



Political Exclusion and Disenfranchisement in the Electoral Systems of India and Israel under International Human Rights Standards

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Abstract

This study investigates the institutionalization of political exclusion and electoral disenfranchisement in India and Israel, two states that claim adherence to democratic norms while systematically excluding specific populations from political participation. Drawing on a normative legal approach, this paper analyzes how domestic legislation, particularly India's Citizenship Amendment Act (CAA) and National Register of Citizens (NRC), as well as Israel's Nation-State Law, creates legal frameworks that contradict international human rights standards. Using statute, conceptual, and comparative approaches, the research evaluates the extent to which these legal instruments undermine the principles of universal suffrage and non-discrimination as outlined in the ICCPR and UDHR. The findings reveal that both states employ legalistic mechanisms, whether through administrative verification processes or territorial segmentation, to disenfranchise ethnic and religious minorities under the guise of lawful governance. This practice not only erodes the integrity of electoral democracy but also highlights a legitimacy gap between national legal systems and international normative expectations. The study emphasizes the urgency of confronting “authoritarian legalism” in democratic regimes, which often escape international accountability. Although limited by its reliance on secondary data and absence of empirical fieldwork, this paper contributes to the global discourse on electoral justice by exposing how law can be weaponized to suppress political inclusion. Future research should explore the lived impacts of disenfranchisement and assess how international bodies can strengthen enforcement of electoral rights. Ultimately, genuine democracy cannot exist where the right to vote is selectively granted, and legal systems are used to sustain structural exclusion.

Keywords: Electoral Exclusion, Disenfranchisement, Human Rights, Authoritarian Legalism, Democracy

Introduction

Electoral rights are the most concrete manifestation of popular participation in democracy and a key pillar of a modern rule of law (Beckman, 2017). However, not all democratic countries guarantee universal and inclusive voting rights. According to a report by Freedom House (2024), only 20 percent of countries worldwide meet the criteria for free, fair, and electorally equal elections for all citizens without exception (Freedom House, 2024a). In India, at least 1.9 million people were declared non-citizens during the citizenship verification process in Assam, which directly impacted their right to vote in the 2019 elections (Minority Rights Group, 2019). Meanwhile, in Israel, Human Rights Watch (2021) asserted that 4.5 million Palestinians in Gaza and the West Bank are structurally excluded from national elections despite being under effective Israeli government control (World Report, 2021). This exclusion is not merely administrative but demonstrates a systemic pattern that limits political access based on ethnicity, religion, and legal status. This is a form of political disenfranchisement that contradicts international legal norms on non-discrimination and universal suffrage (Meliana et al., 2024).

India, the country with the largest electoral system in the world, has faced serious criticism for its use of citizenship law as a tool of electoral exclusion. The National Register of Citizens (NRC) and the Citizenship Amendment Act (CAA) of 2019 have created a legal basis for religious-based political exclusion, particularly for Muslims (Adhenna Zakia Amelia & Evida Kartini, 2023). According to The Wire (2023), in the state of Assam alone, over 100,000 people have been confined to immigration detention centers for failing to prove citizenship (Angana P. Chatterji, 2021). This phenomenon directly contradicts Article 25 of the ICCPR, which states that every citizen shall have the right to participate in public affairs, directly or through elected representatives. Israel, on the other hand, has constructed a more complex structure of electoral exclusion. Through the Nation-State Law (2018), Jewish identity is affirmed as the foundation of the state's existence, resulting in restrictions on the civil and political rights of Arab-Palestinian citizens. While Palestinian citizens of Israel can vote, the administrative zoning system and internal security policies leave more than 4 million other Palestinians without a say in the policies that govern their lives (Elia Weizman, 2022). This practice creates a de facto system of two classes of citizenship within a single jurisdiction.

International legal instruments explicitly reject these forms of electoral exclusion. Article 21 of the UDHR and Article 25 of the ICCPR state that the right to vote shall be available to all citizens without any discrimination. General Comment No. 25 of the UN Human Rights Committee states that even residents of occupied territories must retain the right to participate in the government that governs them (Sinombor, 2022). However, both India and Israel continue to claim adherence to the principles of procedural democracy while pursuing policies that contradict international norms. Refusing to extend electoral rights to minority groups, internally displaced persons, or "unrecognized" citizens is not merely an administrative violation but a denial of the legitimacy of democracy itself. This situation highlights the tension between formal claims to democracy and the structural reality of exclusion. In this regard, an analysis based on international law and human rights becomes urgent and crucial.

Political Exclusion and Disenfranchisement in the Electoral Systems of India and Israel under International Human Rights Standards

The gap between domestic systems and international norms guaranteeing voting rights demonstrates a theoretical and evidentiary gap in international legal studies. Most literature discussing elections in India and Israel remains limited to institutional and administrative evaluations, without addressing the implications of systemic human rights violations. Yet, electoral exclusion should be analyzed not only as a national issue but also as a violation of binding international legal principles. Comparative disenfranchisement analysis, as developed by David Altman (2019), emphasizes the need for studies comparing how legal and political systems implement exclusion mechanisms in seemingly "legitimate" ways (Suparto et al., 2023). In the cases of India and Israel, political exclusion is institutionalized through domestic legal frameworks, yet violates fundamental principles of international human rights law. Therefore, this research aims to fill a theoretical and empirical gap that has not been systematically addressed in international legal discourse.

This phenomenon also reflects the deep gap between *das sein* and *das sollen* in state practice. *Das sein* demonstrates that elections are held regularly and their results are internationally accepted as a representation of democracy. However, *das sollen*, the norms outlined by international law, require that elections be inclusive, universal, free, and fair. When minority groups are systematically excluded, the principle of universal participation is undermined from within. In international law, electoral exclusion is not simply a violation of civil rights, but a form of denial of collective rights to political identity and representation (Fauzi et al., 2022). Therefore, the continuation of this exclusion indicates a legitimacy deficit in procedural democracy governed by national law but ignoring international human rights standards (Stephen, 2018). This gap is the epistemological basis of the critique offered in this study, with the aim of promoting harmonization between national law and international norms.

The urgency of this research lies in the increasing phenomenon of authoritarian legalism, namely the use of formal law by democracies to create institutionalized political inequality. According to the 2024 Varieties of Democracy (V-Dem) report, there has been a significant increase in the use of domestic laws to restrict electoral rights in more than 30 countries, including India and Israel (Wiesner et al., 2024). This demonstrates a global trend where procedural democracy is being abused to perpetuate the dominance of majority groups and exclude opposition or minority groups. This research emphasizes the need for stronger intervention by international norms, not only in the form of political criticism but also through binding legal mechanisms. This study can provide an argumentative basis for the international community to demand systemic reforms against electoral exclusion legalized by domestic law. Furthermore, comparative analysis can also reveal recurring systemic patterns that are not detected in single or local studies. Therefore, its benefits are not only academic but also strategic for reforming the international human rights system.

Going forward, this research paves the way for the development of more operational international legal mechanisms to guarantee and enforce voting rights, particularly in the context of procedural democracies that practice systemic exclusion. This research also proposes the need for electoral justice indicators that not only measure election procedures but also examine the substance of political inclusion based on vulnerable groups. Furthermore, an integrated accountability approach is needed, in which international institutions such as the

OHCHR, UNHRC, and International IDEA collaborate to monitor and evaluate electoral quality based on human rights standards. Theoretically, this research can also serve as a foundation for reconstructing the concept of democracy as a space for political justice, not simply a system of representation. Therefore, the direction of future research is to create an electoral monitoring system that is responsive to the issue of institutionalized political exclusion. This study also opens the possibility of expanding the discussion to other regions with similar dynamics, such as Russia, Venezuela, and even several European Union countries. The goal is not only to analyze violations but also to reimagine a truly inclusive global democracy.

Literature Review

Electoral rights are part of the spectrum of human rights explicitly guaranteed in various international instruments, particularly the ICCPR, which in Article 25 stipulates that every citizen has the right to vote and be elected without discrimination (Cerdas & Afandi, 2019). This instrument expands on the principle stipulated in Article 21 of the UDHR concerning citizen participation in government. The right to vote cannot be separated from the principle of non-discrimination, which is the foundation of almost all international human rights documents, including the Convention on the Elimination of All Forms of Racial Discrimination (CERD) (Yanto M. P. Ekon, 2023). In modern human rights theory, electoral rights are seen not only as civil rights, but also as political rights and an integral part of citizenship identity. Some thinkers such as Henry Shue (1996) and Jack Donnelly (2003) emphasize that political rights such as the right to vote function as basic rights to guarantee the implementation of other rights (Muhammad Ashri, 2018). Therefore, inclusive elections are not merely a procedure, but rather a form of actualizing the will of the people and an expression of citizen sovereignty. In this context, elections become the most crucial arena for assessing the extent to which a state respects human rights principles.

However, electoral democracy does not always go hand in hand with the fulfillment of human rights, particularly in the context of institutionalized political exclusion. The concept of electoral authoritarianism, developed by Andreas Schedler (2006), explains that many countries hold elections solely to confer formal legitimacy, but substantially limit participation through laws, policies, or structural violence (Windecker et al., 2025). Political exclusion can occur in the form of revocation of citizenship, restrictions on electoral districts, administrative filtering, and even restrictions on access to political information (Paskarina, 2016). In this regard, the literature on disenfranchisement emphasizes that the loss of voting rights is not only a consequence of legal violations but also the result of power configurations that limit access to political representation (Pratama, 2025). Iris Marion Young's (2000) theory of democratic exclusion and Johan Galtung's (1969) theory of structural violence also enrich our understanding of how democratic institutions can become tools of systemic exclusion (Vially Aviano & Lola Yustrisia, 2024). In practice, political exclusion often targets ethnic, religious, racial, or social minority groups perceived as a threat to the political dominance of the majority. Thus, electoral exclusion is an important indicator of power imbalances in procedural democratic systems.

Political Exclusion and Disenfranchisement in the Electoral Systems of India and Israel under International Human Rights Standards

Furthermore, literature on international electoral standards shows that democratic legitimacy is measured not only by the continuity of elections, but also by the substance of inclusion and equality in political access (Sutarno, 2022). International IDEA (2022) emphasizes that the quality of democracy must be measured through the principles of equal suffrage, effective participation, and universal enfranchisement, not simply the existence of five-yearly elections (Skaaning, 2025). Unfortunately, many studies remain stuck in a legal-formal approach and fail to address the exclusionary aspects institutionalized through domestic legal systems. Studies on elections in India and Israel tend to focus on the stability of the political system or the effectiveness of election management, and few examine systemic human rights violations within electoral structures. The literature developed aims to position electoral rights as a fundamental, non-negotiable right in a truly democratic society.

Research Method

This study uses a normative juridical method that aims to analyze international legal norms related to electoral rights and their application in the domestic electoral systems of India and Israel. This method focuses on the study of international legal instruments such as the ICCPR, UDHR, General Comment No. 25 of the UN Human Rights Committee, as well as domestic legal provisions governing the electoral systems of both countries. The approaches used in this study include: a) a statutory approach, namely analyzing various electoral and citizenship regulations that form the basis of political exclusion, such as the Citizenship Amendment Act 2019 in India and the Nation-State Law 2018 in Israel; b) a conceptual approach, namely examining the concepts of electoral democracy, voting rights as a human right, and systemic exclusion in law; and c) a comparative approach, namely comparing the models and impacts of electoral exclusion in both countries to test their consistency with international human rights standards (Jonaedi Efendi & Prasetyo Rijadi, 2023). This approach allows for analysis of the alignment between domestic practices and binding international obligations. The primary focus is on examining how domestic electoral policies can be questioned if they conflict with universal norms. Therefore, this method is relevant for evaluating the legitimacy of electoral exclusion practices from the perspective of public international law and human rights.

Data collection in this study was conducted through library research, systematically and critically reviewing primary and secondary legal materials. Primary legal materials include international legal instruments such as the ICCPR, the UDHR, UN jurisprudential documents related to electoral rights, and relevant Indian and Israeli constitutions and national laws. Secondary legal materials include academic literature, international law journals, reports from organizations such as Human Rights Watch, Amnesty International, and International IDEA, as well as the results of previous studies related to electoral rights and political exclusion. The collected data were analyzed using a descriptive-analytical method, namely by describing and interpreting legal provisions and comparing them with electoral practices in the field. This research also identifies a legal gap between international law and its implementation in national law, particularly regarding the protection of minority groups. To ensure the validity of the

analysis, legal source triangulation was used, namely by reviewing and confirming data from legal regulations, international legal doctrine, and interdisciplinary scientific studies. This method is expected to produce rational, principle-based, and applicable recommendations for reforming the voting rights protection system at the international and national levels.

Result and Discussion

Political exclusion does not always manifest itself in overt repressive violence, but is often legally institutionalized through national legal systems. In India and Israel, the practice of depriving certain groups of their voting rights has been codified in legislation with institutional legitimacy. In India, the 2019 CAA is the primary instrument for regulating who is deemed eligible for citizenship based on religious identity. Articles in the CAA explicitly provide a pathway to citizenship for immigrants from Afghanistan, Bangladesh, and Pakistan, but only for Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians, while Muslims are systematically excluded (Jayal, 2022). The CAA is an extension of the National Religious Affairs (NRC) verification program, which in 2019 removed 1.9 million citizens from the official register in Assam, mostly Bengali Muslims. This process directly disenfranchised this group in elections, despite their historical presence in India for decades (Gupta, 2019). Thus, the law serves as an effective instrument of political delegitimization, creating a second class of citizens.

Meanwhile, Israel implements a more complex and subtle form of electoral exclusion through a legal approach based on ethno-nationalism. The Israeli Basic Law, specifically the Nation-State Law passed in 2018, states that "the right to self-determination belongs uniquely to the Jewish people," signifying the state's exclusive identity. Under this system, Palestinians in occupied territories such as the West Bank and Gaza do not have the right to vote in Israeli national elections, despite living under the state's military and administrative control (Tatour, 2021). According to data from B'Tselem and Human Rights Watch (2021), approximately 4.5 million Palestinians are under Israel's effective jurisdiction but lack access to the legislative bodies that make policies for them (Human Rights Watch, 2021). Israeli legal discourse positions the occupied territories as a "non-integral" entity, thus denying them universal political rights. However, international jurisprudence has affirmed that effective control over a territory carries legal obligations for its inhabitants, including regarding the exercise of electoral rights. In other words, Israel has created a dualistic legal system that allows procedural democracy for Jewish citizens while producing systemic exclusion for non-Jewish citizens.

The normative international legal approach firmly rejects all forms of electoral discrimination based on race, religion, or ethnicity. Article 25 of the ICCPR stipulates that every citizen has the right to participate in elections without unjustified restrictions, and General Comment No. 25 states that political participation is a fundamental human right that cannot be derogated from. Furthermore, the CERD states that states are obliged to guarantee equal access to political rights regardless of race or ethnicity (Luhukay, 2024). However, in practice, India and Israel have adopted legal systems that tacitly reinforce electoral discrimination through administrative and legal restrictions on citizenship status. In critical

Political Exclusion and Disenfranchisement in the Electoral Systems of India and Israel under International Human Rights Standards

legal theory, this is referred to as lawfare, the use of law as a weapon to control, exclude, or discipline certain groups within a democratic system (Vegh Weis, 2023). This legalistic exclusion creates the illusion that elections are proceeding normally, even though their foundations are rife with structural inequality. Therefore, it is important to understand that law is not neutral and can become an instrument of political domination.

The construction of electoral exclusion in Indian law is inextricably linked to the ideology of majoritarianism that has become increasingly powerful under the BJP regime. The Indian government actively uses the rhetoric of religious nationalism to legitimize the exclusion of Muslims and other marginalized communities. According to the Pew Research Center (2021), India has the highest level of restrictions on religious freedom in the world, which directly impacts the civil and political rights of minority communities. The rhetoric of the “ideal citizen” in various political speeches serves as the basis for constructing a citizenship hierarchy, in which the Hindu majority is positioned as the primary political subject (Bauman, 2021). This process is reinforced by a bureaucratic system that makes it difficult for marginalized groups to access, leaving many without access to legal identity and voter documents. Thus, Indian law not only regulates citizenship but also shapes who qualifies for political citizenship. This is a form of legalized electoral exclusion disguised as legitimate national policy.

Meanwhile, Israel constructs electoral exclusion through a system of administrative segmentation reinforced by domestic law and national security policy. Territories such as Gaza, the West Bank, and East Jerusalem are categorized as "occupied territories" yet remain under Israeli military control, denying their residents basic rights such as voting and being elected. Amnesty International (2022) calls this system a form of electoral apartheid because it separates political rights based on national identity, not legal jurisdiction (Amnesty International, 2022). While Israel argues that Palestinians in these territories are not its citizens, the fact of military control demonstrates a disregard for legal responsibilities. The UN Human Rights Committee, in several resolutions, has also emphasized that de facto control carries de jure legal consequences for the population. Under international law, Israel cannot abdicate responsibility for Palestinians' electoral rights under the pretext of territorial status. Therefore, this system creates a legal vacuum that allows exclusion to continue under the legitimacy of domestic law.

From a conceptual perspective, electoral exclusion must be understood as more than simply the deprivation of voting rights; it is part of a systemic project to marginalize certain groups from the structures of political representation. Nancy Fraser (2009) calls this phenomenon misrecognition, a condition where the state consciously ignores the political existence of certain groups in order to maintain symbolic and practical hegemony. In electoral democracies, misrecognition manifests itself in the form of administrative restrictions, sectarian laws, and policies that redraw citizenship boundaries (Pilkington & Acik, 2020). In India, this is done through administrative filtration; in Israel, through territorial fragmentation and legal status. The consequence is not only the loss of votes but also marginalization in political decision-making that affects everyday life. This makes exclusion a form of denial of

the political existence of certain groups within the national political community. Thus, electoral exclusion constitutes a usurpation of individual sovereignty in a democratic order.

The principle of the universality of human rights serves as a starting point for critiques of legal systems that justify electoral exclusion. In the concept of human rights constitutionalism, a state constitution should adhere to international human rights principles as the minimum standard for individual protection. However, in practice in India and Israel, domestic constitutions and laws are used as tools to adapt human rights standards for internal political interests (Roznai et al., 2023). Countries undergoing ethno-national consolidation tend to use the law as a tool of exclusion, not protection. This reinforces the thesis that political exclusion is not a systemic failure, but rather part of the political design itself. Within this framework, the law acts as an agent of exclusion that reinforces unequal representation (Gillespie, 2020). Therefore, a critique of electoral exclusion must begin by dismantling the legal legitimacy that conceals it.

International law has actually provided normative guidelines to prevent this type of political exclusion. UN General Assembly Resolution No. 66/164 of 2011 affirmed that the right to participate in public affairs must be guaranteed without any discrimination, including for groups in situations of conflict and occupation (Mooney & Jarrah, 2024). However, weak enforcement mechanisms have rendered these standards less coercive. In the cases of India and Israel, the international community has often been passive, even in some contexts supporting political stability built on exclusion. This imbalance has created a legitimacy crisis for the international legal system itself. Therefore, it is important to emphasize that legalized electoral exclusion constitutes a form of state impunity that must be countered by strengthening global human rights norms and mechanisms (Piscopo, 2016). Legal criticism at the national level must be expanded to the international level as an urgent effort to safeguard the integrity of universal political rights.

Finally, electoral exclusion in the legal systems of India and Israel demonstrates how procedural democracy can be controlled by institutionalized identity politics. When laws are designed not to protect all citizens, but rather to filter who is worthy of being part of the demos, they fail as instruments of justice. In this context, the right to vote is not merely the right to vote, but the right to be recognized as a legitimate political subject. Therefore, this research confirms that political exclusion is not merely a domestic legal issue, but a serious challenge to the credibility of international law as a protector of human rights. This legal and conceptual approach demonstrates that democracy can operate as a system of soft repression through biased legalism. Therefore, a re-examination of legal systems that appear democratic but operate discriminatorily is necessary. Therefore, electoral exclusion must be countered not only through policy but through systemic and radical legal critique.

The practice of electoral exclusion in the domestic legal systems of India and Israel demonstrates two distinct legal architectures with similar repressive features. Both are procedural democracies that regularly hold elections but restrict the political participation of certain groups based on citizenship status, religious identity, or territorial status. In the Indian context, exclusion centers on the engineering of legal identity through the CAA and the NRC process. Meanwhile, in Israel, exclusion occurs through jurisdictional restrictions and

Political Exclusion and Disenfranchisement in the Electoral Systems of India and Israel under International Human Rights Standards

administrative segregation of Palestinians in the occupied territories. This comparison is not merely an institutional one, but rather a comparison of how states construct legal systems that systematically deny political rights based on the principle of ethno-national exclusivity. Both exhibit variants of the practice of democratic exclusion, where the legal system is used to reinforce the dominance of the ethnic majority and exclude groups deemed "outsiders" (Jelena Džankić, 2015). Therefore, a comparative approach not only reveals patterns of exclusion but also reveals the political ideologies embedded in each country's legal framework.

India and Israel both apply the principle of selective nationality law, although their constitutional references differ. India normatively claims to be a secular state under Articles 14 and 15 of the Indian Constitution, which guarantee equality and prohibit discrimination. However, through the 2019 CAA policy, the government violates these principles by excluding Muslims from access to naturalization. Meanwhile, Israel explicitly declared itself a Jewish nation-state through the 2018 Nation-State Law, which automatically created a hierarchy of citizens based on ethnic and religious identity. In both systems, the law serves as a medium to create exclusive political boundaries, where "full citizen" status is held only by the majority group. Institutionalized electoral exclusion criteria based on ethnicity and religion have occurred consistently in the last five election cycles in both countries. This demonstrates that exclusion is not a temporary incident, but has become a structural part of the legal and political design.

In terms of exclusion techniques, India employs a complex administrative approach, while Israel employs geographic segregation and de facto citizenship. In India, exclusion occurs through a legal mechanism that removes citizens from voter lists if they cannot prove their citizenship through the National Reform Program (NRC). This process is highly bureaucratic, involving over 55 million verification documents and resulting in the loss of legal status for hundreds of thousands of citizens (The Assam Tribune, 2024). In contrast, Israel separates "official" Israeli territories from occupied territories such as Gaza and the West Bank, which are not recognized as part of the national political system. As a result, Palestinians in these territories do not have the right to vote in national elections, even though national policies directly impact their lives (Shemer-Kunz, 2023). These differences in approach demonstrate that electoral exclusion can be shaped through legalistic (India) or geopolitical (Israel) systems, but the goal is the same: maintaining ethnic dominance and political power. In this regard, a comparative approach demonstrates that exclusion mechanisms are highly flexible and adaptable to domestic contexts.

Electoral exclusion in both countries also impacts the legitimacy of the democratic system itself. According to a Freedom House report (2024), India is now categorized as "partly free," with a 10-point drop in its political rights indicator, primarily due to discrimination against the Muslim community. Meanwhile, Israel experienced a decline in its civil and political liberties score due to discriminatory treatment of Palestinians, both within Israel and in the occupied territories (Freedom House, 2024b). In the theory of democratic backsliding, this is an early indicator of a shift in democracy toward legalistic authoritarianism. Robert Dahl once emphasized that the quality of democracy is not measured solely by the existence of elections, but by universal access to the political process (Hamka Hendra Noer, 2019).

Therefore, if the right to vote is systematically excluded from a group of citizens, the legitimacy of that democracy is questionable. This comparison demonstrates that the existence of elections is no guarantee of democracy, and the law can be used to distort democracy from within.

his comparison also reveals that political exclusion is not merely a policy, but a state ideology implemented through legalism. In India, citizenship identity has begun to be identified with affiliation with the majority religion (Hinduism), and this has become a legal basis for excluding other groups. In Israel, the state's legal existence is based on the exclusive rights of the Jewish people, which has resulted in the denial of electoral rights to non-Jewish communities, particularly Palestinians. In both cases, the law serves not as a protector, but as a barrier that narrows political rights based on identity. This phenomenon constitutes "democratic containment," an attempt to limit democracy to certain groups while maintaining the appearance of democratic institutions (Mariano Croce, 2024). This demonstrates that electoral exclusion is a reflection of legally institutionalized identity policies. Therefore, dismantling electoral exclusion requires an approach that is not only legal but also ideological.

In terms of international responses, India and Israel have both leveraged their geopolitical status to deflect international criticism of their electoral exclusion policies. India, as a regional power in South Asia and a strategic partner of the US, often escapes international pressure for its domestic human rights violations (Abdullah, 2024). Meanwhile, Israel enjoys political support from Western countries with vested interests in Middle Eastern dynamics, so criticism of its exclusionary system is often not followed by concrete action (Ball, 2024). In both cases, electoral exclusion is not only a domestic legal issue but also a failure of the international system to consistently uphold human rights principles. This demonstrates that international norms are vulnerable to being undermined by power politics and the strategic interests of major powers. In international law, the principle of universality should not be compromised by geopolitical contexts. Therefore, a more assertive approach to international law and binding enforcement mechanisms are needed to prevent democracies from abusing the law.

In the context of comparative learning, India's and Israel's approaches can be compared with those of countries that have successfully addressed electoral exclusion through legal reform. Post-apartheid South Africa, for example, revised its entire constitutional system to guarantee universal electoral rights, including for previously excluded citizens (Wawrzyński et al., 2024). Similarly, Chile and Indonesia implemented electoral reforms to open electoral access to marginalized groups (Christian Salas, 2022). A resilient democracy is one that acknowledges past mistakes and revises its legal system to ensure full inclusion. This comparison, therefore, demonstrates that exclusion is not inevitable, but rather a political choice that can be changed through legal intervention and civil society pressure. Thus, a comparative approach not only identifies failures but also opens up space for alternatives. This research seeks to foster dialogue across legal systems on how to restore the fundamental principle of electoral inclusivity.

This comparison also highlights that electoral exclusion is often associated with a crisis of legitimacy and social fragmentation. In India, the NRC-CAA policies sparked social unrest, nationwide protests, and concerns about the future of the country's pluralism. In Israel, the

Political Exclusion and Disenfranchisement in the Electoral Systems of India and Israel under International Human Rights Standards

exclusion of Palestinians continues to be a source of political tension, undermining internal stability and tarnishing its global reputation. In both countries, exclusion weakens the social cohesion necessary for long-term democratic sustainability. The literature on electoral inclusion emphasizes that stable democracies cannot be built on a foundation of systemic inequality. Therefore, legal reforms targeting the fulfillment of the electoral rights of minority groups are a prerequisite for national political reconciliation. This comparison demonstrates that exclusion threatens not only individual rights but also the survival of the state as a legitimate political entity in the eyes of the people and the world.

Finally, a comparative approach clarifies that electoral exclusion in India and Israel is not only a violation of international law but also a betrayal of the fundamental principles of democracy itself. True democracy is inclusive, guaranteeing representation for all citizens without discrimination, and providing space for equal participation. When national legal systems are designed to uphold political exclusion, democracy becomes an instrument of domination. This research argues that resolving the issue of electoral exclusion cannot be addressed solely domestically but requires moral and legal pressure from the international community. The comparison between India and Israel demonstrates that international legal norms are often insufficient without enforcement mechanisms and sanctions. Therefore, a global consensus is needed to assess elections not only by procedures but also by who is included and who is systematically excluded. This is the primary challenge in building a just democracy in the era of globalization of law and human rights.

Conclusion

The findings of this study confirm that electoral exclusion in India and Israel is not incidental or accidental, but systematically legalized through domestic legal frameworks that prioritize ethno-religious majoritarianism over universal democratic principles. In both countries, laws such as the CAA in India and the Nation-State Law in Israel have institutionalized forms of disenfranchisement that violate core international human rights norms, particularly those enshrined in the ICCPR and UDHR. While both states maintain the façade of electoral democracy, they have operationalized systems that deny significant segments of the population the right to participate in political processes. This legal disenfranchisement not only undermines the integrity of domestic democratic structures but also poses a serious challenge to the credibility of international human rights law as a protective framework. The comparative approach in this research highlights the universality of exclusion tactics across different legal cultures and reveals how democracy can be manipulated through legalism. However, it is crucial to acknowledge the limitation of this study namely, its reliance on legal texts and secondary data without direct field engagement or empirical voter impact analysis. Despite this, the study provides a solid normative and theoretical foundation for understanding how law can function both as a vehicle for justice and a tool of exclusion.

Future research should aim to complement this normative analysis with empirical investigations, particularly in terms of how electoral exclusion affects political behavior, voter suppression patterns, and democratic resilience in marginalized communities. There is also a

need to expand the comparative framework to include other nations experiencing similar challenges, such as Myanmar, Hungary, or Turkey, to better map global patterns of legalized exclusion and their impact on international norms. Further interdisciplinary engagement with political theory, sociology, and human rights advocacy would help create more robust tools for monitoring, exposing, and combating disenfranchisement in its legal forms. Policymakers and human rights bodies must also consider more stringent mechanisms for holding states accountable when domestic law openly contradicts international human rights obligations. The value of this study lies in its contribution to a growing body of critical legal scholarship that interrogates how democracies fail from within by enacting exclusionary laws under the guise of legality. Ultimately, the survival of genuine democratic governance depends not just on elections, but on who is granted access to participate, to be heard, and to be counted.

Declaration of conflicting interest

The authors declare that there is no conflict of interest in this work.

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Political Exclusion and Disenfranchisement in the Electoral Systems of India and Israel under International Human Rights Standards

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Political Exclusion and Disenfranchisement in the Electoral Systems of India and Israel under International Human Rights Standards

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