The Impact of Digital Information Disorder on Voting Rights in Albania: A Constitutional and Electoral Law Analysis

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Abstract

This article examines the impact of digital information disorder on the effective exercise of the right to vote in Albania and compares Albania's legal framework with those of Kosovo, North Macedonia, and Montenegro. This research is founded on the assertion that the right to vote, safeguarded by both the Constitution of Albania and international human rights legislation, includes not merely the formal opportunity to cast a ballot but also the capacity of citizens to develop political preferences in a manner that is free, independent, and informed by accurate and trustworthy information. The rapid expansion of digital communication platforms, algorithmically curated content, online disinformation, misinformation, coordinated influence campaigns, and opaque political advertising has introduced new obstacles against electoral integrity and democratic governance. Using a doctrinal and comparative legal methodology, the article analyzes the Constitution of the Republic of Albania, the Electoral Code, legislation governing audiovisual and electronic communications, data protection rules, and relevant international standards, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights, Venice Commission guidelines, and OSCE/ODIHR recommendations. It further examines election observation reports, regulatory responses, and emerging legislative developments in Albania and selected Western Balkan states. The findings indicate that Albania's electoral legislation remains largely oriented toward traditional media environments and does not adequately address contemporary digital threats to electoral rights. Significant regulatory gaps persist regarding online campaign transparency, political microtargeting, algorithmic amplification, platform accountability, and foreign digital influence. Comparative analysis demonstrates that similar challenges exist across the Western Balkans, although recent reforms in neighboring states provide useful lessons for Albania. The article concludes that specific modifications to the electoral code, improved regulatory supervision, and more robust protections for information integrity are essential to safeguard the effective implementation of voting rights and maintain the democratic constitutional framework in the digital era in Albania.

Keywords: Right to Vote; Digital Information Disorder; Constitutional Law; Electoral Integrity; Electoral Law Reform; Western Balkans

1. Introduction

The right to vote is a fundamental constitutional right in Albania, protected under Article 45 of the Constitution of the Republic of Albania. Albanian legal scholars have increasingly emphasized that voting rights encompass not only the formal entitlement to cast a ballot but also the effective ability of citizens to participate meaningfully in democratic governance. Traditionally, in the past decades electoral law in Albania has focused primarily on procedural guarantees such as universal suffrage, equality of voting power, secrecy of the ballot, and access to electoral procedures. Recent studies indicate that, as noted by Anastasi (2024), electoral rights form an essential component of constitutional democracy and must be interpreted in conjunction with the principles of political pluralism, equality, and the rule of law. From this perspective, the right to vote functions as both a personal political liberty and a means by which popular sovereignty is enacted.

A significant strand of Albanian scholarship has focused on the alignment of Albania's electoral framework with European democratic standards. Kume (2015) argues that Albania has progressively approximated its electoral legislation to the standards established by the Venice Commission's Code of Good Practice in Electoral Matters. Nevertheless, challenges remain regarding equal electoral participation, the effectiveness of legal remedies, electoral administration, and the practical realization of voting rights for all categories of citizens, including those residing abroad.

Recent Albanian research has also examined the broader institutional conditions necessary for the effective exercise of voting rights. Skënderi and Maxhelaku (2021) contend that democratic participation should not be limited to election day but must be supported by mechanisms that facilitate continuous citizen engagement in public decision-making. Their analysis suggests that meaningful political participation strengthens electoral legitimacy and contributes to the protection of voting rights as a substantive democratic guarantee.

Furthermore, Ismaili (2024) highlights the relationship between electoral integrity and the effective exercise of political rights. Her research demonstrates that abuses of state resources, unequal campaign conditions, and deficiencies in campaign finance regulation may undermine electoral fairness and negatively affect citizens' confidence in electoral processes. Consequently, the protection of voting rights requires not only access to the ballot but also legal safeguards ensuring fair competition among political actors.

Overall, recent Albanian scholarship increasingly views the right to vote as a multidimensional constitutional right that requires effective legal protection, transparent electoral administration, electoral integrity, and inclusive participation. Recent studies highlight electoral reform, enhancements in diaspora voting, equitable representation, and the establishment of more robust institutional safeguards as key priorities for bolstering democratic governance and safeguarding voting rights in Albania. (Anastasi, 2024; Kume, 2015).

At the international level, Albania is bound by Article 25 of the International Covenant on Civil and Political Rights and Article 3 of Protocol No. 1 to the European Convention on Human Rights, both of which require states to ensure genuine democratic elections and the effective protection of political participation rights.

Under contemporary international electoral law, the right to vote protects not merely participation in the act of voting but also the legal conditions necessary for the free formation of electoral will. Any practice that substantially impairs voters' ability to make autonomous political choices may therefore raise concerns regarding the effective exercise of electoral rights and the integrity of democratic elections (UNHRC, 1996; Khan, 2021; Taylor, 2020).

International human rights law similarly recognizes that the guarantees contained in Article 25 of the International Covenant on Civil and Political Rights extend beyond formal electoral procedures and require conditions that enable voters to exercise political choice genuinely and effectively (Joseph & Castan, 2013; United Nations Human Rights Committee, 1996).

Recent guidance issued by the Venice Commission, the Organization for Security and Co-operation in Europe (OSCE), and European institutions also reflects an increasingly comprehensive understanding of electoral rights that extends beyond voting procedures to encompass the broader

democratic environment in which electoral choices are made (Venice Commission, 2023; OSCE/ODIHR, 2024; European Commission, 2024).

Within this evolving legal framework, digital information disorder has also emerged as a significant challenge for democratic elections and constitutional rights in Albania. The reason for this is that the growing prevalence of social media platforms, digital advertising technologies, search engines, and algorithmically curated information systems has profoundly transformed the informational landscape in which electoral rights are exercised. This transformation facilitates direct interaction between political actors and voters, reshapes campaign strategies, and impacts political participation and electoral engagement (Liçenji, 2023; Ismaili, 2024).

Concerns have been raised regarding the use of deceptive online content, non-transparent digital political advertising, foreign information manipulation, coordinated disinformation campaigns, and algorithmic amplification of political messages during election periods (Bennett & Livingston, 2020; European Parliament, 2023; European Commission, 2024).

From a constitutional and electoral law perspective, the legal concern is not whether every instance of false information may change voting behavior or alter election results. Rather, the constitutional question at the center of this paper evaluates whether widespread information manipulation in Albania may effectively interfere in practice with the ability of citizens to form political preferences freely and independently.

Consequently, significant legal questions remain concerning the regulation of online political advertising, platform accountability, transparency obligations for digital campaign activities, foreign influence operations, and the dissemination of disinformation during election periods.

Similar concerns have been identified by international election observation missions and regulatory bodies across Europe and the Western Balkans (OSCE/ODIHR, 2024; European Parliament, 2023). Kosovo, North Macedonia, and Montenegro have experienced similar patterns of digitalization within electoral processes and political communication. Comparative analysis therefore provides an opportunity to identify common regulatory gaps and evaluate alternative approaches that may contribute to the development of more effective legal safeguards in Albania.

Despite the growing importance of these issues in the Albanian context, limited legal scholarship has examined digital information disorder through the specific lens of constitutional voting rights and electoral law in Albania. Existing studies have often approached the issue from the perspectives of media studies, political communication, cybersecurity, or democratic governance. Comparatively less attention has been dedicated to examining whether digital information disorder raises distinct constitutional concerns about the effective exercise of voting rights and whether existing electoral legislation adequately addresses these challenges. This legal gap is particularly important because legal responses to digital information disorder require balancing multiple constitutional values, including freedom of expression, political participation, electoral integrity, and democratic accountability.

The article does not seek to establish a direct causal relationship between digital information disorder and electoral outcomes. Instead, the analysis focuses on a legal question: whether existing constitutional and electoral law frameworks in Albania adequately protect the conditions necessary for the free formation and expression of political will in contemporary digital environments.

The article concludes that Albania's current legal framework remains only partially equipped to address these challenges and that comparative developments within the Western Balkans provide valuable lessons for future electoral law reform in Albania. By examining these issues in Albania and offering solutions through the framework of constitutional rights, international electoral standards, and comparative legal analysis, this study contributes to contemporary legal scholarship concerning the reform of electoral law in the digital age.

2. Research Methods

This study employs a doctrinal and comparative legal methodology to examine how digital information disorder affects the effective exercise of the right to vote in Albania and whether existing legal safeguards adequately protect the free formation of political will in digital electoral environments. The

research is situated within constitutional law, electoral law, and international human rights law and is based on the premise that electoral rights require not only formal access to voting procedures but also conditions that enable citizens to make informed and independent political choices (Venice Commission, 2023; OSCE/ODIHR, 2024).

The study focuses primarily on Albania while comparing developments in Kosovo, North Macedonia, and Montenegro. These jurisdictions were selected because they share similar post-communist democratic transitions, electoral challenges, and European integration objectives. The comparative analysis seeks to identify regional regulatory trends and potential lessons for future Albanian electoral reforms.

The doctrinal analysis examines the Constitution of the Republic of Albania, particularly Article 45 on the right to vote, together with constitutional guarantees of freedom of expression, political pluralism, and democratic governance. It further analyzes the Electoral Code, legislation on audiovisual media, electronic communications, personal data protection, cybersecurity, and digital services. Special attention is devoted to provisions governing electoral campaigns, political advertising, media access, campaign finance, transparency obligations, and protections against undue influence in elections. Regulatory reports and decisions issued by the Central Election Commission (CEC), Audiovisual Media Authority (AMA), and other competent institutions are also examined.

The study additionally evaluates Albania's obligations under international and European legal instruments, including Article 25 of the International Covenant on Civil and Political Rights, Article 3 of Protocol No. 1 to the European Convention on Human Rights, Venice Commission recommendations, OSCE/ODIHR guidelines, European Commission assessments, and European Parliament reports. Primary sources consist of constitutional provisions, legislation, treaties, and institutional reports, while secondary sources include academic literature on electoral rights, democratic governance, and digital information disorder.

The analytical framework assesses four principal risks associated with digital information disorder: (1) dissemination of false or misleading electoral information; (2) lack of transparency in online political advertising; (3) foreign and domestic influence operations through digital platforms; and (4) algorithmic amplification of political content. These risks are evaluated against constitutional guarantees, electoral law principles, and international democratic standards to determine whether Albania's legal framework adequately protects the effective exercise of voting rights in the digital age.

3. Results

According to DataReportal (2025), Albania had around 2.31 million internet users, which accounts for more than 80% of its population, while the number of social media users surpassed 1.6 million accounts. Platforms such as Facebook, Instagram, YouTube, and TikTok have emerged as key channels for political discourse and electoral campaigning. Furthermore, the Regional Cooperation Council's Balkan Barometer revealed that social media and online news outlets have become significant sources of political information throughout the Western Balkans, whereas public confidence in traditional media and political institutions remains relatively low (Regional Cooperation Council, 2024). This phenomenon is particularly significant from a constitutional standpoint, as diminished institutional trust may heighten voter susceptibility to misinformation and manipulative political narratives.

The 2025 OSCE/ODIHR Parliamentary Election Observation Mission also noted extensive use of social media platforms by political parties and candidates and emphasized concerns regarding negative online campaigning, the lack of transparency in certain forms of digital political communication, and the absence of comprehensive regulation of online campaign activities (OSCE/ODIHR, 2025). Although the mission concluded that the elections were competitive and professionally administered, it highlighted persistent challenges relating to the digital information environment. Furthermore, scholars warn that the digitalization of political communication has intrinsically generated new challenges, including disinformation, algorithmic amplification, political polarization, and reduced transparency in political advertising, all of which may affect the ability of voters to form political preferences freely and based on reliable information (Papathanassopoulos, 2025; Bossetta, 2023).

Table 1. Digital Information Environments and Electoral Integrity Challenges in the Western Balkans (2024–2025)

Country	Internet Usage (%)	Digitalization of Electoral Communication	Principal Information Disorder Risks	Electoral Law Implications
Albania	80-83	Extensive use of Facebook, Instagram, YouTube, and TikTok by political parties and candidates during electoral campaigns	Non-transparent online political advertising, misinformation, limited oversight of digital campaigning	Existing Electoral Code provides detailed regulation of traditional media but limited regulation of digital political communication
Kosovo	88-90	Social media platforms have become primary channels of campaign communication and voter engagement	Online misinformation, sponsored political content with limited transparency, political polarization	Need for clearer legal obligations concerning online campaign transparency and monitoring
North Macedonia	84-86	High reliance on digital platforms for political communication and electoral mobilization	Foreign information influence, coordinated disinformation campaigns, online manipulation of political narratives	Insufficient regulation of foreign digital influence and online electoral communication
Montenegro	83-85	Increasing digitalization of political campaigns and public political discourse	Coordinated online influence activities, disinformation, polarized digital media environment	Fragmented institutional oversight and limited enforcement mechanisms in digital contexts

Source: Compiled by the author using data and findings reported in European Parliament (2023), *Disinformation and Democracy in the Western Balkans*; European Commission (2024), *European Democracy Report 2024*; OSCE/ODIHR Election Observation Mission Reports for Albania, Kosovo, North Macedonia, and Montenegro (2023–2025); and DataReportal (2025) digital country profiles. Percentages are rounded estimates derived from DataReportal country reports for 2025.

The comparative data demonstrate that Albania is not unique in confronting challenges associated with digital information disorder. All four Western Balkan states have experienced rapid digitalization of political communication, high levels of internet coverage, and increasing reliance on social media platforms especially during electoral campaigns. The significance of these findings lies not in demonstrating that digital information disorder directly determines electoral outcomes but in illustrating that an increasing proportion of political communication now occurs within digital environments that remain only partially regulated by electoral law.

3.1 The Evolution of Electoral Rights Beyond Formal Access to the Ballot

The first and most significant finding of this study is that contemporary international electoral law increasingly adopts a substantive understanding of voting rights that extends beyond formal access to electoral procedures. Traditionally, the legal protection of the right to vote focused on universal suffrage, equality of voting power, ballot secrecy, and freedom from arbitrary restrictions on participation. Within this framework, electoral rights were considered protected when citizens could legally cast a ballot and elections were administered according to established procedural rules. However, this paper demonstrates that elections must also provide conditions that allow citizens to form political preferences freely, independently, and without improper interference. As a result, the concept of electoral integrity now encompasses not only the administration of elections but also the broader informational and democratic environment in which electoral choices are formed

(OSCE/ODIHR, 2024; Venice Commission, 2023).

This development is particularly relevant for Albania. Recent election observation reports have expanded their focus beyond traditional electoral administration to include online political communication, media pluralism, digital campaigning, and information integrity as factors affecting electoral rights and electoral fairness (OSCE/ODIHR, 2024). Similarly, the European Commission has also identified disinformation and foreign information manipulation as emerging challenges for democratic resilience and electoral governance in Albania and the wider Western Balkans region (European Commission, 2024).

Recent scholarship supports this broader understanding of electoral rights. Bennett and Livingston (2020) argue that contemporary democracies increasingly operate within a "disinformation order" in which digital communication structures shape democratic processes and institutional legitimacy. Humprecht et al. (2020) likewise demonstrate that democratic resilience depends significantly on the integrity of information environments and institutional capacity to address information manipulation. These findings suggest that the effective exercise of voting rights in Albania cannot be separated from the informational conditions through which voters form political preferences.

The findings therefore support the central argument of this article that digital information disorder constitutes not merely a communications challenge but also a constitutional and electoral law issue in Albania. Consequently, the protection of voting rights should extend beyond voter eligibility, ballot access, and electoral administration to include safeguards that preserve voter autonomy and the integrity of the information environment. In the Albanian context, evolving international standards suggest that constitutional protection of the right to vote increasingly requires attention to the legal and regulatory conditions under which citizens make electoral choices.

3.2 Digital Information Disorder and the Free Formation of Political Will

The second major finding concerns the relationship between digital information disorder and the constitutional principle of free political will formation in Albania. The analysis demonstrates that contemporary international electoral standards increasingly recognize voter autonomy as a fundamental component of democratic elections. Democratic legitimacy depends not only on electoral participation but also on citizens' ability to form political preferences freely and independently.

This finding is particularly relevant in Albania, where political competition increasingly occurs through digital platforms. Traditionally, electoral law sought to protect voter autonomy by prohibiting practices such as voter intimidation, vote-buying, misuse of state resources, and unequal conditions of political competition.

Unlike traditional media, digital communication environments operate through algorithmic systems that influence the visibility, distribution, and consumption of political information. Social media platforms increasingly shape voters' exposure to political content through recommendation systems, targeted advertising, and engagement-based algorithms (UNESCO, 2023). As a result, digital platforms affect not only how political information is communicated but also how electoral preferences are formed. From a legal perspective, this development is significant because contemporary electoral law increasingly seeks to protect the conditions necessary for autonomous political choice.

The challenge is not simply the existence of inaccurate information. Electoral campaigns have always involved propaganda, misinformation, and political exaggeration. Rather, concerns arise from the scale, speed, personalization, and limited transparency of digital communication environments. Algorithmic systems enable highly targeted political messaging while providing limited information regarding content sponsors, funding sources, and audience-targeting practices.

For Albania, where internet use and social media consumption have become central sources of political information, these developments raise important questions regarding the effective protection of voter autonomy and the constitutional guarantee of free and genuine elections. The analysis identifies four principal mechanisms through which digital information disorder may affect the conditions necessary for free political will formation.

First, disinformation campaigns may undermine the reliability of political information available to voters. As social media platforms have become major sources of political information during Albanian elections, the dissemination of false or misleading content may reduce voters' ability to evaluate political alternatives accurately and make informed electoral choices (European Commission, 2024).

Second, non-transparent digital political advertising presents a significant challenge to electoral transparency in Albania. While the Electoral Code contains detailed rules governing campaign finance, media access, and political advertising in traditional media, comparable transparency requirements for online political advertising remain limited. Consequently, political actors may engage in highly targeted digital campaigning with reduced public scrutiny regarding sponsorship, funding, and audience targeting practices (UNESCO, 2023).

Third, algorithmic amplification mechanisms may influence electoral discourse by increasing the visibility of polarizing or emotionally charged political content. Given the growing importance of Facebook, Instagram, YouTube, and TikTok in Albanian political communication, platform algorithms increasingly shape the information environment within which citizens form electoral preferences. Research suggests that such systems often prioritize engagement rather than factual reliability or public significance (Bennett & Livingston, 2020; Vaccari & Chadwick, 2020).

Fourth, coordinated influence operations may distort democratic debate by creating artificial perceptions of public opinion or political consensus. In a highly polarized political environment such as Albania's, coordinated online campaigns may affect public discourse and make it more difficult for voters to distinguish authentic political engagement from orchestrated information activities (European Parliament, 2023).

Importantly, the constitutional significance of these risks does not depend on proving a direct impact on electoral outcomes. The legal concern is whether such practices interfere with the conditions necessary for the effective exercise of the right to vote. The findings therefore support the conclusion that digital information disorder in Albania should be understood as a challenge to electoral integrity, voter autonomy, and democratic participation rather than merely a problem of inaccurate information.

3.3 Albania's Electoral Framework and Regulatory Gaps

A third finding concerns the capacity of Albania's existing legal framework to address digital information disorder. The analysis demonstrates that Albanian electoral legislation remains largely oriented toward traditional models of political communication. The Electoral Code contains extensive provisions governing campaign finance, television broadcasting, media access, electoral administration, and electoral dispute resolution, reflecting a regulatory framework developed primarily for traditional media environments (Kume, 2015; Ismaili, 2024).

However, electoral communication in Albania has undergone significant transformation over the last decade. Studies of political communication in Albania demonstrate that digital platforms have become essential instruments through which political actors engage voters and disseminate electoral messages, particularly during parliamentary and local election campaigns (Hasrama, Tartaraj, & Osmani, 2016; Hoxha & Licenji, 2024). Despite this transformation, Albanian electoral legislation contains relatively limited provisions specifically regulating digital political communication and online campaign activities.

This finding reveals a growing regulatory mismatch between contemporary electoral realities and existing legal frameworks. While television broadcasters remain subject to detailed legal obligations concerning political balance, campaign coverage, transparency, and regulatory oversight, comparable obligations do not apply to social media platforms and other digital intermediaries despite their increasing influence on voter information and electoral behavior (Kume, 2015; Ismaili, 2024).

The analysis further demonstrates that Albanian law lacks a comprehensive framework governing the transparency of online political advertising. Existing campaign finance rules regulate traditional campaign expenditures and advertising activities but provide limited guidance regarding sponsored political content, micro-targeting techniques, algorithmic amplification, or platform transparency obligations. Research on recent Albanian electoral campaigns indicates a growing

reliance on digital advertising strategies and online electoral messaging, creating areas of political communication that remain only partially regulated by existing legislation (Jaupi & Budini, 2024; Hoxha & Licenji, 2024).

The significance of this finding extends beyond technical regulatory concerns. Albanian scholarship increasingly recognizes that democratic participation depends not only on formal access to the ballot but also on citizens' ability to receive information, engage in public debate, and form political preferences under conditions of transparency and fairness (Anastasi, 2024; Skënderi & Maxhelaku, 2021). Consequently, digital information disorder exposes important limitations within legal frameworks designed primarily for traditional media environments and highlights the need for electoral reforms capable of safeguarding the effective exercise of the right to vote in the digital age.

3.4 Comparative Findings from Kosovo, North Macedonia, and Montenegro

The comparative analysis indicates that Albania is not unique in confronting the challenges posed by digital information disorder. Similar regulatory gaps are evident in Kosovo, North Macedonia, and Montenegro, where electoral legislation has evolved more rapidly in areas such as electoral administration and campaign finance than in the regulation of digital political communication. Across the Western Balkans, rapid digitalization, media polarization, weak media literacy, and fragmented oversight mechanisms have increased the vulnerability of electoral processes to online disinformation, coordinated influence campaigns, and opaque forms of political advertising (Ördögh, 2023; Aspen Institute Germany, 2024).

The findings therefore suggest that digital information disorder constitutes a regional democratic challenge rather than a purely Albanian phenomenon. Comparative experience demonstrates that Albania can learn from emerging regional initiatives by adopting a more comprehensive regulatory framework for digital electoral communication.

Albania could strengthen transparency obligations for online political advertising, require clearer disclosure of sponsors and funding sources of digital campaign content, and improve coordination between the Central Election Commission, the Audiovisual Media Authority, and data protection authorities.

The experiences of neighboring Western Balkan states further illustrate the importance of developing institutional capacities to monitor online campaigning, detect coordinated disinformation activities, and enhance public resilience through media literacy initiatives. Such reforms would not only improve electoral integrity but would also contribute to the effective protection of the right to vote by ensuring that citizens are able to form political preferences based on transparent and reliable information (AMO, 2023; International IDEA, 2025).

3.5 International Electoral Standards and Future Legal Development

The final finding concerns the evolution of international electoral standards. Contemporary democratic standards increasingly recognize digital information disorder as an issue affecting electoral rights and democratic governance. International organizations have moved beyond a purely freedom-of-expression approach toward frameworks that also emphasize electoral integrity, transparency, and accountability (European Commission, 2024; UNESCO, 2023; Venice Commission, 2023).

This shift does not support broad restrictions on political speech. Rather, it seeks to balance freedom of expression with transparency, accountability, and voter autonomy. The challenge is to address digital information disorder without undermining fundamental democratic freedoms.

The analysis shows that Albania's legal framework effectively regulates traditional aspects of electoral integrity, including voter registration, electoral administration, and dispute resolution. However, it remains less equipped to address challenges arising from digital political communication, such as online advertising transparency, platform accountability, algorithmic amplification, and coordinated influence operations.

Overall, the findings support the article's central argument that contemporary electoral law

protects not only access to the ballot but also the conditions necessary for the free formation of political will. Because digital information disorder can distort these conditions, information integrity can no longer be treated as separate from electoral rights. Ensuring effective democratic elections increasingly requires legal and institutional safeguards for digital political communication. While Albania's existing framework provides a solid foundation, further reforms are needed to maintain electoral integrity in an increasingly digital environment.

4. Discussion

The findings of this study support the central argument that digital information disorder may affect the effective exercise of voting rights in Albania because contemporary electoral law increasingly protects not only formal access to the ballot but also the conditions necessary for citizens to form and express political preferences freely and independently. Modern understandings of electoral integrity recognize that democratic legitimacy depends not only on the administration of elections but also on the informational environment within which voters make political choices (Bennett & Livingston, 2020; Persily, 2020).

Importantly, the legal relevance of digital information disorder does not depend on proving that misinformation directly changes election results. Electoral law has traditionally regulated practices such as vote-buying, voter intimidation, misuse of state resources, and campaign finance violations because they undermine the conditions of free electoral choice, regardless of whether their precise impact on electoral outcomes can be measured. The same constitutional logic applies to contemporary digital communication environments. Social media platforms, algorithmic recommendation systems, and targeted political advertising increasingly shape citizens' access to political information and influence the visibility of political messages (Howard, 2020; Jungherr & Schroeder, 2021).

From a constitutional perspective, the principal concern is not simply the accuracy of information but the transparency and fairness of the electoral information environment. Recent scholarship demonstrates that algorithmic amplification may increase the visibility of polarizing, sensational, or misleading content because such content generates higher levels of engagement (Lorenz-Spreen et al., 2023).

These challenges are particularly relevant in Albania. Albania's Electoral Code remains largely structured around traditional media regulation. Detailed provisions govern television broadcasting, campaign finance, and media access, whereas online political advertising, social media campaigning, algorithmic promotion of political content, and digital campaign transparency remain only partially regulated. As a result, many safeguards designed for traditional media no longer provide equivalent protection within digital information environments.

The analysis identifies transparency as the most significant legal challenge. Transparency is a fundamental principle of democratic elections because it enables voters to identify political actors, assess political messages, and hold candidates accountable. Yet online political advertising frequently lacks the disclosure requirements traditionally applied to television and print media. Sponsored content, influencer-based campaigning, micro-targeted advertising, and algorithmically promoted political content may obscure the source, financing, and intended audience of political communications (European Commission, 2024; UNESCO, 2023). Such opacity can weaken voter autonomy and informed electoral choice even where voters formally remain free to cast their ballots.

The comparative analysis further demonstrates that North Macedonia, and Montenegro exhibit similar patterns of rapid digitalization combined with regulatory frameworks that remain largely focused on traditional media. Election observation reports throughout the Western Balkans have repeatedly highlighted concerns regarding online disinformation, non-transparent digital advertising, foreign information influence operations, and limited institutional capacity to monitor digital electoral communication (European Parliament, 2023; OSCE/ODIHR, 2024). These findings suggest that digital information disorder remains a regional challenge arising from broader transformations in political communication rather than solely from deficiencies within Albanian law.

At the same time, the comparative evidence shows that no Western Balkan state has yet

developed a comprehensive legal framework governing digital electoral communication. This reflects the inherent constitutional difficulty of balancing freedom of expression, political participation, media pluralism, and electoral integrity. Excessive regulation risks restricting democratic debate, whereas insufficient regulation may undermine transparency and accountability (Persily, 2020; UNESCO, 2023).

For Albania, the findings support reforms focused primarily on transparency rather than content regulation. Measures requiring disclosure of online political advertising sponsors, funding sources, targeting criteria, and digital campaign expenditures would strengthen electoral integrity while remaining consistent with constitutional protections for freedom of expression.

Such reforms would not represent a departure from established electoral law principles but rather their adaptation to contemporary technological realities. Consequently, protecting the right to vote in Albania increasingly requires ensuring not only access to elections but also transparency and accountability within the digital information environment in which electoral choices are formed.

5. Conclusion

This article examined whether digital information disorder presents legal and constitutional challenges to the effective exercise of voting rights in Albania and assessed Albania's legal framework in comparison with selected Western Balkan jurisdictions. The study was guided by the central thesis that contemporary international electoral law increasingly protects not only formal access to the ballot but also the conditions necessary for the free formation and expression of political will. The findings support this thesis and demonstrate that digital information disorder should be understood as an emerging challenge for constitutional democracy, electoral integrity, and the effective protection of voting rights in Albania.

The analysis confirms that contemporary international electoral law has evolved beyond a purely procedural understanding of electoral rights. While universal suffrage, equality of voting power, ballot secrecy, and access to electoral participation remain indispensable guarantees, modern democratic standards increasingly recognize that elections must also provide conditions that allow citizens to form political preferences freely, independently, and on the basis of transparent and reliable information (European Commission, 2024; OSCE/ODIHR, 2024; Venice Commission, 2023). Consequently, the right to vote encompasses not only the opportunity to cast a ballot but also the legal and institutional conditions necessary for meaningful democratic participation.

This conclusion is consistent with the constitutional framework of Albania. Article 45 of the Constitution guarantees the right to elect and be elected and represents one of the principal constitutional mechanisms through which popular sovereignty is exercised. Albanian constitutional scholarship has long emphasized that electoral rights are essential instruments for the realization of democratic legitimacy, political representation, and constitutional government (Anastasi, 2010; Omari, 2012; Elezi, 2019). The constitutional purpose of elections is not merely to aggregate votes but to ensure that public institutions derive their authority from the freely expressed will of citizens. Consequently, constitutional protection of voting rights necessarily extends beyond formal electoral procedures and includes the broader democratic conditions within which political choices are formed.

The findings demonstrate that digital information disorder may affect these conditions. Constitutional concern does not arise because digital information disorder can be conclusively shown to determine electoral outcomes. Rather, the apprehension arises because non-transparent digital political advertising, coordinated disinformation campaigns, algorithmically amplified political content, foreign influence operations, and deceptive online communication may undermine voter autonomy, transparency, and the integrity of electoral competition (Bennett & Livingston, 2020; Persily, 2020; Tucker et al., 2020).

The Albanian case reveals a growing disconnect between existing electoral legislation and contemporary forms of political communication. The Electoral Code of the Republic of Albania contains detailed provisions governing television broadcasting, campaign finance, electoral administration, media access, and campaign conduct. However, these provisions were largely designed for a traditional media environment and contain relatively limited regulation of online political advertising, social

media campaigning, platform accountability, algorithmic amplification, and digital influence operations. As electoral campaigns increasingly migrate toward digital platforms, the effectiveness of legal safeguards originally developed for television and print media is progressively reduced. The findings therefore suggest that future electoral reforms in Albania should focus on adapting existing legal principles to digital communication environments rather than creating entirely new categories of electoral regulation.

First, the Electoral Code should be amended to introduce comprehensive transparency requirements for online political advertising. Every paid political advertisement disseminated through digital platforms should contain clear identification of the sponsor, the amount spent, the period of dissemination, and the target audience. Similar transparency obligations already exist for traditional campaign finance and should be extended to digital campaigning in order to preserve electoral transparency and equal competition.

Second, the Electoral Code should aim to require the establishment of publicly accessible digital advertising repositories during electoral campaigns. Political parties, candidates, and third-party campaign actors should be required to disclose all sponsored digital content and campaign expenditures in real time. Such reforms would strengthen public oversight and facilitate monitoring by the Central Election Commission, civil society organizations, journalists, and voters. Transparency obligations of this type are increasingly reflected in European regulatory approaches and are consistent with recommendations advanced by international electoral observers (European Commission, 2024).

Third, Albania should introduce specific legal provisions addressing the use of artificial intelligence and synthetic media during electoral campaigns. The growing availability of AI-generated content, including deepfake videos, manipulated audio recordings, and synthetic political messages, creates new risks for electoral integrity. Future amendments to the Electoral Code should require mandatory disclosure whenever political content has been generated or substantially modified through artificial intelligence systems. Such measures would not restrict political speech but would enhance transparency and reduce the risk of voter deception.

Fourth, legislative reforms should strengthen institutional responsibilities relating to digital electoral oversight. The Central Election Commission currently possesses extensive powers regarding campaign finance, electoral administration, and election monitoring but limited authority concerning digital campaign activities. Amendments to the Electoral Code could authorize the Commission to monitor online political advertising, require disclosure of digital campaign expenditures, and cooperate more closely with the Audiovisual Media Authority, the Commissioner for the Right to Information and Protection of Personal Data, and cybersecurity institutions during election periods.

Fifth, Albania should consider adopting specific legal safeguards against foreign digital influence operations during electoral campaigns. Existing electoral legislation regulates foreign financing of political parties and campaign activities but contains limited provisions addressing foreign-sponsored digital influence campaigns conducted through social media platforms and online communication networks. Legislative reforms should establish reporting obligations and investigative mechanisms capable of identifying coordinated foreign interference in electoral processes while respecting constitutional guarantees of freedom of expression.

Sixth, reforms should address the use of personal data in political campaigning. Although Albania has adopted legislation concerning personal data protection, electoral legislation provides limited guidance regarding the collection, processing, and use of voter data for targeted political advertising. Greater coordination between electoral law and data protection law would strengthen protection against opaque micro-targeting practices and enhance voter autonomy in digital environments.

The comparative analysis further suggests that Albania should not approach these reforms in isolation. Kosovo, North Macedonia, and Montenegro confront similar challenges and are increasingly adapting their regulatory frameworks to address digital communication risks. Regional cooperation, exchange of regulatory practices, and harmonization with emerging European standards may therefore contribute to more effective and coherent legal responses throughout the Western Balkans.

Importantly, the reforms proposed in this article should not be interpreted as supporting

censorship or extensive state control over political discourse. Such approaches would be inconsistent with constitutional guarantees of freedom of expression, political pluralism, and democratic participation. The objective of electoral law should not be to determine the truth or falsity of political arguments. Rather, the objective should be to ensure transparency, accountability, and fairness within electoral communication processes. Contemporary constitutional democracies are better protected through transparency-based regulation than through content-based restrictions on political speech.

The study also contributes to Albanian legal scholarship by expanding traditional constitutional discussions of voting rights into the digital sphere. Albanian scholarship has historically focused on voter eligibility, electoral systems, representation, and democratic participation (Anastasi, 2010; Omari, 2012; Elezi, 2019). The findings suggest that future constitutional analysis must increasingly examine how digital technologies influence the exercise of political rights and the functioning of democratic institutions. The right to vote in the twenty-first century cannot be understood exclusively through the mechanics of voting. It must also be examined through the informational conditions that shape democratic participation.

In conclusion, the findings confirm that digital information disorder represents an emerging constitutional and electoral law challenge in Albania. Contemporary international electoral law increasingly protects not only access to the ballot but also the conditions necessary for the free formation and expression of political will. The Albanian Constitution, particularly Article 45, should be interpreted consistently with this evolving understanding of democratic participation. As political communication continues to migrate toward digital platforms, future electoral reforms should focus on transparency of online political advertising, regulation of AI-generated electoral content, enhanced oversight of digital campaigning, stronger protections against foreign digital interference, and improved safeguards concerning the use of personal data in political communication. Through such reforms, Albania would not merely modernize its electoral legislation but would strengthen the constitutional protection of voting rights and ensure that democratic participation remains genuinely free, informed, and effective in the digital age.

6. Recommendations for Electoral Code Reform: Strengthening the Electoral Code of Albania in Response to Digital Information Disorder

The findings of this study suggest that the most appropriate legal response to digital information disorder in Albania is not the regulation of political opinions or content but the strengthening of transparency, accountability, and electoral integrity safeguards within the Electoral Code of the Republic of Albania. Consistent with constitutional guarantees of freedom of expression under Article 22 of the Constitution and Article 10 of the European Convention on Human Rights, legislative reforms should focus on ensuring that voters can identify the source, financing, and dissemination methods of political communication rather than empowering public authorities to determine the truthfulness of political speech.

6.1 Introduce a Legal Definition of Digital Political Advertising

The Electoral Code should introduce a specific definition of digital political advertising applicable during electoral campaigns. The current legal framework regulates traditional political advertising but does not clearly address sponsored content disseminated through social media platforms, search engines, video-sharing platforms, mobile applications, or other online services.

A new provision should define digital political advertising as:

"Any paid or sponsored communication disseminated through electronic communication networks or digital platforms that is intended to influence electoral behavior, promote or oppose a political party, coalition, candidate, referendum position, or electoral participant."

This definition would provide legal certainty and establish the foundation for subsequent transparency and reporting obligations.

6.2 Mandatory Disclosure Requirements for Online Political Advertising

The Electoral Code should require that every digital political advertisement contain standardized transparency information clearly visible to users.
Each advertisement should disclose:

- The identity of the political party, candidate, coalition, or third-party sponsor.
- The legal entity or natural person financing the advertisement.
- The period during which the advertisement is disseminated.
- A statement indicating that the content constitutes paid political advertising.

The Central Election Commission should develop a uniform disclosure format applicable to all online political advertisements disseminated during the official campaign period.

6.3 Establish a Public Digital Campaign Transparency Registry

The Electoral Code of Albanian should require political parties, coalitions, candidates, and third-party campaign organizations to report all digital political advertising expenditures to the Central Election Commission within a specified period.

The Central Election Commission should maintain a publicly accessible online registry containing:

- The content of advertisements.
- The amount spent on each advertisement.
- The dates of dissemination.
- The targeted geographic area.
- The identity of the sponsoring entity.

The registry should remain publicly accessible for a minimum of five years following each election.

6.4 Regulation of Microtargeting During Electoral Campaigns

The Electoral Code should establish limitations on the use of personal data for electoral microtargeting. Political parties and candidates should be prohibited from using:

- Sensitive personal data.
- Ethnic origin data.
- Religious affiliation data.
- Health-related data.
- Biometric data.

for electoral targeting purposes.

Furthermore, voters should be entitled to receive information regarding why a particular political advertisement was directed to them and which categories of personal data were used for targeting purposes.

6.5 Regulation of Artificial Intelligence and Synthetic Electoral Content

The Electoral Code should contain provisions governing the use of artificial intelligence-generated political content during electoral campaigns.

Any political communication substantially generated, modified, or manipulated through artificial intelligence systems should include a mandatory disclosure statement indicating that the content has been artificially generated or altered.

The Code should further prohibit the dissemination of intentionally deceptive synthetic audio, video, or image content falsely portraying electoral candidates, political parties, election officials, or electoral events during the official campaign period.

Such regulation should focus on transparency and authenticity rather than content censorship.

6.6 Enhanced Reporting Obligations for Digital Campaign Expenditures

Campaign finance provisions should be amended to distinguish between traditional and digital campaign expenditures.
Political parties and candidates should submit separate reports detailing:

- Social media advertising expenditures.
- Search engine advertising expenditures.
- Digital consulting services.
- Influencer marketing expenditures.
- Data analytics and voter-targeting services.
- Artificial intelligence campaign services.

This amendment would improve transparency and facilitate more accurate monitoring of campaign finance compliance.

6.7 Expanded Monitoring Powers of the Central Election Commission

The Electoral Code should explicitly authorize the Central Election Commission to monitor compliance with digital campaign regulations.

The Commission should be empowered to:

- Request information concerning digital campaign expenditures.
- Investigate undisclosed online political advertising.
- Monitor compliance with transparency requirements.
- Order corrective disclosure measures where violations occur.
- Impose administrative sanctions for non-compliance.

These powers should be exercised through administrative procedures consistent with due process guarantees.

6.8 Regulation of Third-Party Electoral Campaigning Online

Current Albanian electoral legislation focuses primarily on political parties and candidates. However, contemporary electoral campaigns increasingly involve third-party organizations, advocacy groups, influencers, and other actors participating in electoral communication.

The Electoral Code should require third-party actors engaging in paid electoral communication above a specified financial threshold to:

- Register with the Central Election Commission.
- Disclose campaign expenditures.
- Comply with political advertising transparency requirements.

This reform would reduce opportunities for hidden campaign financing and undisclosed political influence.

6.9 Legal Framework for Foreign Digital Electoral Interference

The Electoral Code should establish explicit rules concerning foreign-sponsored digital electoral activities.

The law should prohibit:

- Foreign financing of digital political advertising.
- Foreign-sponsored electoral advertising directed at Albanian voters.
- Undisclosed foreign influence campaigns during electoral periods.

The Central Election Commission should be authorized to cooperate with competent state authorities in investigating potential violations.

6.10 Electoral Integrity and Digital Platform Cooperation

A new chapter of the Electoral Code should establish cooperation obligations between major digital platforms and the Central Election Commission during official electoral periods.

These obligations should include:

- Maintaining repositories of political advertisements.
- Responding to lawful information requests from the Commission.
- Preserving electoral advertising data for audit purposes.
- Providing transparency reports regarding electoral advertising activities.

The purpose of these obligations should be transparency and electoral accountability rather than content moderation.

7. Final Recommendation

The proposed reforms should be incorporated into a dedicated chapter of the Electoral Code entitled "Digital Electoral Communication and Transparency". Such a chapter would modernize Albania's electoral legislation while remaining fully consistent with constitutional guarantees of freedom of expression, political pluralism, and democratic participation. Rather than regulating the substance of political speech, the reforms would strengthen transparency, accountability, and voter autonomy, thereby enhancing the constitutional protection of the right to vote under Article 45 of the Constitution and aligning Albanian electoral law with evolving European and international electoral standards.

7.1 AI Use Statement

The authors declare that no artificial intelligence tools were used in the preparation, writing, analysis, or editing of this manuscript. The content of the manuscript was prepared entirely by the authors.

References

Anastasi, A. (2010). *E drejta kushtetuese*. Pegi.

Anastasi, A. (2024). *On the identity of the Constitution of Albania: A brief analysis on the 25th anniversary of the Constitution*. IACL-AIDC Blog.

Aspen Institute Germany. (2024). *Digitalization and democracy in the Western Balkans*. Aspen Institute Germany.

Association for International Affairs (AMO). (2023). *Electoral disinformation in the Western Balkans*. AMO.

Bennett, W. L., & Livingston, S. (2020). The disinformation order: Disruptive communication and the decline of democratic institutions. *European Journal of Communication, 35*(2), 122–139. https://doi.org/10.1177/0267323120910319

Bradshaw, S., Bailey, H., & Howard, P. N. (2021). *Industrialized disinformation: 2020 global inventory of organized social media manipulation*. Oxford Internet Institute.

DataReportal. (2025). *Digital 2025: Albania*. https://datareportal.com

DataReportal. (2025). *Digital 2025: Kosovo*. https://datareportal.com

DataReportal. (2025). *Digital 2025: Montenegro*. https://datareportal.com

DataReportal. (2025). *Digital 2025: North Macedonia*. https://datareportal.com

Elezi, I. (2019). *Shteti i së drejtës dhe demokracia kushtetuese*. Morava.

Hasrama, E., Tartaraj, A., & Osmani, E. (2016). Social media and political participation in Albania. In *Proceedings of the 13th ASECU International Conference* (pp. 76–87).

Hoxha, J., & Liçenji, L. (2024). Contrasting strategies and messages: An in-depth comparative study of Albania's national and municipal election advertisements. *Humanities and Social Sciences Communications, 11*(1). https://doi.org/10.1057/s41599-024-04118-7

Howard, P. N. (2020). *Lie machines: How to save democracy from troll armies, deceitful robots, junk news operations, and political operatives*. Yale University Press.

Humprecht, E., Esser, F., & Van Aelst, P. (2020). Resilience to online disinformation: A framework for cross-national comparative research. *The International Journal of Press/Politics, 25*(3), 493–516. https://doi.org/10.1177/1940161219900126

International IDEA. (2025). *Strengthening electoral integrity in the digital age: EU and Western Balkans dialogue*. International IDEA.

Ismaili, M. (2024). The public budget coverage of electoral campaigns and elections (2017–2024) and the prevention of the abuse of state resources for free and fair elections in Albania. *Interdisciplinary Journal of Research and Development, 11*(1), 144–154. https://doi.org/10.56345/ijrdv11n121

Jaupi, E., & Budini, B. (2024). Analysis of political communication and strategy used in online media during the 2021 Albanian election campaign: A case study. *Polis Journal*.

Joseph, S., & Castan, M. (2013). *The International Covenant on Civil and Political Rights: Cases, materials, and commentary* (3rd ed.). Oxford University Press.

Jungherr, A., & Schroeder, R. (2021). Disinformation and the structural transformations of the public arena: Addressing the actual challenges to democracy. *Social Media + Society, 7*(1), 1–13. https://doi.org/10.1177/2056305121988928

Khan, I. (2021). *Disinformation and freedom of opinion and expression: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (A/HRC/47/25). United Nations.

Kume, A. (2015). Study on the approximation of the Albanian electoral legislation with the Code of Good Practice on Electoral Matters of the Venice Commission. *Academic Journal of Interdisciplinary Studies, 4*(2), 77–84. http://dx.doi.org/10.5901/ajis.2015.v4n2p77

Liçenji, L. (2023). The role of social media on electoral strategy: An examination of the 2023 municipal elections in Tirana, Albania. *Academic Journal of Interdisciplinary Studies, 12*(6), 238–251. https://doi.org/10.36941/ajis-2023-0166

Lorenz-Spreen, P., Lewandowsky, S., Sunstein, C. R., & Hertwig, R. (2023). How behavioural sciences can promote truth, autonomy and democratic discourse online. *Nature Human Behaviour, 7*(7), 1105–1119. https://doi.org/10.1038/s41562-023-01609-4

Norris, P., Frank, R. W., & Martínez i Coma, F. (2024). *Electoral integrity in the twenty-first century*. Cambridge University Press.

Omari, L. (2012). *Shteti i së drejtës*. Morava.

Ördögh, T. (2023). Digitalisation in the Western Balkans. *Academic and Applied Research in Military and Public Management Science, 22*(3), 91–107. https://doi.org/10.32565/aarms.2023.3.6

Papathanassopoulos, S., & Giannouli, I. (2025). Political communication in the age of platforms. *Encyclopedia, 5*(2), 77. https://doi.org/10.3390/encyclopedia5020077

Persily, N., & Tucker, J. A. (Eds.). (2020). *Social media and democracy: The state of the field, prospects for reform*. Cambridge University Press. https://doi.org/10.1017/9781108890960

Regional Cooperation Council. (2024). *Balkan Barometer 2024: Public opinion survey*. Regional Cooperation Council.

Skënderi, X., & Maxhelaku, A. (2021). *The legal framework on means of citizens' participation in local governance in Albania*. Center for Research and Development.

Taylor, P. M. (2020). Article 25: Right to participate in public affairs, electoral rights and access to public service. In *A commentary on the International Covenant on Civil and Political Rights* (pp. 692–728). Cambridge University Press. https://doi.org/10.1017/9781108689458.028

UNESCO. (2023). *Guidelines for the governance of digital platforms: Safeguarding freedom of expression and access to information*. UNESCO.

United Nations Human Rights Committee. (1996). *General Comment No. 25: Article 25 (Participation in public affairs and the right to vote), CCPR/C/21/Rev.1/Add.7*.

Vaccari, C., & Chadwick, A. (2020). Deepfakes and disinformation: Exploring the impact of synthetic political video on deception, uncertainty, and trust in news. *Social Media + Society, 6*(1), 1–13. https://doi.org/10.1177/2056305120903408

Xhaferi, A. (2023). Impact of electoral systems and rules on political representation in Albania: Shortcomings, changes and fight against their violations. *JUS & JUSTICIA, 17*(2), 79–96.

Constitution of the Republic of Albania. (1998). *As amended*.

Council of Europe. (1952). *Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms*.

Electoral Code of the Republic of Albania, Law No. 10019, December 29, 2008. *(As amended through 2025).*

European Commission. (2024). *European Democracy Report 2024*. European Commission.

European Parliament. (2023). *Disinformation and Democracy in the Western Balkans*. European Parliamentary Research Service.

Law No. 97/2013 on Audiovisual Media in the Republic of Albania. (2013). *As amended*.

Law No. 9887/2008 on the Protection of Personal Data. (2008). *As amended*.

Law No. 9918/2008 on Electronic Communications in the Republic of Albania. (2008). *As amended*.

Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR). (2024). *Election Observation Reports: Kosovo, North Macedonia and Montenegro*.

Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR). (2024). *Guidelines on Digital Technologies and Elections*.

Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR). (2025). *Republic of Albania Parliamentary Elections, 11 May 2025: Election Observation Mission Final Report*.

United Nations. (1966). *International Covenant on Civil and Political Rights*.

United Nations Human Rights Committee. (1996). *General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Art. 25), CCPR/C/21/Rev.1/Add.7*.

Venice Commission. (2024). *Interpretative Declaration of the Code of Good Practice in Electoral Matters as Concerns Digital Technologies and Artificial Intelligence (CDL-AD (2024)044)*. European Commission for Democracy through Law (Venice Commission), Council of Europe.