Constitutional Security Governance: Reconstructing Hobbesian Sovereignty, Executive Institutional Integrity, and State Accountability

Ani Purwati[1], Muhadam Labolo[2], Petrus Polyando[3]*

[1]Lecturer, Postgraduate Programme, Faculty of Law, Universitas Sahid, Indonesia; Doctoral Candidate in Government Science, Graduate School, Institut Pemerintahan Dalam Negeri (IPDN), Indonesia.
[2]Lecturer, Doctoral Programme in Government Science, Graduate School, Institut Pemerintahan Dalam Negeri (IPDN), Indonesia.
[3]Faculty of Political and Governmental Sciences, Applied Indonesian Politics Study Programme, Institut Pemerintahan Dalam Negeri (IPDN), Indonesia.
*Corresponding Author:
Email: anipurwati@usahid.ac.id

Abstract.
National security governance faces a constitutional dilemma between safeguarding executive institutional integrity and preventing the misuse of sovereign authority. This study reconstructs Hobbesian sovereignty to examine how security powers can remain legitimate, accountable, and consistent with fundamental rights. Employing normative-philosophical legal research integrated with critical institutional governance analysis, the study applies philosophical, conceptual, statutory, and contextual approaches. Hobbesian political philosophy is critically examined alongside Lockean constitutional limitations, Habermas an democratic legitimacy, Foucauldian surveillance, securitisation theory, and institutional accountability. Indonesia's constitutional framework and reported surveillance allegations provide contextual grounds for examining institutional vulnerabilities without presuming criminal liability. The findings establish the Constitutional Security Social Contract (CSSC) as a proposed normative framework comprising five principles: constitutional supremacy, ethical restraint, lawful and proportionate surveillance, institutional accountability, and rights-based security. These principles operate through three interconnected dimensions: constitutional foundations, institutional governance arrangements, and technological safeguards protecting fundamental rights. The study demonstrates conceptually that effective security governance requires constitutional authorisation, accountable institutional coordination, independent oversight, and accessible remedies. Its principal contribution is the reconstruction of sovereign protection as a reciprocal constitutional responsibility, integrating executive institutional integrity with citizens' rights while offering an analytical foundation for evaluating security authority within democratic governmental institutions and contemporary constitutional governance systems.

Keywords: *Constitutional Security Governance; Hobbesian Sovereignty; Constitutional Security Social Contract; Executive Institutional Integrity; Institutional Accountability and Surveillance Governance.*

I. INTRODUCTION

National security constitutes a fundamental responsibility of the modern state, reflecting the obligation of political authority to protect society, preserve national sovereignty, maintain constitutional order, and ensure the continuity of governmental institutions. The capacity to provide security is closely associated with the legitimacy of sovereign authority because political institutions cannot effectively fulfil their constitutional responsibilities when public order, institutional stability, and collective protection are persistently threatened. Nevertheless, the relationship between security and political authority presents a fundamental dilemma within contemporary constitutional democracies. Governments must possess sufficient institutional capacity to anticipate and respond to threats, while simultaneously ensuring that the powers exercised in the name of national security do not undermine constitutional limitations, institutional accountability, and citizens' fundamental rights. The central challenge is therefore not merely how to strengthen state security capabilities, but how to maintain effective sovereign protection without transforming security authority into an instrument of arbitrary governmental power.

This dilemma reflects a longstanding tension between the necessity of sovereign authority and the constitutional limitations imposed upon its exercise. National security institutions require legal mandates, operational resources, intelligence capabilities, and institutional coordination to address threats against the state and its political community. However, the effectiveness of security governance cannot be assessed exclusively through the prevention of threats or the preservation of political stability. It must also be evaluated according to the legality, necessity, proportionality, institutional accountability, and rights-related consequences of governmental interventions. Security measures that exceed lawful authority or operate without adequate supervision may weaken the constitutional order they are intended to protect.

Consequently, national security governance constitutes not only an operational responsibility of the state but also a fundamental problem of governmental legitimacy, institutional design, and constitutional control. The philosophical foundations of this problem can be traced to Thomas Hobbes's conception of sovereignty and the social contract. In Leviathan, Hobbes (1651/1996) explains that the establishment of sovereign authority enables individuals to escape conditions of insecurity and create a political order capable of maintaining peace and collective protection. The relationship between sovereign authority and security is particularly evident in Hobbes's discussion of the state of nature, the institution of common political power, the rights of sovereignty, and the relationship between liberty and political obligation. His argument establishes security as a foundational justification for political authority because the absence of effective sovereign power exposes individuals to conflict, uncertainty, and mutual vulnerability. From this perspective, the legitimacy of government is closely connected to its capacity to provide protection and maintain the conditions necessary for organized political life.

Nevertheless, Hobbesian sovereignty raises significant questions when examined within contemporary constitutional democracy. Although effective governmental authority remains indispensable for collective protection, the concentration of security powers may generate institutional vulnerabilities when sovereign discretion is insufficiently constrained. The philosophical justification of sovereign protection cannot therefore be interpreted as an unrestricted authorisation for governmental intervention. Contemporary constitutional governance requires political authority to operate within a legal order that establishes the distribution of public responsibilities, limitations on governmental discretion, democratic accountability, and the protection of fundamental rights. Hobbesian sovereignty must consequently be critically reconstructed rather than transferred unconditionally into modern security governance. John Locke's conception of limited government provides an important philosophical counterpoint to the Hobbesian emphasis on sovereign protection. In the Two Treatises of Government, Locke (1689/1988) conceptualises governmental authority as a form of entrusted political power established for the protection of the political community and individual rights. Public authority is therefore not an unlimited entitlement of governmental officeholders but a responsibility that must remain consistent with the purposes for which political institutions are constituted. While Hobbes explains the necessity of effective sovereign authority, Locke emphasises the limitations and fiduciary obligations attached to governmental power. These perspectives reveal that the legitimacy of national security governance requires both effective protection and enforceable restrictions on the exercise of public authority. The relationship between legality and legitimacy is further developed through Jürgen Habermas's theory of democratic constitutionalism. Habermas (1996) emphasises that legitimate governmental authority depends upon the relationship between law, democratic procedures, and the institutional conditions through which public power can be justified. Formal legal competence alone does not exhaust the requirements of legitimate governance. Governmental decisions must also remain compatible with constitutional principles and institutional arrangements that permit scrutiny, justification, and accountability. Applied to national security governance, this perspective suggests that the legitimacy of security measures depends not only on the existence of governmental authority but also on the procedures through which such authority is authorised, implemented, supervised, and evaluated. These philosophical tensions become particularly significant when national security authority is exercised to protect the highest executive office. The presidency occupies a central position within the constitutional organisation of government, and its institutional continuity is essential for the lawful implementation of executive responsibilities. However, the protection of the constitutional integrity of the presidency must be distinguished from the protection of the personal interests, political preferences, or continued incumbency of individual officeholders. This distinction is essential because the invocation of national security may become constitutionally problematic when the protection of governmental institutions is interpreted as justification for preserving political power beyond its lawful purposes.

In this study, national security refers to the protection of state sovereignty, constitutional order, territorial integrity, and the security of the political community. Regime security concerns the preservation of an existing configuration of political authority, including the interests of incumbent political actors. Executive institutional integrity, by contrast, refers to the preservation of the lawful independence,

continuity, accountability, and constitutional functioning of the highest executive institution. Although these concepts may intersect in particular circumstances, they cannot be treated as interchangeable. Protecting executive institutional integrity does not imply immunity from legal scrutiny or authorise security measures intended primarily to preserve personal or partisan political interests. The constitutional protection of executive institutions must therefore be evaluated through the relationship between legitimate security objectives, institutional mandates, operational authority, and accountability mechanisms. Security interventions that protect the lawful continuity of government may be consistent with the state's constitutional responsibilities. Conversely, interventions that employ national security justifications to facilitate unauthorised surveillance, suppress lawful political criticism, or protect partisan interests may undermine the constitutional integrity they claim to defend. Executive institutional integrity consequently requires more than protection against external threats; it also requires institutional compliance with constitutional limitations, respect for the distribution of governmental powers, and accountability for the exercise of public authority.

The development of digital technologies has intensified these challenges by expanding the informational and operational capabilities of security institutions. Digital surveillance systems, communications interception, electronic information processing, metadata analysis, and interconnected governmental databases enable public authorities to identify potential threats and coordinate institutional responses with increasing speed and complexity. These capabilities may strengthen the protection of sensitive governmental communications and support the prevention of threats against constitutional institutions. Nevertheless, technological effectiveness does not independently establish constitutional legitimacy. Digital security operations may create significant risks involving unauthorised access, excessive monitoring, unclear institutional responsibilities, disproportionate information collection, and insufficient independent oversight. Michel Foucault's analysis of disciplinary power provides an important critical perspective on the relationship between surveillance and institutional authority. In Discipline and Punish, Foucault (1977) demonstrates how observation, information, and disciplinary arrangements may shape individual conduct and reproduce asymmetrical relationships of power. Although his analysis predates contemporary digital surveillance technologies, it offers a conceptual foundation for understanding how information-based monitoring may extend governmental influence beyond conventional forms of coercion. The expansion of surveillance capabilities therefore requires attention not only to technological functionality but also to the institutional relationships through which information is collected, controlled, interpreted, and used. The political justification of surveillance may also be examined through securitisation theory. Buzan, Wæver, and de Wilde (1998) explain how political actors may construct particular developments as existential security threats and thereby seek acceptance for measures that would otherwise require additional justification. This perspective is relevant to understanding how national security narratives can influence the boundaries of governmental discretion. However, the political identification of a security threat does not automatically establish the constitutional legitimacy of extraordinary measures. Such measures must remain subject to applicable legal requirements, including lawful authority, legitimate purpose, necessity, proportionality, and institutional review. Agamben's (2005) analysis of the state of exception further highlights the potential risks associated with the normalisation of exceptional governmental powers within ordinary institutional practices.

The constitutional implications of digital surveillance also require conceptual precision. Surveillance encompasses a broad range of monitoring and information-gathering activities, while interception generally concerns the acquisition of communications during transmission. Wiretapping commonly refers to particular forms of communications interception. These activities may involve different legal requirements depending on their technical characteristics and the applicable statutory framework. Accordingly, the legitimacy of digital security interventions must be assessed through the specific legal basis of the activity, the competence of the institution involved, the authorisation procedures employed, the scope and duration of information collection, and the availability of independent oversight and effective remedies. From the perspective of Government Science, these developments demonstrate that digital surveillance is not merely a technological or criminal law issue. It constitutes a problem of institutional governance involving the distribution of public

authority, administrative discretion, interinstitutional coordination, operational responsibility, and constitutional supervision. The legitimacy of security governance depends on whether governmental institutions can demonstrate that their actions remain consistent with lawful mandates throughout the processes of authorisation, implementation, documentation, oversight, accountability, and corrective action.

Indonesia provides a relevant constitutional and institutional context for examining these relationships. The Constitution of the Republic of Indonesia of 1945 establishes the foundational principles governing public authority, including popular sovereignty, the rule of law, and the protection of fundamental rights. Article 1(2) provides that sovereignty resides in the people and is exercised in accordance with the Constitution, while Article 1(3) establishes Indonesia as a state based on law. Article 4(1) places the exercise of governmental power by the President within the constitutional framework. These provisions indicate that the protection of executive institutions must remain connected to their constitutional responsibilities rather than the unrestricted interests of individual officeholders. The constitutional protection of citizens is equally relevant to the exercise of security authority. Article 28 G (1) recognizes protections relating to personal security, dignity, and other protected interests, while Article 28J establishes constitutional requirements concerning the exercise and limitation of rights. These provisions must be considered alongside Indonesia's statutory arrangements governing security institutions and digital information. Law No. 2 of 2002 concerning the Indonesian National Police establishes the statutory framework for policing responsibilities, while Law No. 17 of 2011 concerning State Intelligence regulates intelligence functions and institutional authority. Law No. 27 of 2022 concerning Personal Data Protection and Law No. 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law further provide relevant legal contexts for examining information-related governmental activities, subject to their respective scopes, exceptions, and applicable provisions. Institutional accountability scholarship offers a complementary foundation for examining the exercise of governmental authority. Bovens (2007) conceptualises accountability as a relationship in which an actor may be required to explain and justify conduct before a forum capable of questioning, evaluating, and potentially imposing consequences.

This approach is particularly relevant to national security governance because security operations may involve multiple institutions, specialised operational discretion, restricted information, and complex supervisory arrangements. Accountability therefore requires more than the retrospective identification of institutional misconduct. It also involves the clarity of legal mandates, the documentation of governmental decisions, the attribution of institutional responsibility, and the availability of effective review and corrective mechanisms. Although these theoretical perspectives provide substantial analytical contributions, they primarily illuminate different dimensions of sovereign authority, constitutional limitations, surveillance, securitisation, and public accountability. Hobbes explains the necessity of political protection but does not provide a complete institutional architecture for contemporary constitutional oversight of digital security operations. Locke clarifies the limited character of governmental authority, while Habermas explains the procedural foundations of democratic legitimacy. Foucault and securitisation theory identify the potential expansion of information-based and exceptional governmental power, whereas accountability scholarship provides mechanisms for examining institutional responsibility.

These perspectives are complementary, but their individual analytical emphases do not independently establish a unified framework specifically connecting sovereign security legitimacy, executive institutional integrity, the allocation and exercise of security powers, and the constitutional rights of citizens. The research gap addressed in this study therefore does not concern the complete absence of scholarship on security and constitutionalism. Rather, it concerns the need for a specifically articulated normative-theoretical framework that integrates the protective rationale of sovereign authority with constitutional limitations and translates that relationship into identifiable requirements of institutional governance. Four interconnected analytical problems are particularly significant. First, the relationship between effective sovereign protection and constitutionally limited governmental authority requires clearer theoretical reconstruction. Second, the constitutional integrity of the highest executive office must be differentiated from the political interests of incumbent officeholders. Third, the governance of digital surveillance requires integration between legal authority, operational arrangements, technological safeguards, and fundamental

rights. Fourth, institutional accountability must extend across the full exercise of security authority, from the identification of lawful mandates to authorisation, implementation, independent oversight, responsibility, and effective remedies. To address these problems, this study proposes the Constitutional Security Social Contract (CSSC) as an integrated normative-theoretical framework for evaluating the legitimacy and accountability of national security governance within constitutional democracies. The proposed novelty of CSSC does not lie in the invention of previously unknown constitutional or accountability principles. Constitutional supremacy, proportionality, public accountability, and rights protection are established concepts within constitutional theory and governance scholarship. Instead, CSSC seeks to reconstruct these principles systematically through the philosophical relationship between sovereign protection and constitutional limitation, with particular attention to executive institutional integrity, the exercise of security powers, and the protection of citizens' fundamental rights. The framework incorporates five interconnected principles: constitutional supremacy, ethical limitations on public authority, legality and proportionality of surveillance, institutional accountability, and rights-based security.

Constitutional supremacy requires national security authority to remain grounded in the constitutional order. Ethical limitations on public authority require governmental institutions to exercise security responsibilities consistently with their lawful public purposes rather than personal or partisan interests. Legality and proportionality of surveillance require information-based security interventions to possess an appropriate legal basis and remain subject to applicable requirements of legitimate purpose, necessity, proportionality, authorisation, and review. Institutional accountability requires security authorities to explain and justify their conduct before competent supervisory institutions, while rights-based security recognises the protection of fundamental rights as an essential component of legitimate security governance. These principles are operationally organized through three mutually reinforcing governance levels. The normative-constitutional level establishes the philosophical and legal foundations of legitimate security authority, including constitutional supremacy, lawful governmental purposes, and the protection of fundamental rights. The institutional-governance level concerns the allocation of security responsibilities, interinstitutional coordination, authorisation procedures, independent oversight, and mechanisms for attributing responsibility. The technological and rights-protection level addresses the safeguards necessary to ensure that digital surveillance and information-processing activities remain lawful, proportionate, auditable, and compatible with constitutional rights. The relationship among these levels is intended to connect constitutional principles with the institutional and technological processes through which security authority is exercised. The proposed CSSC advances three interconnected theoretical propositions. First, sovereign protection derives constitutional legitimacy from the lawful and limited exercise of public authority rather than from security effectiveness alone. Second, executive institutional integrity and citizens' constitutional rights must be understood as mutually reinforcing dimensions of legitimate national security governance rather than inherently competing objectives. Third, the exercise of security authority must remain institutionally traceable through a continuous process involving lawful mandates, authorisation, implementation, independent oversight, accountability, and effective remedies. These propositions distinguish CSSC from approaches that examine sovereignty, constitutional restraint, surveillance, or accountability primarily as separate analytical concerns.

The significance of CSSC therefore lies in its proposed integration of philosophical justification, constitutional principles, institutional governance, and technological safeguards within a single evaluative structure. Its analytical purpose is to identify whether national security arrangements preserve effective governmental protection while maintaining constitutional limitations, institutional responsibility, and rights-based safeguards. As a normative-theoretical proposal, CSSC is not presented as an empirically validated model. Its applicability requires further examination through comparative institutional research, empirical governance analysis, and the evaluation of specific security arrangements. Based on these considerations, this study addresses three interrelated research questions: (1) How can Hobbesian sovereignty be critically reconstructed to explain the legitimacy and constitutional limitations of national security authority in contemporary democratic governance? (2) How do institutional mandates, surveillance powers, and accountability mechanisms shape the relationship between national security, executive institutional integrity,

and citizens' constitutional rights in Indonesia? (3) How can the Constitutional Security Social Contract be developed as an integrated normative-theoretical framework for constitutionally legitimate and accountable security governance? These questions establish a sequential analytical structure connecting philosophical reconstruction, institutional governance analysis, and normative-theoretical framework development. The first objective is to reconstruct the relationship between Hobbesian sovereign protection and constitutional limitations on governmental authority. The second is to analyse the Indonesian constitutional and institutional arrangements governing national security, with particular attention to executive institutional integrity, surveillance authority, and accountability mechanisms.

The third is to formulate CSSC as an integrated framework connecting constitutional foundations, institutional governance, and technological safeguards for the protection of fundamental rights. This study contributes to Government Science by conceptualising national security as an interconnected system of governmental authority, institutional relationships, constitutional responsibilities, and accountability mechanisms. Its philosophical contribution lies in reconstructing Hobbesian sovereignty through the requirements of constitutional legitimacy. Its institutional contribution lies in distinguishing executive institutional integrity from regime security and examining the allocation, coordination, and supervision of security powers. Its normative contribution lies in proposing CSSC as an analytical framework for evaluating the relationship between effective sovereign protection, lawful governmental authority, institutional accountability, and citizens' constitutional rights. Ultimately, the study argues that legitimate national security governance cannot be established through the effectiveness of state protection alone. It requires a reciprocal constitutional relationship in which sovereign authority remains capable of protecting governmental institutions while being constrained by the legal, ethical, and institutional conditions that justify its exercise. The Constitutional Security Social Contract is therefore proposed as a normative-theoretical foundation for reconciling effective national security governance with executive institutional integrity, constitutional limitations, institutional accountability, and the protection of fundamental rights.

II. RESEARCH METHOD

This study employs a normative-philosophical legal research design integrated with critical institutional governance analysis to examine the philosophical foundations, constitutional limitations, and institutional accountability mechanisms governing the exercise of national security authority, particularly in relation to safeguarding the institutional integrity of the highest executive office. The research conceptualises national security not merely as a matter of sovereign protection, defence, intelligence, or law enforcement, but as a multidimensional problem of governmental governance involving the legitimacy of public authority, the constitutional distribution of institutional powers, interinstitutional coordination, the supervision of security-related discretion, and the protection of citizens' fundamental rights.

The adoption of a normative-philosophical design reflects the predominantly justificatory and evaluative character of the research questions. Rather than seeking to establish statistical correlations or empirically generalisable causal relationships, the study investigates the conditions under which sovereign security authority may be regarded as constitutionally legitimate, ethically defensible, and institutionally accountable. Critical institutional governance analysis complements this orientation by examining how constitutional principles are translated into institutional mandates, authorisation procedures, relationships of delegated authority, oversight arrangements, and mechanisms of governmental responsibility. This methodological integration enables the study to move beyond a strictly formal interpretation of legal provisions towards a systematic evaluation of the relationship between legally constituted authority and the institutional safeguards necessary to prevent its arbitrary exercise. The research is situated within an interpretative and normative epistemological orientation. Its analytical claims are developed through philosophical reasoning, doctrinal legal interpretation, conceptual differentiation, and critical examination of institutional governance arrangements. Normative validity is assessed through the coherence of the underlying arguments, their consistency with constitutional principles, and their capacity to explain the relationship between sovereign protection and the limitations imposed upon governmental authority. Accordingly, the study does not claim to produce empirical verification of institutional behaviour or the

operational effectiveness of particular security mechanisms. Its principal objective is to construct a theoretically coherent and constitutionally grounded framework for evaluating the legitimacy of national security governance.

Four complementary approaches are employed: the philosophical approach, conceptual approach, statutory approach, and contextual case approach. These approaches are integrated to establish a systematic connection between the philosophical justification of sovereign authority, the constitutional regulation of governmental powers, the institutional governance of security operations, and the protection of fundamental rights in technologically mediated environments. The philosophical approach critically examines Thomas Hobbes's account of sovereignty, security, political obligation, and the legitimacy of governmental authority as articulated in Leviathan (1651). Particular attention is directed towards Chapters XIII, XVII, XVIII, and XXI, which address the state of nature, the institution of sovereign authority, the rights of sovereignty, and the relationship between liberty and political obligation. Hobbesian political philosophy provides the analytical starting point for examining why the provision of security constitutes a foundational justification for the establishment and maintenance of political authority. Nevertheless, the research does not adopt Hobbes's conception of sovereign power as an unrestricted normative prescription for contemporary constitutional government. Instead, the philosophical analysis undertakes a critical reconstruction of Hobbesian sovereignty by examining its relationship with competing and complementary traditions of political and constitutional thought. John Locke's conception of limited government and fiduciary political authority provides a normative counterpoint to the concentration of sovereign power. Jürgen Habermas's theory of democratic legitimacy and constitutional justification is employed to examine the procedural and institutional conditions under which governmental authority can claim normative legitimacy. Giorgio Agamben's analysis of the state of exception provides a critical perspective on the potential normalisation of extraordinary governmental powers within ordinary institutional practices. Through this comparative philosophical examination, the study distinguishes the continuing relevance of sovereign protection from the proposition that security objectives may independently justify unlimited governmental discretion. The philosophical reconstruction is therefore neither a wholesale rejection of Hobbesian sovereignty nor an attempt to assimilate distinct philosophical traditions into a single undifferentiated theory. Rather, it constitutes a critical synthesis that preserves the protective rationale of sovereign authority while examining the constitutional, ethical, and institutional conditions required for its legitimate exercise within contemporary democratic governance. This analytical strategy provides the philosophical foundation for the proposed Constitutional Security Social Contract (CSSC). The conceptual approach is employed to clarify, differentiate, and establish the analytical relationships among the principal concepts underpinning the research, including the social contract, sovereignty, national security, regime security, constitutional legitimacy, executive institutional integrity, digital surveillance, institutional accountability, and rights-based security. Conceptual differentiation is particularly important because the constitutional protection of the highest executive institution cannot be equated with the preservation of the personal or political interests of incumbent officeholders.

For the purposes of this study, executive institutional integrity refers to the lawful independence, continuity, constitutional functionality, and accountability of the highest executive institution. This conception encompasses the protection of executive decision-making and institutional operations against unlawful interference while maintaining the constitutional responsibility of executive officials to remain subject to legal scrutiny and democratic accountability. National security, by contrast, concerns the protection of the constitutional state, its population, sovereignty, territorial integrity, and public institutions against legitimate threats. Regime security refers more specifically to the preservation of an existing political configuration or the interests of incumbent political actors. These concepts may intersect under particular circumstances, but their analytical distinction is essential for identifying situations in which security justifications risk being redirected towards personal or partisan objectives. The conceptual analysis further incorporates Michel Foucault's examination of surveillance, knowledge, and institutional power; the securitisation framework developed by Barry Buzan, Ole Wæver, and Jaap de Wilde; and Mark Bovens's conceptualisation of public accountability. Foucault's perspective is employed to identify asymmetrical

power relations arising from the collection, classification, and control of information. Securitisation theory provides an analytical basis for examining how political actors construct particular developments as security threats and how such representations may be used to justify exceptional governmental interventions. Bovens's accountability framework is used to examine relationships in which public authorities are required to explain and justify their conduct before competent forums capable of questioning, evaluating, and potentially imposing consequences. To strengthen the analysis of delegated governmental authority, the study also draws upon Principal-Agent Theory, particularly Eisenhardt's (1989) account of information asymmetry, divergent institutional interests, and monitoring difficulties. This perspective is relevant to national security governance because operational confidentiality and specialised institutional capacities may limit the information available to supervisory authorities.

Principal-Agent Theory is therefore employed to examine the clarity of delegated mandates, the relationship between authorising and implementing institutions, and the governance risks associated with insufficient monitoring and accountability. The statutory approach examines the constitutional and legislative foundations governing national security authority, the responsibilities of security institutions, the protection of executive institutional integrity, digital surveillance, and citizens' fundamental rights. The primary constitutional reference is the 1945 Constitution of the Republic of Indonesia, particularly Article 1(2) concerning popular sovereignty, Article 1(3) establishing the principle of the rule of law, Article 4(1) concerning the President's exercise of governmental power, Article 28G (1) concerning personal protection and security, and Article 28J concerning the exercise and permissible limitations of constitutional rights. The relevant national legislative instruments include Law No. 39 of 1999 concerning Human Rights; Law No. 2 of 2002 concerning the Indonesian National Police; Law No. 17 of 2011 concerning State Intelligence; Law No. 27 of 2022 concerning Personal Data Protection; and Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 concerning Electronic Information and Transactions. The analysis also incorporates Law No. 12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights (ICCPR), with particular attention to Article 17 of the Covenant, which protects individuals against arbitrary or unlawful interference with their privacy, family, home, and correspondence. The United Nations Human Rights Committee's General Comment No. 16 (1988) is employed as an interpretative reference concerning the protection of privacy under international human rights law.

The statutory analysis applies systematic and constitutionally oriented legal interpretation to examine the relationship between legislative mandates, legitimate governmental purposes, institutional competence, authorisation procedures, and oversight mechanisms. The principal normative criteria comprise legality, legitimate purpose, necessity, proportionality, procedural safeguards, and accountability. These criteria are used to evaluate the conditions under which security-related interventions may be constitutionally justified. The existence of a general institutional mandate in the field of national security is not presumed to constitute sufficient legal authorisation for every form of digital surveillance or communications interception. Each intervention must instead be assessed according to its specific legal basis, the competence of the institution involved, the applicable authorisation requirements, and the constitutional protections potentially affected. The contextual case approach connects the philosophical and normative analysis with publicly reported developments concerning allegations of unauthorised digital surveillance in Indonesia in November 2026. The reported allegations are examined as a contextual illustration of governance problems involving surveillance authorisation, the distribution of institutional responsibilities, the integrity of electronic information, investigative independence, and the effectiveness of accountability mechanisms. The purpose of this approach is not to establish the occurrence of criminal conduct, determine individual culpability, or substitute academic analysis for judicial fact-finding. Rather, it is to identify the constitutional and institutional questions that arise when security-related technological capabilities are allegedly exercised beyond their lawful purposes. Information concerning the reported developments is assessed according to its evidentiary status, source reliability, and documentary traceability. Official institutional statements, publicly accessible legal documents, and reports from identifiable sources are distinguished from unverified allegations and contested interpretations. Where inconsistencies arise, relevant primary documents are prioritised, and unresolved factual questions are explicitly acknowledged. The analysis maintains a clear

distinction between allegations, official statements, investigative developments, and facts established through judicial proceedings. Consequently, the contextual case is used to illuminate potential governance vulnerabilities without presuming that any individual or institution has committed an unlawful act.

The research draws upon three categories of materials: primary legal sources, secondary scholarly materials, and non-legal public documents relevant to the contextual case. Primary legal sources comprise constitutional provisions, national legislation, relevant international human rights instruments, and official legal documents. Secondary materials include foundational works of political philosophy, academic monographs, peer-reviewed journal articles, doctoral dissertations, and scholarly publications addressing social contract theory, constitutionalism, national security governance, digital surveillance, institutional accountability, and the protection of fundamental rights. Non-legal public documents include official institutional statements, publicly accessible reports, and identifiable media publications relevant to the selected contextual developments. Research materials are collected through structured library research and documentary analysis. The selection of scholarly literature is guided by four criteria: substantive relevance to the research questions, academic credibility, analytical contribution to understanding the relationship between security authority and constitutional democracy, and contemporary relevance to developments in digital surveillance and institutional governance. The collected materials are subsequently classified into five thematic categories: Hobbesian sovereignty and social contract theory; constitutional limitations on public authority; national security and digital surveillance; executive institutional integrity and institutional accountability; and rights-based security governance. This thematic classification supports the identification of conceptual relationships, normative tensions, and analytical limitations within existing scholarship. The materials are analyzed qualitatively through philosophical interpretation, normative legal analysis, institutional governance mapping, critical contextual examination, and normative-theoretical reconstruction. The analytical procedure comprises five interconnected stages, each contributing to the development of the CSSC framework. The first stage involves conceptual deconstruction, through which the foundational assumptions of Hobbesian sovereignty are identified and critically examined. The analysis focuses on the relationship between insecurity, political obligation, sovereign authority, and the justification of concentrated governmental power. These assumptions are subsequently evaluated against constitutionalist and critical perspectives derived from Locke, Habermas, Foucault, and Agamben. The purpose is to identify which elements of Hobbesian political philosophy remain analytically relevant to contemporary national security governance and which require normative reconstruction in light of constitutional limitations and democratic accountability. The second stage consists of normative and constitutional analysis, which examines the legal foundations and permissible limitations of national security authority. This stage evaluates the relationship between institutional mandates, legitimate security objectives, necessity, proportionality, procedural authorisation, and the protection of fundamental rights. It seeks to identify the constitutional conditions under which the exercise of security powers can be justified and the normative boundaries beyond which governmental intervention becomes constitutionally problematic. The analysis also distinguishes the legal existence of an institutional power from the constitutional legitimacy of its exercise in particular circumstances. The third stage involves institutional governance mapping and analysis. This stage identifies the formal distribution of responsibilities among executive institutions, law enforcement agencies, intelligence authorities, and relevant oversight bodies. The analysis examines institutional mandates, chains of command, interinstitutional coordination, delegated responsibilities, authorisation procedures, supervisory independence, and mechanisms for attributing institutional accountability.

Principal-Agent Theory is employed to assess the potential implications of information asymmetry and monitoring limitations within delegated security arrangements. Institutional mapping is grounded in applicable legal provisions and accessible documents rather than unsupported assumptions concerning confidential institutional practices. The fourth stage comprises critical analysis of the contextual case, through which the philosophical, normative, and institutional findings are related to the reported surveillance allegations of November 2026. The examination is organised around four analytical dimensions: the legitimacy of security authority; the ethical limitations governing surveillance practices; the allocation of institutional powers and effectiveness of oversight; and the protection of constitutional rights. A distinction is

maintained between the normative conditions that ought to govern public authority and institutional circumstances that can be identified through verifiable public documentation. The identification of a potential discrepancy between normative standards and reported developments does not, in itself, constitute proof of unlawful conduct. The fifth stage involves normative-theoretical reconstruction, integrating the preceding philosophical, constitutional, conceptual, and institutional analyses to formulate the Constitutional Security Social Contract (CSSC). The reconstruction proceeds from the proposition that the legitimacy of national security authority within constitutional democracy cannot be derived exclusively from the state's effectiveness in preserving order or providing protection. Legitimate security governance must also satisfy constitutional limitations, ethical justification, lawful authorisation, institutional accountability, and the protection of fundamental rights. Through this theoretical synthesis, CSSC is formulated around five interdependent principles: constitutional supremacy, ethical limitations on public authority, legality and proportionality of surveillance, institutional accountability, and rights-based security. These principles are conceptualized as mutually reinforcing normative requirements rather than independent or interchangeable considerations. Constitutional supremacy establishes the fundamental legal boundaries of sovereign authority. Ethical limitations require public officials to exercise coercive powers consistently with legitimate public purposes. Legality and proportionality determine the permissible conditions and scope of surveillance-related interventions. Institutional accountability requires security authorities to remain answerable to competent supervisory institutions. Rights-based security establishes the protection of human dignity and fundamental freedoms as an integral condition of legitimate national security governance. The resulting reconstruction is organised into three interconnected levels of governance architecture: the normative-constitutional level, institutional-governance level, and technological and rights-protection level. The normative-constitutional level establishes the philosophical justification, legal foundations, and constitutional limitations of security authority. The institutional-governance level addresses the allocation of mandates, interinstitutional coordination, authorisation procedures, independent oversight, and accountability mechanisms. The technological and rights-protection level identifies the operational safeguards necessary to ensure that digital surveillance and information-processing activities remain legally authorised, proportionate, traceable, auditable, and compatible with constitutional rights. The relationship among these three levels is examined through the institutional sequence of legal mandate, authorisation, implementation, independent oversight, accountability, and effective remedies. This sequence functions as a proposed analytical instrument for tracing the exercise of security authority from its legal foundation to the availability of institutional review and corrective mechanisms. It does not presume that all Indonesian security institutions currently implement these arrangements uniformly. Rather, it establishes a set of normative and institutional criteria through which the legitimacy and accountability of security governance may be evaluated.

III. RESULTS AND DISCUSSION

3.1. Deconstructing Hobbesian Sovereignty: From Absolute Power to Constitutional Accountability

The relationship between sovereignty, national security, and constitutional accountability constitutes a fundamental problem in contemporary Government Science. This problem arises from the tension between the state's obligation to maintain political order and the constitutional requirement that governmental authority remain subject to legal limitations and institutional supervision. Classical theories of sovereignty generally address the conditions under which political authority becomes necessary, whereas contemporary constitutional governance must additionally determine how such authority can be exercised without undermining the rights and institutional arrangements it is intended to protect. Deconstructing Hobbesian sovereignty therefore requires more than questioning the concentration of political power. It involves examining the philosophical assumptions through which security becomes a justification for governmental authority and identifying the constitutional conditions under which protective power remains legitimate. In Leviathan, Hobbes (1651/1996) conceptualises political authority as a rational response to the insecurity arising from the absence of a common power. The state of nature represents a condition in which individuals lack an effective institutional mechanism capable of enforcing agreements, preventing conflict, and securing

collective peace. Through mutual authorisation, individuals establish a sovereign whose authority provides the coercive capacity necessary to maintain political society. The philosophical significance of this arrangement lies in the transformation of individual vulnerability into collective protection through an organised political authority. Sovereignty is consequently justified by its capacity to overcome insecurity and establish the conditions for social cooperation. Nevertheless, this justification concerns the necessity of sovereign authority rather than the constitutional legitimacy of every governmental measure undertaken in the pursuit of security. The relationship between protection and obedience is particularly important in understanding the internal logic of Hobbesian sovereignty. Hobbes (1651/1996, Chapter XXI) associates the obligation of subjects with the sovereign's ability to provide protection, while recognising certain liberties connected to individual self-preservation. This relationship indicates that the protective purpose of political authority is central to its philosophical justification. However, the concentration of sovereign authority creates a structural problem when protective responsibilities are interpreted as sufficient grounds for extensive governmental discretion. Although Hobbes recognises the importance of law and the preservation of political order, his conception of sovereignty does not establish the institutional checks and constitutional review mechanisms characteristic of contemporary constitutional democracy. The distinction between the historical meaning of Hobbesian sovereignty and its modern normative reconstruction is therefore essential to avoiding anachronistic interpretations. From the perspective of Government Science, this distinction reveals a limitation in approaches that equate effective state protection with legitimate government. Security effectiveness concerns the capacity of governmental institutions to identify threats, maintain order, and protect constitutional functions. Governmental legitimacy, however, additionally concerns the legal origins of institutional authority, the purposes for which it is exercised, and the mechanisms through which public officials are held responsible.

A government may possess substantial operational capabilities while remaining constitutionally constrained in the manner in which those capabilities may be employed. Accordingly, the protection of the highest executive office should be distinguished from the unrestricted protection of individual officeholders or the political interests of an incumbent administration. Executive institutional integrity refers to the continuity, independence, and lawful functioning of constitutional executive authority rather than the personal immunity of those temporarily exercising that authority. Locke's theory of political power introduces a normative challenge to the concentration of authority associated with Hobbesian sovereignty. In Two Treatises of Government, Locke (1689/1988) conceptualises governmental power as a fiduciary responsibility entrusted for the protection of legitimate public interests and individual rights. Political authority is therefore limited by the purposes for which it is established and cannot legitimately be transformed into an instrument of arbitrary domination. This perspective provides a foundation for distinguishing public security responsibilities from the unrestricted discretion of security institutions. The existence of a legitimate protective objective does not, by itself, justify measures that exceed statutory mandates, interfere disproportionately with individual rights, or circumvent established constitutional procedures. The contrast between Hobbes and Locke should not be reduced to a simple opposition between absolute and limited government. Both thinkers address the conditions necessary for political order, but they assign different significance to the distribution and limitation of public authority. Hobbes emphasises the necessity of a sufficiently effective sovereign to prevent the disintegration of political society, whereas Locke places greater normative weight on the entrusted character of governmental power and the protection of rights against arbitrary intervention (Hobbes, 1651/1996; Locke, 1689/1988). Their theoretical relationship suggests that effective security and constitutional restraint are not necessarily competing governmental objectives. Rather, they represent different requirements that must be reconciled within contemporary institutional arrangements.

Habermas (1996) provides a further basis for examining this relationship through his theory of constitutional legality and democratic legitimacy. In Between Facts and Norms, the legitimacy of law is connected to the institutionalisation of procedures through which citizens can understand themselves as participants in the formation of the legal order. From this perspective, governmental authority cannot derive legitimacy exclusively from its coercive capacity, administrative effectiveness, or hierarchical position. It

must also remain connected to constitutionally established procedures and principles capable of democratic justification. Applied to national security governance, this framework suggests that security institutions must exercise their authority within legally defined mandates and remain subject to appropriate forms of institutional accountability, even where operational confidentiality is necessary. The application of Habermas Ian legitimacy to national security requires particular attention to the relationship between secrecy and public justification. Certain security activities may legitimately involve confidential information, restricted operational procedures, or protected intelligence sources. Nevertheless, operational confidentiality should not be equated with an exemption from constitutional responsibility. A distinction must therefore be maintained between the confidentiality necessary to protect legitimate security operations and the institutional opacity that prevents the evaluation of governmental conduct. Constitutional accountability may be exercised through authorised oversight bodies, judicial mechanisms, and legally regulated reporting procedures without requiring unrestricted public disclosure of sensitive information. In this sense, democratic legitimacy depends not on the complete elimination of secrecy but on ensuring that secrecy remains legally bounded and institutionally reviewable (Habermas, 1996; Bovens, 2007).

The expansion of surveillance technologies further exposes the limitations of a sovereignty-centred understanding of security. Foucault (1977) demonstrates that modern institutional power operates through relationships involving observation, knowledge production, classification, and discipline. Surveillance is therefore not merely a technical instrument for obtaining information but also a mechanism capable of shaping institutional relationships and regulating conduct. In contemporary digital environments, communications interception, automated monitoring, and interconnected information systems may substantially expand the capacity of public institutions to collect, process, and retain information. These capabilities can contribute to legitimate security objectives while simultaneously generating risks of excessive monitoring, unauthorised access, and the concentration of informational power. A Foucauldian perspective is particularly relevant because the constitutional implications of surveillance extend beyond the immediate act of obtaining information. The accumulation of personal data may create persistent asymmetries between security institutions and individuals whose communications or activities become subject to observation. These asymmetries are intensified when operational authority, technical control, and access to oversight information are concentrated within the same institutional structure. Consequently, the legitimacy of digital surveillance cannot be evaluated solely through its contribution to threat detection. It must also be assessed through the legal basis of information collection, restrictions on data access and retention, the proportionality of operational measures, and the availability of independent review. These requirements represent a contemporary constitutional application of the problems of institutional power identified by Foucault rather than principles expressly formulated in his historical analysis. The political construction of security threats creates an additional challenge to constitutional governance. Buzan et al. (1998) explain that securitisation involves the presentation of particular issues as existential threats that may justify responses extending beyond ordinary political procedures. The significance of this approach lies in its demonstration that security is not exclusively a technical assessment of objective danger; it also involves political processes through which threats are identified, communicated, and institutionally prioritised. Security claims may therefore influence the distribution of governmental authority and the acceptance of exceptional measures. However, the political recognition of a threat must remain analytically distinguishable from the legal authorisation of the measures adopted in response. Agamben (2005) further examines the relationship between exceptional governmental powers and the legal order, particularly the danger that extraordinary measures may become normalised within political institutions. Although his analysis emerges from a different theoretical tradition, it complements securitisation theory by directing attention towards the institutional consequences of exceptional authority. Together, these perspectives demonstrate the importance of examining whether extraordinary security interventions remain subject to identifiable legal foundations, substantive limitations, temporal controls, and mechanisms of review. The invocation of national security cannot independently establish constitutional legitimacy, particularly where exceptional powers affect fundamental rights or alter the ordinary distribution of governmental authority.

The institutional implications of these theoretical perspectives become especially significant when national security responsibilities are distributed across organisations with distinct mandates and operational capabilities. Contemporary security governance frequently requires coordination among executive institutions, intelligence organisations, law enforcement agencies, regulatory authorities, and oversight bodies. Such institutional complexity creates potential difficulties concerning the allocation of responsibility, access to operational information, and the supervision of delegated powers. Eisenhardt (1989) explains that principal–agent relationships may generate information asymmetry where agents possess greater knowledge of their activities than the principals responsible for supervising them. In security governance, operational secrecy and technical complexity may intensify these asymmetries, making effective institutional control dependent on carefully designed authorisation and accountability mechanisms. Bovens (2007) provides a complementary framework by conceptualising accountability as a relationship in which public actors are required to explain and justify their conduct before a competent forum capable of questioning, evaluating, and attaching consequences to their actions. This understanding moves accountability beyond the general expectation that public officials should behave responsibly. It requires institutional arrangements through which decisions can be examined and responsibility can be established. Applied to national security governance, accountability therefore involves the identification of legally competent authorities, the documentation of operational decisions, the availability of independent supervision, and procedures for addressing the misuse of governmental powers. Institutional accountability becomes a necessary condition of legitimate security governance rather than an administrative mechanism activated only after misconduct has occurred. The integration of Hobbesian sovereignty with theories of limited government, democratic legitimacy, surveillance, securitisation, and public accountability produces a more comprehensive understanding of constitutional security governance. Hobbes establishes the protective rationale of sovereign authority, while Locke clarifies the fiduciary limitations of governmental power. Habermas connects legitimacy with constitutional procedures and democratic justification.

Foucault reveals how surveillance may generate asymmetrical institutional relationships, whereas Buzan et al. (1998) and Agamben (2005) illuminate the risks associated with exceptional security claims. Bovens (2007) and Eisenhardt (1989) explain why the effective supervision of delegated authority requires institutional mechanisms capable of addressing informational asymmetry and establishing responsibility. These theoretical contributions are not identical, nor do they constitute a single unified theory. Their analytical integration is developed in this study to examine different dimensions of the same governance problem. On this basis, the study identifies three interconnected dimensions of legitimate national security governance. The first, protective legitimacy, concerns the capacity of sovereign authority to maintain collective security and preserve the constitutional functions of the state (Hobbes, 1651/1996). The second, constitutional legitimacy, concerns the requirement that governmental power remain grounded in lawful purposes, established procedures, and the protection of fundamental rights (Habermas, 1996; Locke, 1689/1988). The third, institutional legitimacy, concerns the organisational arrangements through which security authority is allocated, supervised, evaluated, and corrected (Bovens, 2007; Eisenhardt, 1989). These dimensions are analytically distinct but mutually dependent. Protective effectiveness without constitutional restraint may facilitate arbitrary intervention, while constitutional commitments without effective institutional arrangements may fail to provide meaningful protection. The relationship among these dimensions also requires distinguishing national security, regime security, and executive institutional integrity. National security concerns the protection of the state, society, and constitutional institutions against threats affecting their continued functioning. Regime security, as employed in this analysis, refers more narrowly to measures directed towards preserving the political position of an incumbent administration or governing coalition. Executive institutional integrity concerns the lawful continuity, independence, and proper functioning of the highest executive office as a constitutional institution. These categories may overlap in particular circumstances, but they are not conceptually interchangeable. The protection of executive institutional integrity can constitute a legitimate security objective, whereas the preservation of incumbent political interests cannot automatically be treated as equivalent to the constitutional protection of the state. This distinction is especially important in democratic systems because executive authority

simultaneously possesses a protective responsibility and remains subject to constitutional limitations. The executive may be responsible for coordinating national security responses, yet its institutional position does not eliminate the necessity of legal authorisation, separation of functions, and independent supervision. A constitutional approach must therefore prevent the protective rationale of national security from becoming a justification for conflating institutional continuity with personal political interests. The central governance challenge is to preserve the capacity of the state to protect its constitutional institutions while ensuring that security powers cannot be exercised as instruments of arbitrary intervention.

The deconstruction undertaken in this section consequently produces three principal theoretical findings. First, the protective function of sovereignty provides an essential justification for political authority but does not establish unlimited governmental discretion. Second, constitutional limitations define the normative conditions under which security powers may legitimately be exercised. Third, institutional accountability provides the organisational mechanisms necessary to translate constitutional requirements into governmental practice. These findings demonstrate that the legitimacy of national security governance cannot be reduced to operational effectiveness or formal legal authority considered independently. It depends on the relationship among protection, constitutional restraint, and accountable institutional implementation. The theoretical novelty of this analysis lies not in attributing contemporary constitutional principles to Hobbes or claiming that the individual concepts of sovereignty, rights, and accountability are newly discovered. Rather, it lies in developing an integrated conceptual interpretation of how these principles interact within contemporary national security governance. The proposed reconstruction moves beyond a predominantly sovereign-centred understanding of protection by treating constitutional limitations and institutional accountability as constitutive conditions of legitimate security authority. Within Government Science, this interpretation contributes to the study of governmental power by connecting the philosophical justification of sovereignty with the institutional distribution, supervision, and correction of executive security responsibilities. Accordingly, the central proposition advanced in this study is that the legitimacy of national security governance depends on the simultaneous fulfilment of protective effectiveness, constitutional restraint, and institutional accountability. This proposition provides the theoretical foundation for the Constitutional Security Social Contract (CSSC), which is developed in Section 3.3 as a proposed governance framework integrating sovereign protection, constitutional supremacy, institutional responsibility, and rights-based security. The intervening analysis of the November 2026 surveillance allegations in Section 3.2 serves to examine the constitutional and institutional questions to which this reconstruction is directed, without treating unresolved allegations as established judicial findings or as empirical validation of the proposed framework.

3.2. Surveillance and the Limits of State Power: Constitutional Challenges in Indonesia's November 2026 Allegations

The constitutional governance of national security presents a fundamental challenge when surveillance capabilities intersect with executive institutional integrity, governmental accountability, and the protection of fundamental rights. Within Government Science, surveillance must be understood not merely as a technological instrument for identifying threats but as an exercise of public authority whose legitimacy depends on legally defined institutional competence and effective constitutional supervision. The surveillance allegations emerging in Indonesia in November 2026 provide a relevant context for examining this relationship. However, these allegations must be distinguished from legally established facts. Accordingly, this study adopts a normative and critical institutional approach to assess the constitutional implications of the reported circumstances without presuming criminal responsibility, institutional misconduct, or the unlawful deployment of particular technologies. The theoretical significance of these allegations lies in the tension between the state's responsibility to protect constitutional institutions and the possibility that security powers may exceed their legitimate purposes. Hobbes (1651/1996) identifies collective protection as a fundamental justification for sovereign authority. Nevertheless, contemporary constitutional government requires protective power to remain subject to legal limitations and institutional accountability. Locke (1689/1988) conceptualises governmental authority as a fiduciary responsibility, while Habermas (1996) connects political legitimacy with constitutional procedures and democratic justification.

These perspectives establish that national security objectives cannot independently legitimise unrestricted surveillance or interventions that exceed legally authorised institutional mandates.

Indonesia's constitutional framework provides the normative foundation for evaluating these limitations. Article 1(2) of the 1945 Constitution establishes popular sovereignty, while Article 1(3) affirms the principle of the rule of law. Article 4(1) recognises the President's governmental authority within the constitutional system. Furthermore, Articles 28D(1), 28F, and 28G(1) protect legal certainty, communication rights, and personal security, whereas Article 28J establishes constitutional conditions for limiting rights. These provisions indicate that surveillance measures must possess a legitimate legal foundation, pursue constitutionally permissible objectives, and remain subject to appropriate safeguards. Article 17 of the International Covenant on Civil and Political Rights, ratified by Indonesia through Law No. 12 of 2005, further prohibits arbitrary or unlawful interference with privacy and correspondence (Human Rights Committee, 1988). The institutional distribution of surveillance authority constitutes an equally important governance issue. Law No. 2 of 2002 concerning the Indonesian National Police and Law No. 17 of 2011 concerning State Intelligence establish distinct institutional responsibilities. Their respective mandates cannot be interpreted as interchangeable authorisations for all forms of surveillance. The legality of a particular operation depends on the applicable statutory provisions, the competence of the implementing institution, the purpose of the activity, and any required authorisation procedures. Law No. 27 of 2022 concerning Personal Data Protection and Law No. 1 of 2024 concerning amendments to the electronic information and transactions framework provide additional legal considerations regarding electronic information and personal data. Consequently, the constitutional evaluation of surveillance must distinguish general monitoring, communications interception, unauthorised electronic access, and the alteration or deletion of digital information, as these activities may involve different legal requirements and institutional responsibilities. The expansion of digital surveillance capabilities intensifies the relationship between institutional power and informational asymmetry. Foucault (1977) explains that surveillance can reinforce power through the systematic observation and classification of individuals. In contemporary security governance, this perspective highlights the risks associated with concentrated access to sensitive communications and electronic information. Eisenhardt (1989) further demonstrates that delegated authority may create information asymmetry between operational actors and supervisory institutions. These risks become particularly significant when technical complexity and operational confidentiality limit the ability of oversight bodies to evaluate governmental conduct. Accordingly, effective surveillance governance requires traceable authorisation, clearly allocated responsibilities, secure information management, and supervision capable of examining whether operational powers remain within their lawful purposes.

The political construction of security threats may also influence the expansion of governmental authority. Buzan et al. (1998) explain that securitisation occurs when particular issues are represented as existential threats requiring extraordinary responses. Agamben (2005) similarly examines the constitutional implications of exceptional governmental powers and their potential normalisation. These perspectives demonstrate why the designation of an activity as a national security concern cannot, by itself, establish the legality or proportionality of the measures adopted. Even where a security threat is credible, governmental intervention must remain consistent with applicable legal requirements and institutional safeguards. This analysis does not imply that the November 2026 allegations demonstrate deliberate securitisation or the misuse of exceptional powers; rather, it identifies the standards through which such questions should be examined. A further conceptual distinction concerns national security, regime security, and executive institutional integrity. National security encompasses the protection of the state, society, and constitutional institutions, whereas regime security concerns the preservation of an incumbent administration's political position. Executive institutional integrity refers to the lawful continuity, independence, and effective functioning of the highest executive office. Although these objectives may intersect, they cannot be treated as equivalent. Protecting the presidency as a constitutional institution does not confer personal immunity upon its officeholder or justify the unrestricted use of security capabilities. The legitimacy of executive protection therefore depends on maintaining the distinction between constitutional institutional interests and the political interests of particular officeholders. Institutional accountability provides the principal

mechanism for ensuring that protective authority remains constitutionally legitimate. Bovens (2007) conceptualises accountability as a relationship requiring public actors to explain and justify their decisions before competent forums capable of evaluating their conduct and determining consequences. Applied to surveillance governance, this approach requires identifiable authorising officials, documented operational responsibilities, effective supervisory arrangements, and procedures for examining potential abuses. Operational confidentiality may be necessary to protect legitimate security activities, but it should not eliminate legally established mechanisms of independent review.

The constitutional challenge is therefore to reconcile the confidentiality of sensitive operations with the accountability of the institutions responsible for conducting them. The former concerns the legal and normative requirements governing surveillance, including constitutional supremacy, statutory competence, proportionality, and the protection of rights. The latter concerns the actual exercise of institutional authority as demonstrated by verifiable evidence. In relation to the November 2026 allegations, establishing a discrepancy between these dimensions would require reliable documentation concerning operational authorisation, institutional responsibility, the activities undertaken, and the effectiveness of oversight. Unresolved allegations cannot independently demonstrate that constitutional violations occurred. They can, however, identify questions requiring investigation and reveal the importance of institutional safeguards capable of preventing or addressing unlawful interference. The analysis consequently establishes that legitimate surveillance governance depends on the integration of constitutional legality, institutional competence, operational necessity, proportionality, and effective accountability. Its contribution to Government Science lies in demonstrating that the protection of executive institutional integrity cannot be separated from the constitutional regulation of the security institutions entrusted with that responsibility. The November 2026 allegations therefore serve as a contextual basis for examining potential governance vulnerabilities rather than as conclusive evidence of institutional misconduct. This finding provides the analytical foundation for the Constitutional Security Social Contract (CSSC) developed in Section 3.3, which seeks to reconcile sovereign protection, constitutional limitations, institutional accountability, and rights-based security within an integrated governance framework.

3.3. Reconstructing the Constitutional Security Social Contract: Normative Principles, Governance Architecture, and Theoretical Contributions

The theoretical limitations identified in the Hobbesian conception of sovereignty and the constitutional questions arising from contemporary surveillance governance demonstrate the need to reconsider the relationship between state protection, governmental authority, and institutional accountability. Although Hobbes (1651/1996) establishes collective security as a fundamental justification for sovereign power, the legitimacy of contemporary national security governance cannot be determined exclusively by the state's capacity to maintain order or respond to perceived threats. Constitutional democracy requires the exercise of security authority to remain consistent with legally established institutional mandates, democratic legitimacy, and the protection of fundamental rights. Building upon this distinction, the present study proposes the Constitutional Security Social Contract (CSSC) as an integrated normative-theoretical framework that reconstructs the protective rationale of sovereignty through constitutional limitations, accountable institutional arrangements, and rights-based security governance.

The philosophical foundation of CSSC emerges from a critical synthesis of political and governmental theories addressing different dimensions of legitimate public authority. Hobbes (1651/1996) explains the necessity of effective sovereign protection, whereas Locke (1689/1988) conceptualises political power as an entrusted responsibility limited by its public purposes. Habermas (1996) connects the legitimacy of governmental authority with constitutional procedures and democratic justification. Foucault (1977) reveals the asymmetrical relationships of power that may emerge through surveillance and institutional control over information, while Buzan et al. (1998) demonstrate how the political construction of security threats can facilitate demands for exceptional governmental measures. Agamben (2005) further examines the risks associated with the normalisation of exceptional authority. Bovens (2007) and Eisenhardt (1989) provide complementary institutional perspectives by explaining the requirements of public accountability and the supervisory challenges arising from delegated authority. CSSC does not treat these theories as

conceptually identical. Rather, it integrates their distinct analytical contributions to establish a framework for evaluating the constitutional legitimacy of security governance.

The central conceptual departure of CSSC lies in distinguishing the justification for establishing sovereign authority from the legitimacy of exercising particular security powers. Under a predominantly protective interpretation of sovereignty, the state's responsibility to maintain security may be understood as the principal justification for governmental intervention. CSSC advances a more demanding interpretation by proposing that protective effectiveness constitutes only one dimension of legitimate security governance. The exercise of security authority must also satisfy constitutional requirements and operate through institutions capable of explaining, supervising, and correcting governmental decisions. Accordingly, the framework integrates protective legitimacy, constitutional legitimacy, and institutional legitimacy as mutually reinforcing conditions rather than independent or competing objectives. CSSC is organised around five normative principles that define the substantive requirements of constitutionally legitimate security authority. The first principle, constitutional supremacy, establishes that all security powers derive their legitimacy from the constitutional and statutory order. Neither the invocation of national security nor the institutional position of an executive authority can independently justify measures exceeding legally established competence. In the Indonesian context, this principle is grounded in Articles 1(2) and 1(3) of the 1945 Constitution, which establish popular sovereignty and the rule of law. It requires security institutions to distinguish between their general responsibility to protect the state and the specific legal authorisation necessary to undertake particular operations. Constitutional supremacy therefore operates as a foundational limitation on governmental discretion and as a standard for evaluating the legitimacy of security decisions.

The second principle, ethical limitations on public authority, recognises that formal legality alone may be insufficient to establish the legitimacy of governmental action. Locke's understanding of fiduciary political power and Habermas's account of democratic legitimacy provide a normative foundation for evaluating whether public authority is exercised consistently with its entrusted purposes and the dignity of those affected (Habermas, 1996; Locke, 1689/1988). Within CSSC, ethical limitation requires security institutions to consider conflicts of interest, institutional independence, professional responsibility, and the potential consequences of decisions involving sensitive information. This principle is particularly significant where officials possess substantial discretion or where operational confidentiality reduces opportunities for public scrutiny. Ethical responsibility consequently complements legal compliance by requiring public officials to justify the purposes and foreseeable consequences of their actions.

The third principle, legality, necessity, and proportionality of surveillance, establishes the conditions under which governmental monitoring and communications interception may be considered constitutionally defensible. Surveillance must possess a valid legal foundation, pursue a legitimate objective, and remain limited to measures justified by the circumstances. The existence of technical capability does not confer legal authority to access communications or electronic information. Foucault's (1977) analysis of surveillance highlights the risks associated with asymmetrical informational power, while Article 17 of the International Covenant on Civil and Political Rights provides an international legal reference concerning arbitrary or unlawful interference with privacy. Within CSSC, surveillance governance therefore requires appropriate authorisation, restrictions on access and information processing, and procedures capable of reviewing whether operational activities remain within their legitimate purposes.

The fourth principle, institutional accountability, requires the exercise of security authority to remain attributable to identifiable public institutions and responsible decision-makers. Bovens (2007) explains accountability through relationships in which public actors must provide explanations and justifications before competent forums capable of evaluating their conduct and determining consequences. CSSC applies this understanding to the institutional complexity of national security governance, where operational responsibilities may be distributed among executive authorities, intelligence organisations, law enforcement institutions, and supervisory bodies. Accountability requires clear mandates, documented authorisation, traceable decisions, and legally competent mechanisms of review. Eisenhardt's (1989) analysis of information asymmetry further demonstrates why supervisory institutions must possess sufficient authority and access to relevant information to evaluate delegated security functions effectively. The fifth principle,

rights-based security, positions fundamental rights as constitutive elements of legitimate national security governance rather than external constraints to be considered only after security objectives have been determined. The protection of privacy, lawful communication, personal data, freedom of expression, and access to appropriate legal remedies must inform the formulation and implementation of security policies. In Indonesia, Articles 28 D (1), 28F, 28 G (1), and 28J of the 1945 Constitution provide important constitutional references for evaluating the relationship between governmental authority and protected rights. Law No. 27 of 2022 concerning Personal Data Protection further contributes to the relevant statutory framework. Rights-based security does not deny the possibility of lawful restrictions in pursuit of legitimate public interests. Instead, it requires such restrictions to remain consistent with applicable constitutional and legal standards.

The interaction among these five principles establishes the normative coherence of CSSC. Constitutional supremacy determines the legal boundaries of security authority; ethical limitation addresses the responsible purposes of governmental action; legality, necessity, and proportionality regulate intrusive surveillance measures; institutional accountability establishes the mechanisms through which governmental conduct can be examined; and rights-based security ensures that the protection of individuals remains integral to the objectives of national security. These principles are mutually dependent. Formal legality without effective accountability may permit violations to remain undetected, while institutional supervision without substantive rights protection may evaluate procedural compliance without adequately addressing the consequences of governmental intervention. CSSC therefore treats legitimate security governance as an integrated constitutional responsibility. To translate these normative commitments into institutional arrangements, CSSC proposes a three-level governance architecture consisting of the normative-constitutional level, the institutional-governance level, and the technological and rights-protection level. These levels represent analytically distinct but operationally connected dimensions of governmental authority. Their integration is intended to address the gap between constitutional standards and the practical exercise of security powers. Rather than assuming that legal rules automatically produce accountable institutions, CSSC identifies the organisational and technological conditions necessary for constitutional requirements to influence operational decisions.

The normative-constitutional level establishes the legal foundations, institutional purposes, and substantive limitations governing national security authority. It requires consistency between constitutional provisions, statutory mandates, and applicable international human rights obligations. Within Indonesia's legal system, this level encompasses the 1945 Constitution, Law No. 2 of 2002 concerning the Indonesian National Police, Law No. 17 of 2011 concerning State Intelligence, Law No. 27 of 2022 concerning Personal Data Protection, and other relevant legal instruments governing electronic information and surveillance. The central function of this level is to determine whether an institution possesses lawful competence, whether a proposed security measure pursues a legitimate objective, and whether the contemplated interference remains consistent with constitutional limitations. It therefore provides the normative reference against which institutional and operational conduct must be evaluated.

The institutional-governance level concerns the distribution, coordination, and supervision of security responsibilities across governmental organisations. This level translates constitutional requirements into identifiable institutional mandates, authorisation procedures, reporting obligations, and mechanisms of accountability. Its significance arises from the fact that contemporary security governance rarely operates through a single institution. Instead, intelligence collection, threat assessment, law enforcement, executive coordination, and institutional oversight may involve different organisations possessing distinct legal responsibilities. CSSC therefore requires interinstitutional cooperation to remain consistent with statutory competence and to preserve the distinction between operational authority and supervisory responsibility. Coordination should improve collective security capacity without obscuring the identity of decision-makers or enabling institutions to exercise powers beyond their legal mandates. The technological and rights-protection level addresses the operational systems through which security authority is implemented, particularly where digital surveillance and sensitive information are involved. This level requires technological safeguards appropriate to the legal and operational risks of the activity, including controlled

access, authentication, separation of duties, reliable audit records, data minimisation, and lawful information-retention procedures. Such safeguards support the traceability of decisions and reduce opportunities for unauthorised access or manipulation. However, CSSC expressly distinguishes technological security from constitutional legitimacy. A technically protected information system may still be used for purposes that exceed lawful authority. Accordingly, technological controls must remain subordinate to constitutional requirements and institutional supervision rather than functioning as independent justifications for surveillance activities. The relationship among the three governance levels is both vertical and horizontal. Vertically, constitutional and statutory standards establish the authority and limitations that must be translated into institutional procedures and subsequently implemented through operational technologies. Information obtained through supervision, audits, and operational evaluation may, in turn, reveal weaknesses requiring institutional correction or regulatory reform. Horizontally, CSSC requires coordination among institutions possessing different mandates, consistent procedures for managing sensitive information, and compatible standards for accountability and rights protection. This arrangement recognises that national security governance involves interdependent governmental functions rather than isolated organisational activities. Its purpose is to connect legal authority, institutional responsibility, and technological implementation within a coherent system of constitutional control.

The operational application of CSSC is further developed through a six-stage accountability cycle. The first stage is legal and constitutional authorisation, which establishes the statutory basis, legitimate purpose, competent authority, and permissible scope of a proposed security activity. The second stage is institutional allocation and coordination, through which responsibility for approval, implementation, supervision, and information management is assigned to legally competent actors. The third stage is operational and technological implementation, requiring authorised activities to comply with applicable procedures and appropriate safeguards. The fourth stage is monitoring and independent oversight, through which competent supervisory bodies assess conformity with legal mandates, necessity, proportionality, and institutional responsibilities. The fifth stage is accountability evaluation, involving the examination of operational records, supervisory findings, and relevant decisions to determine whether corrective or legal consequences are required. The sixth stage is corrective action and institutional learning, which translates identified weaknesses into improvements in organisational procedures, regulatory arrangements, and technological controls.

The significance of this cycle lies in its treatment of accountability as a continuous governance function rather than a mechanism activated exclusively after alleged misconduct. Authorisation establishes the conditions for lawful action before an operation begins, operational supervision supports compliance during implementation, and subsequent evaluation enables responsibility to be examined after the activity has concluded. Institutional learning then connects the findings of oversight to the improvement of future governmental practice. This approach extends Bovens's (2007) understanding of accountability by situating answerability within a broader proposed sequence of authorisation, implementation, review, and correction. The six stages are presented as an analytical governance design, not as a description of procedures already uniformly implemented across Indonesian security institutions. A distinctive contribution of CSSC concerns the conceptual position of executive institutional integrity within national security governance. The protection of the highest executive office must be distinguished from the preservation of the political interests of an incumbent administration. Executive institutional integrity refers to the lawful continuity, independence, and proper functioning of the presidency as a constitutional institution. It encompasses the protection of legitimate executive decision-making and institutional communications where legally protected, without establishing immunity from lawful investigation, judicial review, democratic criticism, or public accountability. CSSC consequently differentiates national security, regime security, and executive institutional integrity to prevent the protective rationale of state authority from being conflated with the personal or political interests of particular officeholders. This distinction also clarifies the constitutional limits of executive discretion. Although executive institutions may possess significant responsibilities for coordinating national security, their authority must remain grounded in the constitutional distribution of governmental powers.

The protection of the presidency cannot independently justify unrestricted surveillance, the circumvention of statutory procedures, or the concentration of operational and supervisory authority within arrangements lacking effective review. In this respect, CSSC conceptualises executive institutional integrity as an object of constitutional protection that simultaneously requires constitutional restraint. The institution must be protected from unlawful interference, while the powers exercised in its protection must remain legally authorised and accountable. The theoretical contribution of CSSC to Government Science can be understood through its integration of three previously distinguished dimensions of legitimacy. Protective legitimacy concerns the capacity of the state to maintain security and preserve constitutional functions. Constitutional legitimacy concerns the legal and normative limitations governing the exercise of public authority. Institutional legitimacy concerns the organisational arrangements through which governmental decisions are authorised, implemented, supervised, and corrected. CSSC proposes that these dimensions should be evaluated relationally because weaknesses in one dimension may undermine the legitimacy of the others. Effective protection without constitutional limitations may facilitate arbitrary intervention, whereas formal constitutional commitments without adequate institutional capacity may fail to prevent the misuse of security authority.

This integration represents the principal conceptual contribution of the proposed framework. CSSC does not claim that constitutional supremacy, public accountability, proportionality, or rights protection are newly established principles. These concepts possess substantial foundations in constitutional law, political philosophy, and public administration. The proposed novelty instead lies in their systematic combination within a governance architecture specifically directed towards the relationship between sovereign protection, executive institutional integrity, digital surveillance, and constitutional accountability. By connecting normative principles with institutional responsibilities and operational safeguards, CSSC seeks to provide a framework through which the legitimacy of national security governance can be assessed across different levels of governmental activity.

The reconstruction also generates five theoretical propositions for subsequent examination. Proposition 1 maintains that the constitutional legitimacy of national security authority depends on the relationship between constitutional supremacy, clearly established institutional mandates, and effective legal review. Proposition 2 proposes that executive institutional integrity is strengthened when the continuity and independence of constitutional executive functions are protected without conflating institutional security with incumbent political interests. Proposition 3 maintains that the legitimacy of surveillance depends on lawful authorisation, legitimate purpose, necessity, proportionality, and appropriate safeguards. Proposition 4 proposes that institutional accountability is strengthened when operational responsibilities, supervisory authority, independent oversight, and corrective mechanisms are clearly allocated and functionally connected. Proposition 5 maintains that rights-based security contributes to the legitimacy of national security governance when fundamental rights are incorporated into policy formulation, institutional procedures, technological implementation, and evaluation. These propositions constitute analytically derived claims rather than empirically verified findings. Their explanatory value requires further assessment through research examining actual institutional arrangements, operational procedures, oversight practices, and the implementation of constitutional safeguards. Future studies may employ comparative institutional analysis, interviews with relevant governmental actors, examination of regulatory and judicial documents, or case-based investigation to assess whether the relationships proposed by CSSC are observable in practice. This distinction is particularly important because the November 2026 surveillance allegations discussed in Section 3.2 cannot, in their unresolved form, establish the empirical validity of the framework. They instead provide a contextual illustration of the constitutional and institutional questions that CSSC is designed to address.

The relationship further clarifies the proposed framework's analytical function. At the normative level, CSSC specifies the constitutional, ethical, and institutional standards that should govern national security authority. At the practical level, its governance architecture and accountability cycle identify the institutional arrangements and operational evidence necessary to evaluate whether those standards are implemented. The framework therefore provides a structured basis for examining potential discrepancies between constitutional commitments and governmental practice without presuming that such discrepancies

have already been empirically established. Its relevance to Government Science lies in connecting the normative legitimacy of public authority with the institutional processes through which governmental power is exercised. Ultimately, the reconstruction of the Constitutional Security Social Contract advances a conception of national security in which sovereign protection and constitutional restraint are understood as mutually reinforcing responsibilities of government. The state's obligation to preserve collective security remains fundamental, but the legitimacy of its actions depends on the constitutional boundaries, institutional arrangements, and rights-protection mechanisms through which that obligation is fulfilled. Through five normative principles, three interconnected governance levels, and a continuous six-stage accountability cycle, CSSC offers a proposed framework for evaluating the relationship between executive institutional integrity, surveillance authority, and constitutional accountability. Its central theoretical proposition is that national security governance becomes constitutionally legitimate not merely when the state possesses the capacity to protect, but when that capacity is exercised through lawful, accountable, and rights-respecting institutions.

IV. CONCLUSION

This study demonstrates that the legitimacy of national security governance cannot be established solely through the state's capacity to maintain political order and protect constitutional institutions. Although Hobbesian sovereignty provides a philosophical justification for the concentration of protective authority, contemporary constitutional government requires such authority to remain subject to legal limitations, institutional accountability, and fundamental rights. The central finding is that sovereign protection and constitutional restraint are not inherently contradictory. Rather, they constitute interdependent conditions of legitimate governmental authority. National security governance must therefore be evaluated not only by its effectiveness in responding to threats but also by the legality, proportionality, and accountability of the institutional processes through which security powers are exercised.

The principal theoretical contribution of this study is the reconstruction of the Constitutional Security Social Contract (CSSC) as an integrated normative framework connecting protective legitimacy, constitutional legitimacy, and institutional legitimacy. CSSC advances five mutually reinforcing principles: constitutional supremacy, ethical limitations on public authority, legality and proportionality of surveillance, institutional accountability, and rights-based security. These principles are operationalised through three interconnected governance levels—normative-constitutional, institutional-governance, and technological and rights-protection—and a continuous accountability cycle encompassing legal authorisation, institutional allocation, operational implementation, independent oversight, accountability evaluation, and corrective institutional learning. The conceptual contribution of CSSC lies in connecting established constitutional and governance principles within a coherent framework for examining how national security authority is justified, distributed, supervised, and corrected. From the perspective of Government Science, the findings establish a fundamental distinction between national security, regime security, and executive institutional integrity. Protecting the highest executive office means safeguarding the lawful continuity, institutional independence, and constitutional functions of the presidency rather than preserving the personal or political interests of an incumbent officeholder. This distinction is essential because the constitutional responsibility to protect executive institutions cannot justify unrestricted surveillance, the circumvention of statutory authority, or the weakening of democratic accountability. The analysis of Indonesia's November 2026 surveillance allegations illustrates the constitutional questions associated with these institutional boundaries without treating unresolved allegations as established legal findings.

The practical implications of CSSC concern the institutional design of security governance. Surveillance and interception must operate within clearly defined legal mandates, legitimate purposes, and appropriate standards of necessity and proportionality. Effective implementation requires identifiable authorising authorities, documented operational responsibilities, independent oversight, reliable audit mechanisms, and legally available procedures for addressing violations and restoring affected rights. Institutional accountability should consequently be understood as an integral component of governmental capacity rather than an external limitation imposed upon security institutions. The legitimacy of protective authority depends

on whether governmental institutions can demonstrate that their actions remain consistent with constitutional obligations throughout the security decision-making process. This study is limited by its normative-philosophical and conceptual methodology. CSSC is proposed as a theoretical reconstruction rather than a framework whose institutional effectiveness has been empirically established. Further research should therefore examine its applicability through comparative institutional analysis, investigation of security decision-making processes, and empirical assessment of authorisation, oversight, and accountability arrangements. Such research could develop measurable indicators of constitutional compliance, institutional responsibility, surveillance proportionality, and rights protection, thereby evaluating the explanatory capacity and practical relevance of CSSC across different governmental contexts. Ultimately, the study advances the proposition that legitimate national security governance requires protective effectiveness to be institutionally inseparable from constitutional restraint and public accountability. The enduring responsibility of the state to provide security does not diminish its obligation to respect constitutional boundaries; instead, those boundaries establish the conditions under which security authority can be exercised legitimately. CSSC therefore offers a normative contribution to Government Science by repositioning national security as a constitutional governance responsibility in which the protection of the state, the integrity of executive institutions, and the rights of citizens must be pursued through lawful, accountable, and rights-respecting governmental arrangements.

REFERENCES

[1] Ackerman, B. (2000). The new separation of powers. Harvard Law Review, 113(3), 633–729.

[2] Agamben, G. (2005). State of exception (K. Attell, Trans.). University of Chicago Press.

[3] Bovens, M. (2007). Analysing and assessing accountability: A conceptual framework. ***European Law Journal,***13(4), 447–468. https://doi.org/10.1111/j.1468-0386.2007.00378.x

[4] Buzan, B., Wæver, O., & de Wilde, J. (1998). Security: A new framework for analysis. Lynne Rienner Publishers.

[5] Cohen, J. E. (2019). Between truth and power: The legal constructions of informational capitalism. Oxford University Press.Deibert, R. (2013). Black code: Inside the battle for cyberspace. Signal.

[6] Dicey, A. V. (1982). Introduction to the study of the law of the constitution (8th ed.). Liberty Fund. (Original work published 1885).

[7] Eisenhardt, K. M. (1989). Agency theory: An assessment and review. Academy of Management Review, 14(1), 57–74. https://doi.org/10.5465/amr.1989.4279003

[8] Foucault, M. (1977). Discipline and punish: The birth of the prison (A. Sheridan, Trans.). Pantheon Books.

[9] Ginsburg, T., & Huq, A. Z. (2018). How to save a constitutional democracy. University of Chicago Press.

[10] Habermas, J. (1996). Between facts and norms: Contributions to a discourse theory of law and democracy (W. Rehg, Trans.). MIT Press.

[11] Hobbes, T. (1996). Leviathan (R. Tuck, Ed., Rev. student ed.). Cambridge University Press. https://doi.org/10.1017/CBO9780511808166

[12] Kettl, D. F. (2015). The transformation of governance: Public administration for twenty-first century America. Johns Hopkins University Press. (Original work published 2002)

[13] Landau, D. (2013). Abusive constitutionalism. UC Davis Law Review, 47(1), 189–260.Levitsky, S., & Ziblatt, D. (2018). How democracies die. Crown.

[14] Locke, J. (1988). Two treatises of government (P. Laslett, Ed.). Cambridge University Press. (Original work published 1689).

[15] Lyon, D. (2007). Surveillance studies: An overview. Polity Press.Lyon, D. (2018). The culture of surveillance: Watching as a way of life. Polity Press.

[16] Nissenbaum, H. (2010). Privacy in context: Technology, policy, and the integrity of social life. Stanford University Press.

[17] O'Donnell, G. (1998). Horizontal accountability in new democracies. Journal of Democracy, 9(3), 112–126. https://doi.org/10.1353/jod.1998.0051

[18] Rawls, J. (1993). Political liberalism. Columbia University Press.

[19] Rhodes, R. A. W. (1996). The new governance: Governing without government. Political Studies, 44(4), 652–667. https://doi.org/10.1111/j.1467-9248.1996.tb01747.x

[20] Rousseau, J.-J. (1997). The social contract and other later political writings (V. Gourevitch, Ed. & Trans.). Cambridge University Press. (Original work published 1762).
[21] Schmitt, C. (2005). Political theology: Four chapters on the concept of sovereignty (G. Schwab, Trans.). University of Chicago Press. (Original work published 1922).
[22] Solove, D. J. (2008). Understanding privacy. Harvard University Press.
[23] Tushnet, M. (2009). The constitution of the United States of America: A contextual analysis. Hart Publishing.
[24] Zuboff, S. (2019). The age of surveillance capitalism: The fight for a human future at the new frontier of power. PublicAffairs.
[25] United Nations. (1948). Universal Declaration of Human Rights. United Nations General Assembly Resolution 217 A (III).
[26] United Nations. (1966). International Covenant on Civil and Political Rights. United Nations Treaty Series, 999, 171.
[27] United Nations. (1984). Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. United Nations Treaty Series, 1465, 85.
[28] United Nations Human Rights Committee. (1988). General comment No. 16: Article 17 (Right to privacy). CCPR/C/21/Rev.1/Add.7.
[29] United Nations Human Rights Committee. (2011). General comment No. 34: Article 19 (Freedoms of opinion expression). CCPR/C/GC/34.
[30] United Nations General Assembly. (2013). The right to privacy in the digital age. A/RES/68/167.
[31] United Nations General Assembly. (2014). The right to privacy in the digital age. A/RES/69/166.
[32] United Nations Human Rights Council. (2014). The right to privacy in the digital age: Report of the Office of the United Nations High Commissioner for Human Rights. A/HRC/27/37.
[33] United Nations Human Rights Council. (2015). The right to privacy in the digital age. A/HRC/RES/28/16.
[34] United Nations Human Rights Council. (2021). The right to privacy in the digital age. A/HRC/RES/48/4.
[35] Republik Indonesia. (1945). Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
[36] Republik Indonesia. (1999). Undang-Undang Nomor 36 Tahun 1999 tentang Telekomunikasi.
[37] Republik Indonesia. (1999). Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia.
[38] Republik Indonesia. (2002). Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia.
[39] Republik Indonesia. (2005). Undang-Undang Nomor 12 Tahun 2005 tentang Pengesahan International Covenant on Civil and Political Rights (Kovenan Internasional tentang Hak-Hak Sipil dan Politik).
[40] Republik Indonesia. (2011). Undang-Undang Nomor 17 Tahun 2011 tentang Intelijen Negara.
[41] Republik Indonesia. (2018). Undang-Undang Nomor 5 Tahun 2018 tentang Perubahan atas Undang-Undang Nomor 15 Tahun 2003 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2002 tentang Pemberantasan Tindak Pidana Terorisme Menjadi Undang-Undang.
[42] Republik Indonesia. (2022). Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi.
[43] Republik Indonesia. (2024). Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik.
[44] Freedom House. (2026). Freedom on the Net 2026: Seismic shifts on the global internet. Freedom House.
[45] Freedom House. (2026). Indonesia: Freedom on the Net 2026 country report. Freedom House.
[46] United Nations Office of the High Commissioner for Human Rights. (2014). The right to privacy in the digital age. United Nations.