro	72.532	58.659	80,87%
6	Covalima	49.299	40.786	82,73%
7	Dili	187.462	142.441	75,98%
8	Ermera	85.358	69.424	81,33%
9	Lautem	49.435	39.384	79,67%
10	Liquica	53.084	42.901	80,82%
11	Manatuto	36.547	30.914	84,59%
12	Manufahi	42.136	33.679	79,93%
13	RAEOA	54.291	44.313	81,62%
14	Viqueque	58.566	46.228	78,93%
Total		878.345	698.990	79,58%

Source: STAE Report accessed by Tatoli Social Media, April 23, 2023, and processed by the author, 2024



Source: National CNE Tabulation and Electoral Atlas of the last five years, 2012, 2017, 2018 and 2023, processed by the author, 2024.

Figure 2. Graph of the level of electoral participation in the 2023 Parliamentary General Election for each District/Municipality in Timor Leste

The high and low level of participation of the Timorese people in the Parliamentary Elections every 5 (five) cannot be separated from the role of the Comissão Nacional de Eleições (CNE) Timor-Leste through the supervision and civic education program in organizing the elections, so the author is interested in studying and analyzing in detail how the Role of the Comissão Nacional de Eleições (CNE) in Guaranteeing the Rights and Obligations of the Community to Participate in the 2023 Parliamentary Elections in Timor-Leste. The low level of community participation in the 2023 Parliamentary Elections was due to problems in the implementation of the Supervision and Civic



Education Policy for the Parliamentary Elections (Pemilu) in Timor-Leste, still facing various obstacles, especially supervision of the registration of the general election (Pemilu), there are elements or interested parties who influence each other so that there is a conflict between voters and people in the nominations, both from political parties and coalitions of political parties. Related to the policy issue, this study found that some people are unaware of the importance of their participation in electing members of the National Parliament, as they do not fully understand the benefits of the election process. However, the results of the election can be seen in the level of participation in voting, which exceeded 60%. However, it was still found that some people were only involved in the general election process through voting, so voters did not clearly know the groups to be elected.

METHODS

This study employs a descriptive research design with a qualitative approach, where data are collected through interviews with informants, observation, and examination of documents, with the research site located at the Comissão Nacional de Eleições (CNE) office. The choice of the research location at the CNE office is not only because the location is easily accessible by the author but also because it is a place that, according to the author's monitoring, is one of the right institutions/agencies to be studied because one of its duties is to be responsible for organizing the General Election every five (5) years. Informants were selected purposively, comprising up to 16 people, based on their understanding and ability to provide information related to the research problem. Data sources comprise primary data (results of interviews and direct observations) and secondary data (documents, official reports, and academic literature). To ensure the validity of the findings, triangulation techniques are employed across multiple sources, methods, and periods of data collection. Data analysis is carried out through the process of data collection, data reduction, data presentation and data verification.

RESULT AND DISCUSSION

Role of the Comissão Nacional da Eleições; Political Education in Citizenship. The political education of voters is aimed at the community to increase awareness and understanding to exercise the right to vote and be elected in parliamentary elections held by the Comissão Nacional da Eleições (CNE). Political education, in this case, is citizenship education, which is the responsibility of the CNE to provide political knowledge and understanding to the community to participate in exercising their right to vote according to their conscience. The CNE, as one of the key holders of democratic elections by holding honest and fair elections, must be able to be neutral, meaning not siding with a particular group or a particular party. The neutrality of the CNE can prevent the community of voters from expressing views on a dirty or fraudulent election system, as the CNE maintains a neutral attitude. Political education is aimed at the community as users of the right to vote, with the goal of increasing public awareness and understanding of the election process, particularly in promoting participation in parliamentary elections. One of the roles of the CNE is to hold meetings with Political Parties (Parpol) to provide political knowledge and understanding to representatives of each party. The term "political education" is often equated with the term "political socialization," which literally means the process of socialization into politics. Political socialization is divided into two, namely political education and political indoctrination. Political education is a dialogic process between the giver and receiver of messages. Through this process, members of society learn the values, norms, and political symbols of their country from various parties within the political system, such as voters (the society) and political parties (parpol). In carrying out election



socialization, CNEs must be able to dialogue using polite language and can be understood by various groups. In addition, CNE can conduct socialization activities through mass media, democracy volunteers, and various methods that can capture public attention.

Supervision of Voter Registration. **Supervision** of election registration and database updates is carried out in accordance with Article 65, Number 6 of the RDTL Constitution, which states that an independent body is responsible for supervising registration and elections. The Implementation Mechanism of the Election Supervision Policy (Pemilu) of the Parliament in the State of Timor Leste in 2023, and supervised by the National Election Commission KNPU (Comissão Nacional da Eleições CNE), includes procedures and work procedures and has its main duties based on the contents of the RDTL Constitution article 65 paragraph 6 of 2002 and Law No. 5/2006 concerning the Election Supervisory Body (Pemilu) and existing regulations and codes of ethics. The National Election Commission (CNE) has a vision and mission for implementing the parliamentary election supervision policy in a democratic manner.

Reports to Legal Channels for Violations or Fraud. Special provisions regarding Election Crimes refer to specific criminal acts or actions that occur in the context of the implementation of the Election. Therefore, to ensure proper handling and in accordance with the actions taken, provisions regarding Election Crimes are made explicitly. Election Crimes are criminal acts regulated by special codification, so they are regulated separately from general criminal law regulations. With the existence of the Election Law, it is hoped that it can effectively handle the issue of Election Crimes that may arise, including violations by the community, participants, and election organizers. In this case, an active role in implementing the election is crucial to prevent Election Crimes from occurring.

The regulations related to the Timor Leste National Parliamentary Election are contained in the Criminal Law (Codiku Penal Timor Leste) and Election Crimes (Krimo Electoral) (CHAPTER IV ELECTION CRIMINAL), which regulate that criminal acts are followed up by the Police. "Article 229 Census Fraud is a person who prevents others, falsifies voter cards, and so on will be punished with a maximum of 3 years in prison, and the perpetrators who commit violence or provoke will be subject to a prison sentence of 2 to 3 years. Article 242 Agravasaun (Aggravation) states that if a person who commits a crime, as referred to in this chapter, carries out a public office, namely in the government, national parliament, or armed forces, as a court judge, or in the Prosecutor's Office, in the police or other administrative bodies, the fines set for each type will increase by two times the minimum and maximum limits. Election Crimes regulated in KAPITULU IV ELECTION CRIMES, starting from Article 229 to Article 242 CODIGO PENAL, do not clearly define election violations (Eleitoral Crimes); people, candidates, organizations/Political Parties. Election crime violations are violations of the election crime provisions regulated in this Law, the settlement of which is carried out through the courts in general courts. The subjects of this election crime include political party administrators, campaign implementers, candidates, election organizers, and supervisors, as well as every person. The regulation has failed to reflect a sense of justice and transparency in the election process, resulting in numerous loopholes in the law that provide opportunities for political parties or campaign teams to commit violations. When viewed from the perspective of applicable criminal law, the CNE, as the election organizer, is not an institution that holds a monopoly on reporting election crimes to the Police.

The National Election Commission KNPU (Comissão Nacional da Eleições-CNE) is an institution that is competent in implementing applicable legal provisions, implementing procedures and work methods in parliamentary elections (elections), including each party or coalition of political parties submits a registered letter of nomination. David Berry (2003:105) defines a role as the expectations imposed on individuals who occupy a certain social position. These expectations

serve as a counterbalance to social norms; therefore, it can be said that societal norms largely determine the role that individuals play.

Community Participation; Participation in Election Education. The importance of election education, also known as civic education, is to prepare oneself to become a citizen who can participate in the democratic process and increase their political awareness. The importance of Civic Education in the context of elections lies in encouraging participation. Civic education studies the significance of voting rights in election participation and the active use of these rights. CNE, as an established political agent responsible for organizing elections, has one of its tasks as providing political education/civic education (Edukasaun Sivika) to increase public knowledge of political awareness and enhance public understanding of the importance of exercising their voting rights in Parliamentary Elections, covering various topics in voter education. The program provided by CNE to support the implementation of parliamentary elections involves conducting direct meetings in schools, especially for first-time voters, and utilizing mass media to disseminate civic education messages to the general public.

Table 3. Classification of Information on the Total Number of Voter Participation at the Level of Civic Education in the Region/RAEOA by Gender

Municipal	Frequency Implementation	Participation Rate by Gender				Total	Percent. (%)
		L	(%)	P	(%)		
Aileu	16	905	6	651	7	1556	6
Ainaro	16	790	5	563	6	1353	5
Baucau	16	1.124	7	733	8	1857	7
Bobonaro	17	1.236	8	670	7	1906	7
Covalima	17	1.222	8	882	9	2104	8
Dili	18	990	6	779	8	1769	7
Ermera	16	1.180	7	544	6	1724	7
Lautem	16	1.122	7	870	9	1992	8
Liquica	16	1.042	7	408	4	1450	6
Manatuto	16	889	6	729	7	1618	6
Manufahi	16	880	6	682	7	1562	6
RAEOA	17	2.100	13	693	7	2793	11
Viqueque	17	1.430	9	918	9	2348	9
Atauro	12	1.071	7	637	7	1708	7
Grand Total	226	15.981	100	9.759	100	25.740	100

Source: Report on the implementation of civic education activities from CNE City and RAEOA.

Data and information on voter participation in CNE civic education activities show that the highest participation came from RAEOA, with a total of 2,793 participants (11%), followed by the Municipality of Viqueque with a total participation of 2,348 people (9%), Covalima with 2,104 people, Lautem with 1,992 people or equivalent to 8% participation. Next, followed by the Municipality of Baucau with 1,857 participants, Bobonaro with 1,906, Dili with 1,769 participants, Ermera with 1,724 and Atauro with 1,708 (participation rate of 7%). The Municipalities of Aileu, Liquiça, Manatuto and Manufahi with a participation rate of 6%.

Voter Registration. Voter registration is mandatory, and the right to vote is active, individual, and universal. In order to vote, citizens must have reached the age of majority (17 years) and be

registered on the voter list. Updating the voter list is mandatory before each general election. For legislative elections, citizens living abroad can register and vote at embassies and consulates. Registration of voters on the voter list and its updating is carried out exclusively by registration officers appointed by STAE. Within the period set for census updating or registration, voters must come directly to the census officer in the village where they live in order to register or update their registration. The card that has been filled in and given to voters by the registration officer when registering on the voter list. The resident identity card (KTP) is proof of voter registration at the registration office. The card is unique for all elections and has features that ensure its authenticity. To carry out registration updates, registration officers can obtain support from the district or city government, village heads, and sub-district heads through the provision of facilities, infrastructure, and temporary workers. This will give the impression that the community sympathizes with voter registration activities.

Using the Right to Vote. Citizens must participate in building the nation of Timor Leste, one of which is to actively participate in general elections as one of the instruments of a democratic state. Participating in elections is a right of the people as citizens who have the responsibility to determine the direction of the future of the nation by determining their choice and using their right to vote. This means contributing to the election of parliament to ensure the nation's future, which is realized through the responsibility of sovereign citizens. The form of active participation of voters is oriented towards the input and output aspects of a political system. Elections in Timor-Leste adhere to the principles of Direct, General, Free, Secret, Honest, and Fair. Direct means that voters exercise their voting rights directly. For this reason, Voting by Proxy or appointing another person who can be trusted to represent them in using their voting rights in their electoral district of origin does not apply in Timor Leste. However, CNE conducted previous socialization to facilitate voter return to their hometowns, namely by providing transportation to enable them to participate in the election.

Participate in Observing the Results of the Vote Count. A crucial stage in the Democratic Party is the counting of election votes. This moment is one of the most anticipated by many people involved in the general election. The counting and recapitulation of votes is one of the important processes in the implementation of elections; whose process needs to be monitored carefully and strictly. The counting of votes must take place without interruption and follow the procedures stated in Chapter IV Article 36 concerning the Counting of Votes. In the supervision of the vote counting results at the TPS level, there was no instance of votes being counted outside the specified time, and therefore, there was no potential for a re-vote. TPS supervisors also ensured that every implementation of vote counting was in accordance with regulations and rules. CNE Municipiu also did not receive any reports of alleged violations during the vote counting stages at the TPS level, ensuring the process ran smoothly and safely. Delegates from political parties and national observers were able to follow the process. The counting in the diaspora was completed at the designated embassies and consulates, and the minutes of the results were sent to the CNE via diplomatic mail within three days. The presence of police officers guaranteed security around the polling center, and authorities did not record any incidents in the vicinity.

CONCLUSION

Civic and political education is carried out through election socialization; CNE conducts dialogue using polite language that various groups can understand. Additionally, CNE can conduct socialization activities through various methods that capture public attention, including mass media. The role of the CNE in socializing election activities to election participants (political parties)



and voters (the community) with the aim of increasing public participation so that they are willing to vote during the voting.

The indicators for monitoring voter registration, election registration, and database updating are carried out in accordance with Article 65, Paragraph 6 of the RDTL Constitution, which states that supervision of registration and elections is carried out by an independent body, namely the Comissão Nacional de Eleições (CNE). CNE applies procedures and work methods carried out as an independent institution or agency. However, in carrying out this role, the CNE collaborates with the Secretariat of Electoral Administrative Techniques (STAE) and the Ministry of Foreign Affairs (MNEK). As a result, during the monitoring of voter registration and database updates, the CNE identified several irregularities. The role of reporting violations or fraud to the legal path is outlined in the Criminal Code (Codigu Penal Timor Leste) and Election Crimes (Krima Electoral) (CHAPTER IV ELECTION CRIMINAL), which stipulates that the Police follow up on criminal acts. Article 229 Census Fraud is a person who prevents others, falsifies voter cards, and so on will be punished with a maximum imprisonment of 3 years, and the perpetrators who commit violence or provoke will be subject to a prison sentence of 2 to 3 years. Article 242 Agravação (Aggravation) states that if a person who commits a crime, as referred to in this chapter, carries out a public office, namely in government, national parliament, or armed forces, as a court judge, or in the Prosecutor's Office, in the Police or other administrative bodies, the fines set for each type will increase by two times the minimum and maximum limits. In terms of community participation in election registration, based on the RDT Constitution, voter registration is mandatory, and the right to vote is active, individual, and universal. Statements from the public indicate that they registered for the election due to the socialization of voter education by the CNE, as well as information received via Radio (RTL) and TV (TVTL, TV-E, and TV GMN).

In terms of exercising the right to vote, participating in the election is a right of the public as citizens who have the responsibility to determine the direction of the future of the nation by determining choices and using the right to vote. Awareness in each individual regarding democracy and their obligations as citizens is demonstrated by the public, who make informed decisions based on factors such as family, religion, social status, and political party affiliations rather than simply following the crowd. In this case, the public participates in the election due to their awareness of their rights as citizens to choose the party or leader of their conscience, influenced by psychological factors inherent in the individual themselves.

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