

The Phenomenon of Voter Apathy and Its Impact on the Electoral System in Libya

Musbah Omar Altaeb^{1*}, Bashir Ahmed AlAmin², Bader Meelad Aqeelah³, Miftah Aghnayah Mohaammed⁴

^{1,3} Department of Law, Faculty of Law, University of Bani Waleed, Bani Walid, Libya

² Department of Criminal Law, Faculty of Islamic Studies, Sebha, Al-Asmariya Islamic University, Zliten, Libya

⁴ Department of Law, School of Humanities, Academy of Graduate Studies, Tripoli, Libya

ظاهرة العزوف ومدى تأثيرها على النظام الانتخابي في ليبيا

مصباح عمر التائب^{1*}، بشير أحمد الأمين²، بدر ميلاد الجمل³، مفتاح اغنية محمد⁴

^{1,3} قسم القانون العام، كلية القانون، جامعة بني وليد، بني وليد، ليبيا

² قسم القانون الجنائي، كلية الدراسات الإسلامية سبها، الجامعة الأسمرية الإسلامية، زليتن، ليبيا

⁴ قسم القانون، مدرسة العلوم الإنسانية، أكاديمية الدراسات العليا طرابلس، طرابلس، ليبيا

*Corresponding author: Musbahettieb@bwu.edu.ly

Received: July 10, 2025

Accepted: September 21, 2025

Published: September 26, 2025

Abstract:

Elections are a process that allows citizens to choose who represents them in government, as the will of the people is expressed through secret ballot, which guarantees the rights of citizens to choose and nominate their representatives in accordance with the applicable legal procedures; Elections are considered the basis of democracy and help achieve justice and equality among all members of society, and the electoral system considers that national participation in choosing qualified candidates is one of the crucial tasks that draws a map and features of the road to the future of peoples to build their homelands. The electoral system works to translate the votes cast in elections into the number of seats won by the participating candidates. Humanity has struggled and struggled for a long time to obtain the right to vote to choose who represents citizens, whether in parliament or local municipal councils, or in choosing who governs them; elections through voting were the bridge through which the people's authority is transferred to those who represent them in exercising this authority. It is a task that has its danger and utmost importance and forms the backbone of any true democratic system, and without elections, we cannot talk about democracy, freedom, or the transfer of power. The phenomenon of abstention that most countries suffer from is a negative phenomenon that can be called unintentional collusion. The question also arises about what the motives and reasons behind this phenomenon that are has spread in Libyan society and what are the solutions and mechanisms to address electoral abstention.

Keywords: Electoral System, Democratic Transition, Constitution, Political Participation, Abstention.

المخلص

الانتخابات هي عملية تتيح للمواطنين اختيار من يمثلهم في الحكومة، حيث تعبر إرادة الشعب عن طريق الانتخاب السري، مما يضمن حقوق المواطنين في اختيار ممثليهم وترشيحهم وفقاً للإجراءات القانونية المعمول بها؛ وتعتبر الانتخابات أساساً للديمقراطية وتساعد في تحقيق العدالة والمساواة بين جميع أفراد المجتمع، والنظام الانتخابي يعتبر في أن المشاركة الوطنية لاختيار المرشحين المؤهلين من المهام المصيرية التي ترسم خارطة وملاحم الطريق إلى مستقبل الشعوب لبناء أوطانها. والنظام الانتخابي يعمل على ترجمة الأصوات التي يتم الإدلاء بها في الانتخابات إلى عدد المقاعد التي يفوز بها المرشحون المشاركون فيها. ولقد ناضلت البشرية وطال كفاحها من أجل الحصول على حق التصويت لاختيار من يمثل المواطنين سواء في البرلمان أو المجالس البلدية المحلية، أو في اختيار من يحكمها؛ فكانت الانتخابات عبر التصويت هي الجسر الذي

تنتقل من خلاله سلطة الشعب إلى من ينوب عنه في ممارسة هذه السلطة. وهي مهمة لها خطورتها وأهميتها القصوى وتشكل العمود الفقري لأي نظام ديمقراطي حقيقي وبدون الانتخابات فلا يمكن الحديث عن ديمقراطية أو حرية أو تداول للسلطة. وتعتبر ظاهرة العزوف التي تعاني منها أغلب الدول ظاهرة سلبية يمكن أن يُطلق عليها اسم تواطؤ غير متعمد؛ وأيضاً يثار تساؤل حول ما هي الدوافع والأسباب وراء هذه الظاهرة التي انتشرت في المجتمع الليبي وماهي الحلول والآليات لمعالجة العزوف الانتخابي.

الكلمات المفتاحية: النظام الانتخابي، الانتقال الديمقراطي، الدستور، المشاركة السياسية، العزوف.

Introduction:

Praise be to God, Lord of all the worlds, and peace and blessings be upon our Prophet Muhammad, his family, and his pure and noble companions. Having said that...

Voter apathy defined as the reluctance or refusal of citizens to participate in the electoral process is a concerning phenomenon in many countries. It is particularly evident in Libya due to a variety of complex factors, such as a lack of trust in the integrity and transparency of the electoral process, widespread frustration with the performance of political elites, and the ongoing state of security instability in the country. The impact of this phenomenon on the electoral system in Libya is profound and serious, as it undermines the legitimacy of elected institutions and prevents them from truly representing all segments of society.

Citizens' participation in elections is a fundamental pillar of any democratic system if not its most essential one as it is through elections that the principle of popular sovereignty is realized; that is, the people are the source of all authority and hold the constituent power. Moreover, International declarations, conventions, and treaties have guaranteed the right to political participation, including an individual's right to vote, and this right has been enshrined in the constitutions of many countries. However, despite these legal guarantees, public interest in electoral affairs remains inconsistent, and this fluctuation is reflected in voter turnout rates. In many countries, low electoral participation and widespread voter apathy have become the dominant trend, ultimately impacting the formation and legitimacy of governing authorities.

The people are considered the original constituent authority, from which all governing powers emanate and act in their name. Therefore, the authorities that govern and administer the country must genuinely reflect the will of the people. The legitimacy of any authority is closely tied to the extent to which it is approved by the people an approval that is granted through the electoral process. Consequently, when a significant portion of the population refrains from participating in the selection of their rulers, the legitimacy of those in power and their representation of the people becomes a matter of serious question.

Significance of the Study:

The importance of this study lies in the following:

- Analyzing the factors contributing to voter apathy and low electoral participation.
- Highlighting the various political and legal factors and their impact on electoral engagement.
- Proposing alternative approaches to enhance participation in the electoral process.

Research Problem:

The research problem lies in its main question: To what extent does the electoral system in Libya influence voter apathy? To address this problem, the following questions must be answered:

- Explain the concept of the electoral system and its legal nature.
- Identify the reasons that lead to low voter turnout.
- Propose solutions to address the issue of low voter turnout.

Research Methodology:

We employed a descriptive approach to describe the phenomenon of voter apathy in Libya and its underlying causes. We then utilized an analytical approach to develop solutions to address this issue.

The Concept of the Electoral System:

The electoral system is considered one of the most important pillars upon which any modern democratic system is built. At its core, it is a set of rules and mechanisms that translate voters' choices at the ballot box into seats in legislative or executive bodies. The selection of a particular electoral system is not merely a technical procedure; rather, it is a strategic political decision that profoundly influences the structure and future of the political system. The first subsection will address the definition of the electoral system and the conditions it must fulfill.

Definition of the Electoral System and its Requirements

First: Definition of the Electoral System:

Before discussing the definition of the electoral system, it is essential to clarify the terminological (technical) meaning of elections. Considerable scholarly interest and interpretive efforts have been

devoted to defining the concept of elections in legal and political terms. Elections have been defined as:

"A set of legal procedures and multi-party, multi-stage actions through which the determination of the state's highest governing bodies is subject to the approval and consent of the governed who are the true holders of authority in society." ¹

While some legal scholars define elections as: the process by which citizens express their will and desire to choose their leaders and parliamentary representatives from among several candidates.

Most constitutional law experts define elections as "a legal process by which citizens, who meet the legal requirements, choose the individuals who will be entrusted with the tasks of exercising sovereignty and governing on their behalf whether these elections take place at the political level (presidential or legislative elections) or at the administrative level (for bodies such as unions, organizations, associations, or administrative institutions)."

As for political scientists ² They defined elections as: "(The relationship between society and the state; a political expression that bridges the gap between civil society and the state, because the people are the source of all power)." Both of these definitions emphasize that elections serve as a mechanism for transferring power and as a means of exercising the right to political participation, since the people are the ultimate source of power.

In Islamic law, the term "bay'ah" (pledge of allegiance) signifies that a person dedicates himself to God, pledging loyalty to his leader or ruler and promising to support him and defend him against wrongdoing.

The term "Shura" (consultation) is also mentioned in the Holy Quran: "And their affairs are [decided] by mutual consultation among them," and "And consult them in matters."

If this demonstrates anything, it demonstrates that an Islamic government must operate based on the advice and input of all its citizens; it is not the government of an individual, a family, or a particular social class, but rather the government of the entire nation, because it is formed through the consultation and participation of all its members.³

Regarding electoral systems:

Pippa Norris defined an electoral system as "a mechanism for determining how votes are counted and translated into seats" ⁴.

Andrew Reynolds defined it as "the system that translates the votes cast in an election into the number of seats won by the participating candidates, and relates it to the following variables:

- Electoral system (proportional representation, majority system, mixed system)
- Mathematical formula used (method for calculating seat allocation)
- Voting structure (voting for candidates, number of options, number of electoral districts).

The researcher Sylvie Barak defined the electoral system as "a set of rules governing the organization of elections in a particular country," and she outlined the issues that fall within the analysis of electoral systems, which are mainly:

Elected positions and terms of office.

Scope of the right to vote (who is entitled to vote): Is this right limited to native-born citizens and residents of a particular country, or does it also extend to those residing abroad? Also, what is the required voting age? Is voting mandatory?

Electoral eligibility criteria (who is entitled to run for office, particularly regarding the role of political parties in nominating candidates). The number and size of electoral districts. Consideration of the administrative boundaries of these electoral districts, as well as the relationship between the number of seats and the population, or the relationship between the number of seats and the country as a whole (when the entire country constitutes a single electoral district), and how these relationships are reflected geographically.⁵

¹ - Saad Mazloun Al-Abdali, Elections: Guarantees of Freedom and Integrity, Al-Dajla Press – Amman, 2009, p. 26.

² - Khira Ben Zaid, Civil Society and its Role in Monitoring Elections in Algeria, Master's Thesis, Faculty of Law and Political Science, University of Ouargla, 2014, p. 27.

³ - See: Hasina Madhi, International Oversight of Elections: A Case Study of the 2012 Parliamentary Elections in Algeria, Master's Thesis, Faculty of Law and Political Science, University of Guelma, 2018, pp. 12-13.

⁴ - Abdelmajid Ramadan, Political Parties and Electoral Systems, Lectures for Master's students, University of Mostefa Ben Boulaid, Department of Law and Political Science, Ouargla, p. 18.

⁵ - See: Feroz Tawahar, The Electoral System and its Role in Enhancing Political Participation: The 2021 Parliamentary Elections, Faculty of Law and Political Science, University of Mostefa Ben Boulaid, Ouargla, 2022, p. 13.

Second: Conditions for the Electoral System:

- **Nationality Requirement:**

The right to vote is a political right that most countries restrict to their own citizens. Political systems limit the right to vote to citizens of that particular country, as this is considered consistent with the principle of universal suffrage. The right to vote is a political right that foreigners residing in a country do not possess. Some systems may also require that those who acquire citizenship through naturalization must wait a certain period of time, as stipulated by law, before being allowed to vote, to ensure that they have demonstrated sufficient commitment to their new citizenship.⁶

- **The Gender Requirement:**

Excluding women from the right to vote or participate in general elections was widely accepted in most countries, even those considered advanced. Only men were allowed to exercise this right. New Zealand was the first country to grant women the right to vote in 1892, followed by Norway in 1907, Australia in 1914, Denmark in 1915, and Sweden in 1920. In the United States, women gained the right to vote in some states starting in 1890. This right was later extended to women in Great Britain in 1928 and in France in 1944.

Perhaps the reason why the legislature only recently granted women this right is its belief that there are differences in the roles played by the two genders; this is evident in the referendums held in Switzerland, which did not grant women the right to vote at the federal level until 1971.

- **Age Requirement:**

All laws governing the exercise of citizens' political rights specify a minimum age at which individuals are entitled to exercise their political rights, including the right to vote. It is assumed that those who have reached this age have acquired sufficient experience in public affairs; therefore, most legal scholars refer to this age as the age of political maturity. While these laws vary in their specific age requirements, they generally range between 18 and 25 years. All electoral laws worldwide stipulate a minimum age requirement for citizens to be eligible to vote, although these laws differ in the specific age limit, which ranges from 18 to 25 years.

- **Conditions for enjoying civil and political rights:**

This provision allows the state to deny certain categories of citizens the right to vote, as outlined below:

- **Lack of or absence of change:**

Laws prohibit children and individuals with mental illnesses from exercising their right to vote due to their lack of discernment. However, a distinction must be made here between young children who have not reached the age of majority and citizens who have reached that age but lack mental capacity. The latter are not entitled to exercise this right as long as their incapacity persists. To prevent abuse of power by authorities, laws require that this incapacity be officially determined and documented by a judicial body.

- **Convicted Individuals:**

Laws commonly stipulate the disenfranchisement of individuals convicted of crimes involving moral turpitude. However, given the gravity of this restriction, it is essential to clearly define the specific disqualifying offenses in order to prevent administrative abuse. Without such clarity, the authorities could arbitrarily classify any act in violation of the law such as traffic offenses, or even dissent from government policy as a disqualifying crime, thereby depriving individuals of their right to vote. This would lead to the exclusion of anyone who raises their voice or expresses opposition to the regime, undermining the democratic process and reducing elections to a meaningless formality.

- **Military Personnel:**

Some countries prohibit military personnel from voting, as was the case in the Third French Republic. The purpose of this is, on one hand, to prevent the military from influencing elections through its officers, and on the other hand, to keep the military from interfering in political affairs and to limit its role to defending the national territory.⁷

The Importance of the Electoral System and its Legal Nature

The Importance of the Electoral System:

Elections are a fundamental pillar and the essence of a democratic system, as democracy derives its legitimacy and power from the will of the people, which is expressed through elections. Thus, elections constitute a powerful factor in the practice of citizenship, and their importance lies in the following:

⁶ - Zohira Ben Ali, *The Electoral System in Political System Reform: A Comparative Study*, Doctoral Dissertation, Faculty of Law and Political Science, University of Aboubakr Belkaid, Tlemcen, 2015, p. 41.

⁷ - See: Firouz and Taher, op. cit., pp. 9-10.

- **Legal Significance:**

Most contemporary Islamic scholars agree on the importance and necessity of elections, considering them the most appropriate mechanism for implementing the principle of Shura (consultation), which is the fundamental pillar of governance in an Islamic state. Some even argue that elections are a religious obligation and a practical necessity. However, Islamic scholars have differed in their legal interpretation of elections, and their views on this matter can be categorized into three main approaches: some consider elections to be a form of delegation or representation; When a voter casts their vote to elect a candidate, they are essentially appointing that candidate as their representative to exercise public authority on their behalf. Another school of Islamic jurisprudence considers participation in elections to be an act of promoting good and prohibiting evil, based on the saying: "Whoever dies without having fulfilled this obligation dies a death of ignorance." This view holds that participation in general elections is a religious duty. However, imposing this obligation on Muslims can, in practice, cause hardship and difficulties.⁸ , And Allah, the Exalted, has said to us: **"He has not placed any hardship upon you in matters of religion."**

Therefore, most contemporary scholars define elections as a process whereby voters endorse and certify a candidate as the most suitable person to hold any position in the state's institutions that are filled through elections. As is well known to Islamic scholars, fulfilling this duty of endorsement is a collective obligation; if some Muslims perform it, the obligation is lifted from the others. However, if this duty of endorsement is incumbent upon a group, such as the electorate, then it becomes a personal obligation for each individual, and they would be sinful if they failed to fulfill it. This is because anything that is necessary for fulfilling a religious obligation is itself obligatory. In other words, if abstaining from voting leads to significant harm to Muslims, then participating in the election becomes a religious duty, and neglecting it is a sin.

A school of Islamic jurisprudence affirms this view, stating that the practice of consultation (shura) varies according to the circumstances of the nation, changes with the size and extent of the state's territory, is influenced by the size of its population, and evolves with the passage of time and changes in location. Therefore, the method of consultation practiced during the early days of Islam, which suited the Arab people and their tribal society, cannot be universally applicable to all nations at all times. Furthermore, obligating the Prophet's followers to practice consultation according to a specific method would contradict the very essence of the principle, which is impossible since the Prophet was infallible. On the other hand, mandating a specific form of consultation that the community must adhere to without deviation could cause hardship and difficulty. For these reasons, the Prophet left the choice of the appropriate method or manner of implementing this principle to the judgment and discretion of the people, according to what they deem suitable in each time and place, which is consistent with the saying: "You are more knowledgeable about the affairs of your worldly life."⁹

In Libya, following the 2011 revolution, several elections were held with the aim of transitioning to a democratic political system. This process began with the election of the General National Congress in 2012, which served as the first fully elected legislative body after the fall of the previous regime. This was followed by the election of the House of Representatives in 2014, which formed the country's new legislative authority. However, these elections did not resolve the political crisis; instead, they led to a political and governmental division between the east and west of the country. In recent years, attempts have been made to hold presidential and parliamentary elections, but these have faced significant challenges that have prevented their implementation, thus maintaining the Libyan political landscape in a state of instability.

Following 2011, the Libyan legislature, in the preamble to the Provisional Constitutional Declaration issued on August 3, 2011, stated that the National Council would serve as both the legislative and executive body in Libya, operating according to the mechanisms and principles outlined in the preamble of the Provisional Constitutional Declaration, until a permanent constitution was ratified through a national referendum.¹⁰

⁸ - Ali Muhammad al-Sharif, Supervision of General Elections, Al-Nahda Al-Arabia Publishing House, First Edition, 2015, p. 125.

⁹ - See: Khalid bin Sulaiman bin Saif, "Guarantees of the Integrity of Parliamentary Elections: A Comparative Study of Egyptian and Omani Legislation," Master's Thesis, Faculty of Law, Sultan Qaboos University, 2020, p. 15.

¹⁰ - Al-Rubaie, S. A. Q. (2014). The development of judicial independence in Libya. Al-haq Journal for Sharia and Legal Sciences, 51-71.

Furthermore, an individual's participation in political life is a human right guaranteed by international covenants. Therefore, the right to vote is one of the most important political rights of individuals, as affirmed by numerous international declarations and treaties. For example, Article 21 of the Universal Declaration of Human Rights, adopted in 1948, states that "Everyone has the right to take part in the government of his country, either directly or through freely chosen representatives." Similarly, Article 25 of the International Covenant on Civil and Political Rights (1966) stipulates that "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions: (b) To vote and to stand for election in genuine periodic elections, conducted by secret ballot, which shall guarantee the free expression of the will of the electors." The Universal Declaration of Principles for Free and Fair Elections (1994) also affirmed "the right of peoples to hold elections and to participate in nominating candidates and voting." The Convention on the Elimination of All Forms of Discrimination against Women further reinforces this principle, emphasizing the importance of guaranteeing women's political rights, including the right to vote.¹¹

- **Social Significance:**

The electoral system ensures fair representation of the people, allowing legislative bodies to serve as a mirror of society, representing all segments and social classes, including the poor, the wealthy, the elderly, and all other groups. It fosters national awareness and a sense of belonging among citizens to a cohesive society, which in turn cultivates their willingness and determination to contribute to its development and to pursue their collective aspirations and interests. Moreover, elections strengthen national interests and contribute to achieving security and stability, as political conflicts between parties are transferred to representative institutions particularly the parliament.¹²

The Economic Significance:

The importance of ensuring fair and transparent elections is evident in the economic sphere, just as it is in other areas. Elections are primarily a political matter, and since economics is the driving force of politics today, the economic factor is one of the most influential elements shaping political theory, ideology, and policy. Indeed, many political movements and ideologies have been based on economic principles, such as socialism, capitalism, and free-market economics, among others. These political systems were either born from or driven by economic trends. The clearest evidence of the impact of economics on politics, to the point that it has become an integral part of political strategy, is the fact that in today's international system, those who control the economy inevitably wield significant political power. This explains the fierce competition among nations to build strong economies, which they rely on to achieve a prominent and influential position in the international arena.

It is now certain that ensuring the integrity of the electoral process is one of the most important factors contributing to economic stability in a country. This creates an attractive investment climate, as investors feel confident investing their money in such countries, which in turn helps to improve the well-being of the citizens.¹³

The Legal Nature of Elections:

Scholars of public law have differed in their views on the legal characterization of elections, with various opinions and conflicting perspectives emerging. However, these views generally fall into four main jurisprudential approaches, each reflecting the underlying philosophy of its proponents and the intended legal consequences. This debate is not merely an academic exercise, but rather a genuine legal discussion with real-world implications for the election process itself. The following outlines the most important of these theories:

- The right to vote is a personal right:

This perspective adopts the theory of popular sovereignty, whereby sovereignty is considered to be vested in the people as a whole, with each individual possessing a share of that sovereignty. Consequently, every citizen has the right to vote; this right is inherent and considered a natural right, existing prior to the establishment of the state. If the right to vote is a personal right, then it is a natural right that predates the legislature and is superior to any legislation regulating elections. No group or gender should be privileged or disadvantaged in exercising this right; all citizens are equal before the law. Therefore, no citizen can be denied this right or be prevented from participating in elections.

¹¹ - Hamdan Mohammed Al-Ghafri, *The Electoral Process in the United Arab Emirates*, Al-Nahda Al-Arabiya Publishing House, First Edition, 2016, pp. 70–71.

¹² - Ferroz Towahir, *op. cit.*, p. 15.

¹³ - See: Khalid bin Sulaiman bin Saif, *op. cit.*, pp. 19–20.

Furthermore, in accordance with the general principles of rights, this right can be transferred, such as through sale, gift, assignment, or inheritance.¹⁴

Among the proponents of this view in French legal thought was the philosopher and jurist Jean-Jacques Rousseau, who stated that voting is a right that cannot be taken away from citizens. Robespierre supported this view, saying: "According to the Constitution, sovereignty resides in the people as a whole; therefore, all citizens, regardless of their status, have the right to participate in the election of representatives."¹⁵

- **Voting as a Duty:**

According to proponents of this theory, voting is merely a civic duty, which the citizen performs by virtue of their membership in the sovereign nation. The right to vote is thus granted to the citizen, and the citizen is obligated to exercise this right on behalf of the people and in accordance with the law. This is based on the principle that national sovereignty is indivisible and belongs not to individuals, but to the nation as a whole. Therefore, the voting citizens act as representatives of the nation. Adopting this theory necessitates accepting the concept of restricted suffrage, whereby the right to vote is limited to a specific group possessing certain characteristics. Based on this theory, voting is transformed from a personal, discretionary right into a mandatory obligation; citizens are required to vote in elections, and failure to do so incurs penalties, similar to neglecting a public duty.¹⁶

Third: Voting as both a right and a duty:

A third perspective views voting as both a right and a duty. This view argues that voting is a right, emphasizing the existence of certain inherent human rights that the state cannot infringe upon or diminish, as these rights transcend codified law. This perspective holds significant value, as it fosters in all citizens, both rulers and ruled, a constant and unwavering sense of the importance of protecting individual rights and freedoms. Furthermore, by stating that voting is also a duty, it implies that it is not merely an option for individuals to exercise or not; rather, it is a mandatory civic obligation. Failure to vote may result in legal consequences, usually in the form of a fine. This approach encourages a large percentage of citizens to participate in elections and discourages passive attitudes towards this crucial aspect of civic engagement, which contributes to shaping many issues of importance to society as a whole.¹⁷

Among the proponents of this view in French legal scholarship are the jurist Hauriou, who considers voting both a right and a duty, stating that it is a personal right and also a social obligation. Similarly, the jurist Carré de Malberg supports this view, arguing that voting is both a right and a duty. He explains that it is a personal right when a voter registers their name on the electoral roll, and it becomes a duty when the voter actually casts their vote; he referred to this as a civic duty in the process of forming the state's public authorities.¹⁸

- **The right to vote as a legal power:**

This view holds that the correct legal interpretation of the right to vote does not consider it a right or a duty, but rather a legal power or mechanism granted to voters to serve the public interest, not personal interests. The content and conditions for exercising this power are determined by law and apply to all citizens without discrimination. This interpretation implies that the legislator has the right to amend the conditions for exercising the right to vote and its organization at any time, because the right to vote is not a personal right that confers an inherent status, but rather a legal power granted not to every individual, but to those individuals specified by law according to the conditions it sets. The legislator can amend these conditions because they establish abstract public functions, not personal rights. The legal scholar Barthelme agrees with this view, stating that: "Electoral participation derives its legitimacy from the electoral law that establishes it and determines how it is exercised. Therefore, it is not considered a natural, personal right that all individuals should possess, but rather a legal mechanism derived from an objective legal framework established by law to enable citizens to participate in the selection of public authorities in the state."¹⁹

¹⁴ - Abdul Mahmoud Razkar, "The Impact of Voter Abstention on the Legitimacy of Elections," Research paper published in the Journal of Legal and Political Sciences, Faculty of Law and Political Science, University of Kirkuk, Vol. 12, No. 44, 2023, p. 239.

¹⁵ - Khaled bin Sulaiman bin Saif Al-Khameesi, op. cit., p. 21.

¹⁶ - Ferooz Tawahar, op. cit., p. 11.

¹⁷ - See: Khalid bin Sulaiman bin Saif, op. cit., p. 23.

¹⁸ - See: Ali Muhammad Muhammad Hussein al-Sharif, op. cit., pp. 81-82.

¹⁹ - Hassania Madhi, op. cit., p. 30.

Voter Apathy: Causes and Solutions

Causes of Voter Apathy

The concept of political apathy raises a significant challenge when trying to define it precisely. Does political apathy refer to those who do not register to vote, those who register but do not actually vote, those who are simply uninterested or indifferent to the entire political process, or those who are interested but are not convinced by the electoral system as a whole?²⁰

The concept of voter abstention refers to those individuals who choose not to participate in elections. This abstention can be either deliberate and purposeful, where individuals consciously decide to abstain as a means of expressing their disapproval of certain policies this is known as "true abstention" or it can result from political apathy and a lack of understanding of the importance of their role in the electoral process. We can define voter abstention as encompassing those individuals who, despite having the right to political participation in general, and to vote in particular, choose not to exercise that right. This non-participation may stem from the individual's own volition, whether for political reasons aimed at exerting pressure on authorities or achieving specific objectives, or it may result from ignorance or a lack of awareness regarding the importance and consequences of voting. Alternatively, abstention may occur due to factors beyond the individual's control, such as obstacles or barriers created by the authorities.²¹

Accordingly, it did not limit voter apathy to simply abstaining from voting in elections, but rather encompassed the broader concept of disengagement from political life as a whole. The reasons for voter apathy can be summarized as follows:

- **Ideological Reasons:**

Many studies have linked voter apathy among young people to their level of education. Some argue that educated individuals possess the necessary knowledge to participate in elections, and therefore, higher levels of education lead to increased participation. Conversely, other studies suggest that educated young people tend to lose faith in the political system, making them even more likely to abstain from voting, especially in the Arab world. In this context, voter apathy among educated youth can be seen as a form of political protest, while apathy among less-educated young people stems from indifference and lack of interest.²²

- **Political Reasons:**

The political reasons that lead to voter abstention include the incompetence of the candidates, the corruption of politicians, and the pursuit by political parties of their own interests, without addressing the needs and concerns of citizens. Citizens' disengagement from political parties, whether those in power or in opposition, stems from the significant internal divisions within ruling parties, both within the government and in parliament. It also stems from the lack of appeal of opposition parties, their weak and irrelevant political programs, and their failure to address the needs of the people. The role of political parties is often limited to conducting election campaigns to mobilize voters, who are seen as merely a source of votes, to be discarded once the elections are over. Furthermore, citizens perceive a weak connection between themselves and politicians, leading to a feeling of neglect and marginalization by those in power.²³

- **Economic and Social Factors:**

If we consider social approaches to understanding individual behaviour, they establish a link between social status and participation in elections. An individual's interest in politics is influenced by their social standing: their social class, their economic situation (income and purchasing power), and their psychological state, which is shaped by socialization and political campaigns. This leads to the formation of deep-seated, often unspoken, psychological convictions. Such individuals are referred to as "non-voters" or "those outside the political sphere." They may be completely or partially detached from political life and generally lack interest in political matters. Their defining characteristic is a lack of social integration.²⁴

Some studies have linked economic status to the nature of political participation, particularly among affluent social classes who often exhibit a certain disdain for politics as a whole. They tend to view

²⁰ - Abdelhadi Al-Khayyati, "Causes and Motivations of Voter Abstention and the Dynamics of Electoral Behavior," Research article published in the journal "Rehnat," Center for Humanistic Studies and Research, Issue 56, 2021, p. 60.

²¹ - Abdul Mahmoud Razkar, op. cit., p. 237.

²² - Abdelhadi Al-Khayyati, op. cit., pp. 61–62

²³ - Ali Saadi Abdulzahra Jubair, Voter apathy in the 2018 Iraqi elections: A case study, Research article published in the Academic Journal of Social Research – Sheikh Amoud bin Mukhtar El-Ilyizi University Center, Vol. 4, No. 1, 2022, p. 67

²⁴ - Abdelhadi Al-Khayyati, op. cit., p. 62

politics and political participation as merely a pastime for the poor and the middle class, who are driven by a desire for power, wealth, and improved living conditions. The wealthy, however, consider themselves financially secure and are indifferent to who governs or who wins elections. These affluent individuals only engage in political activity when they perceive their interests to be directly threatened.²⁵

Conversely, some studies indicate that the more comfortable a person's economic situation is, the stronger their social connections tend to be, which in turn motivates them to participate in the electoral process. On the other hand, the precarious situation faced by unemployed youth hinders their political participation and leads them to prefer abstaining from voting.²⁶

Furthermore, the level of participation in elections varies depending on the type of election. Women tend to be less inclined to participate than men, but economic and social development tends to narrow this gap and promote equal participation between genders. Age also plays a role in voter turnout, with participation generally increasing with age. However, these factors are not absolute rules; they vary depending on broader social contexts.²⁷

- **Media-related reasons: "The negative role of the media":**

On the other hand, most media outlets broadcast messages of doubt and incitement against the Electoral Commission months before the elections, ostensibly to gain public support and sympathy. However, this scepticism has taken on a negative connotation in the minds of voters, reinforcing the idea that participation is futile. This is due to the constant barrage of such negative messages, which have created a negative image in the minds of voters. Despite all the explanatory messages and detailed information and educational materials released by the Independent High Electoral Commission, the negative perception among voters persists.²⁸

Mechanisms for Addressing Voter Apathy

Having discussed the main and fundamental reasons that have led to the problem of voter apathy and non-participation in the electoral and political process, and the challenges that hinder efforts to increase voter turnout and achieve fair and legitimate elections, the following alternatives are proposed, which could potentially enhance participation in the electoral process.

First: Legal Amendments:

- Establish a legal deterrent for anyone who attempts to publicly question the work of the Electoral Commission without any evidence. This could include a lifetime ban from running for office, given the harm such actions cause to the democratic process. Furthermore, there should be media campaigns to publicize the accountability and legal procedures that will be applied to anyone who attempts to undermine the electoral process or those responsible for it.²⁹
- Work on amending the electoral law to include a provision that if all female candidates have been eliminated, a female candidate must replace them, not a male candidate. Furthermore, if a female candidate wins a seat based on a high number of votes, that seat should not be counted towards the quota reserved for women.

Second: The Principle of Secret Balloting:

The principle of secret voting, or the confidentiality of the ballot, means the right of voters to cast their votes in complete secrecy, ensuring that the identity of the candidate they choose remains undisclosed. This principle assumes that the voter can cast their vote without anyone knowing their choice. This is achieved by marking the ballot paper and depositing it in the ballot box in a way that prevents others from knowing how they voted. Secret voting eliminates the possibility of administrative interference and intimidation of voters to force them to vote for certain candidates. It also prevents the occurrence of resentment, disputes, and other forms of coercion, which are inherent in any open voting system. Most legal systems adopt the principle of secret voting, despite some arguments that open voting promotes courage, honesty, and fosters a sense of civic responsibility among voters. In reality, secret voting guarantees the voter's freedom of choice. Many voters lack the courage to express their true opinion openly, and the prospect of public scrutiny may deter them from participating in the election altogether, or from voting according to their conscience. Secret voting allows them to express their true opinion without fear or intimidation.³⁰

Third: Ensuring Accuracy and Integrity in the Voting Process:

²⁵ - Badis Bouchama, Political Participation and the Problem of Definition, research article published in the Journal of Humanities, University of Larbi Ben M'hidi - Oum El Bouaghi, Issue 9, 2018, p. 48

²⁶ - Abdelhadi Al-Khayyati, op. cit., pp. 62–63

²⁷ - Ali Saadi Abdulzahra Jubair, op. cit., p. 68

²⁸ - Shaimaa Al-Kiyali, Voter Apathy in the Iraqi Elections, Iraq Policy Program – Al-Bayen Center for Studies and Planning, June–December 2020, p. 9.

²⁹ - Shaimaa Al-Kiyali, op. cit., p. 11

³⁰ - Khaled bin Sulaiman bin Saif al-Khimesi, op. cit., p. 198

The irregularities that have plagued the electoral process have led citizens to become disillusioned with political participation. Therefore, to encourage citizens to participate in politics, it is essential to revitalize political life, ensure the integrity of the electoral process, and effectively implement the legal provisions that govern the entire electoral cycle, from beginning to end. The body responsible for overseeing elections must therefore guarantee the integrity of election campaigns and monitor them closely. It cannot remain a passive observer while witnessing the illicit practice of buying votes without taking any action. Such behaviour undermines the democratic process, jeopardizes the integrity of the elections, and discourages citizens from participating, since they know that the winners will likely be wealthy elites and businesspeople who dominate the process through bribery and vote-buying.³¹

Furthermore, it is preferable that the electoral processes in our country, whether for national or local elections, be overseen by an independent body, as is the case in democratic systems where they are typically overseen by an independent body, often a judicial body, rather than by an administrative body under the executive branch.³²

Fourth: Electronic Voting:

Electronic voting can be defined as: "A system used to enable citizens to exercise their political rights in all types of constitutional elections, such as referendums on constitutional amendments, or elections for president, members of parliament, senators, and local council members, using modern technology instead of traditional methods such as paper ballots and ballot boxes. This system stores the results on computers according to specific security and technical standards to ensure the highest levels of transparency, security, and confidentiality, thus guaranteeing the integrity of the electronic voting process."³³

There are two types of electronic voting:

Type 1: Electronic voting supervised by representatives of government or independent electoral authorities (for example, electronic voting machines used at polling stations).³⁴

The second type: Remote electronic voting (online voting), also known as e-voting, allows voters to cast their vote electronically to the electoral authorities from any location. Some advantages of electronic voting are:³⁵

- 1- International experience has shown that the use of electronic voting contributes to increased political participation. Electronic voting simplifies the electoral process by enabling voters to cast their ballots from anywhere, particularly for citizens with chronic illnesses, and it allows people with disabilities to easily and conveniently exercise their constitutional right to choose their representatives. It also provides a convenient method for voting for citizens residing abroad. Furthermore, it supports secure data storage and backup in multiple locations, and its rapid data processing and retrieval capabilities facilitate a highly efficient election process and the swift announcement of results. Finally, it makes election fraud and manipulation of results much more difficult.
- 2- It addresses problems related to paper-based voting, such as damaged ballots or errors in candidate names. Furthermore, it eliminates the need for extensive logistical arrangements for storing and transporting ballots before, during, and after the election, which is very costly for the state. It also reduces the need for a large number of election officials, such as judges and supervisors, especially in countries with high population densities. Moreover, it ensures a high degree of integrity, transparency, and credibility in the electoral process, as a set of safeguards are implemented to guarantee the security of the electronic voting system and prevent voters from casting multiple votes.
- 3- Electronic voting eliminates the drawbacks of traditional voting, most notably the long queues that voters have to endure, the lengthy waiting times that prevent citizens from exercising their political rights, the disruption of normal operations and work schedules in government offices during election periods, the need for extensive security measures throughout the election

31 - Abdelhadi Al-Khayyati, op. cit., p. 66

32 - Same reference, p. 66

33 - Basma Mohamed Amin Mohamed, Electronic Voting in Elections as a Mechanism for Digital Transformation: An Analytical Study of Article 3 of the National Elections Authority Law No. 198 of 2017, Research paper published in the Journal of Legal and Economic Studies, Faculty of Law, Mansoura University, Issue 86, 2023, p. 582

34 - Same reference, p. 583

35 - Abdulaziz Abdullah Rashid Al-Maawda, "E-voting: Reality versus Expectations," research paper published in the Journal of Legislation and Legal Advisory Council, Manama, Kingdom of Bahrain, Issue 12, 2022, p. 21.

process, and finally, the use of traditional advertising methods for elections, which can result in visual clutter and significant financial and human resources being wasted.

Some of the disadvantages of electronic voting are:³⁶

Like any other system, opponents of electronic voting argue that although it has several advantages, it also has a number of weaknesses. The most significant of these weaknesses can be summarized as follows:

- 1- Some may think that the first obstacle to implementing electronic voting is the difficulty of finding suitable technology. However, some legal experts believe that the real challenge lies in managing the process of change itself. This is not only about cultural adaptation, but also about altering the voting process. Change, in general, can be unsettling, especially in the political sphere, given its potential impact on various segments of society.
- 2- Some people also cite the possibility of manipulation and tampering with votes as a reason for their lack of trust in this system. This could occur by sending viruses to the devices used in the voting process via the internet or email, allowing attackers to manipulate the vote as soon as it is cast online, before it is transmitted and recorded at the polling station. Hackers could also access the election website and manipulate the vote count or create fake versions of the website and direct voters to them through search engines. The voters' data would then be collected and used on the real website, thus compromising the integrity of the election results.

Conclusion:

Praise be to God; whose blessings make all good things possible; He facilitated the beginning and completed the end. Peace and blessings be upon the possessor of miracles, and upon his family and companions. Thus, we have reached the conclusion of this research. We have arrived at several conclusions and formulated a number of recommendations, which we summarize as follows:

First: The results:

- 1- The electoral system is the mechanism that translates the votes cast in an election into the number of seats won by the participating candidates.
- 2- Most contemporary Islamic scholars agree on the importance and necessity of elections, considering them the most appropriate mechanism for implementing the principle of Shura (consultation), which is a fundamental pillar of governance in an Islamic state. Some even argue that elections are a religious obligation and a practical necessity.
- 3- The continuation of instability, coupled with the lack of broad popular representation, renders the political system vulnerable to interference by non-democratic forces and armed factions, thus hindering any genuine efforts to build a stable, civil state and perpetuating the cycle of conflict.
- 4- The correct legal framework for elections does not define them as a right or a duty, but rather as a power or legal mechanism granted to voters to serve the public interest, not personal interests. The scope and conditions for exercising this power are determined by law, applying to all citizens without discrimination. This framework implies that the legislature has the right to amend the conditions for exercising the right to vote and its organization at any time.
- 5- Voter apathy or abstention from participating in recent elections has become a widespread phenomenon across all Libyan governorates, regardless of their political and economic circumstances. This reflects a growing political indifference among citizens who have chosen silence after exhausting their means of expressing dissatisfaction or protesting against the rampant corruption in all state institutions.
- 6- International covenants, constitutions, and laws address the right to vote for citizens, but they do not address voter turnout or voter apathy.

Second: Recommendations:

- 1- Work towards building a strong civil society by promoting a culture of electoral participation and encouraging young people to engage and work with national and local organizations and associations to develop their political skills, and not to be satisfied with what the electoral law currently stipulates. This can be achieved by intensifying coordination and cooperation with various stakeholders within Libyan society.
- 2- Incorporate a principle that sets a minimum threshold for voter turnout, considering it as one of the international standards for ensuring the integrity of elections.
- 3- Building trust in institutions: Those responsible for organizing elections in Libya must work to restore public trust by ensuring the complete integrity and transparency of the electoral process.

³⁶ - Abdulaziz Abdullah Rashid Al-Maawda, "E-voting: Reality versus Expectations," Research paper published in the Journal of Legislation and Legal Advisory Council, Manama – Kingdom of Bahrain, Issue 12, 2022, p. 21

This includes updating the voter register, providing effective international and local oversight, and taking deterrent measures against any attempts at fraud or manipulation.

- 4- Secret voting guarantees the voter's freedom of choice. Many voters lack the courage to express their opinion openly, and the fear of public scrutiny may deter them from participating in elections.
- 5- The use of electronic voting contributes to increased political participation. It simplifies the voting process by allowing voters to cast their ballots remotely, particularly benefiting citizens with chronic illnesses. It also enables people with disabilities to easily exercise their constitutional right to choose their representatives. Furthermore, it is a convenient method for citizens residing abroad to vote.
- 6- Promoting political awareness: Comprehensive and ongoing awareness campaigns should be launched, targeting various segments of society, to explain the importance of political participation and the impact of individual votes on the country's future. These campaigns could include workshops, seminars, and media programs highlighting the role of citizens in achieving positive change.

References:

First: Books:

1. Hamdan Mohammed Al-Ghafli, *The Electoral Process in the United Arab Emirates*, Arab Renaissance Publishing House, First Edition, 2016.
2. Saad Mazloun Al-Abdali, *Elections: Guarantees of Freedom and Integrity*, Al-Dajla Publishing House – Amman, 2009.
3. Ali Mohammed Al-Sharif, *Oversight of General Elections*, Arab Renaissance Publishing House, First Edition, 2015.

Second: Academic Theses:

1. Hasina Madhi, *International Oversight of Elections: A Case Study of the 2012 Parliamentary Elections in Algeria*, Master's Thesis, Faculty of Law and Political Science, University of Guelma, 2018.
2. Khalid bin Sulaiman bin Saif, *Guarantees of the Integrity of Parliamentary Elections: A Comparative Study of Egyptian and Omani Legislation*, Master's Thesis, Faculty of Law, Sultan Qaboos University, 2020.
3. Khira Ben Zaid, *Civil Society and its Role in Monitoring Elections in Algeria*, Master's Thesis, Faculty of Law and Political Science, University of Ouargla, 2014.
4. Zeheira Ben Ali, *The Electoral System in Political System Reform: A Comparative Study*, Doctoral Dissertation, Faculty of Law and Political Science, University of Aboubakr Belkaid, Tlemcen, 2015.

Third: Published research and periodicals:

1. Badis Bouchama, *Political Participation and the Problem of its Definition*, research article published in the *Journal of Humanities*, University of Larbi Ben M'hidi - Oum El Bouaghi, Issue 9, 2018
2. Basma Mohamed Amin Mohamed, *E-voting in Elections as a Mechanism of Digital Transformation: An Analytical Study of Article 3 of the National Elections Authority Law No. 198 of 2017*, research article published in the *Journal of Legal and Economic Research*, Faculty of Law - Mansoura University, Issue 86, 2023.
3. Shaimaa Al-Kiyali, *Voter Apathy in Iraqi Elections*, *Iraq Policy Program - Al-Bayane Center for Studies and Planning*, June-December 2020.
4. Abdulaziz Abdullah Rashid Al-Maawda, *Electronic Voting: Reality and Expectations*, Research paper published in the *Journal of the Legislation and Legal Fatwa Authority*, Manama – Kingdom of Bahrain, Issue 12, 2022.
5. Al-Rubaie, S. A. Q. (2014). The development of judicial independence in Libya. *Al-haq Journal for Sharia and Legal Sciences*, 51-71.
6. Al-Rubaie, S. A. Q., & ALTAEB, M. O. (2019). The legal organization of administrative control in Libyan legislation and comparative systems. *Al-haq Journal for Sharia and Legal Sciences*, 20-56.
7. Aghnayah, M. A. M. (2021). Motives and requirements for constitutional amendment. *Bani Waleed University Journal of Humanities and Applied Sciences*, 6(4), 81-103.
8. Aghnayah, M. A. M. (2014). Authority and Freedom in Constitutional Law. *Al-haq Journal for Sharia and Legal Sciences*, 245-290.
9. Aghnayah, M. A. M. (2015). Protecting the Right to Life: A Legal Study in Maqasid Thought. *Al-haq Journal for Sharia and Legal Sciences*, 186-220.
10. Aghnayah, M. A. M. (2024). The human right to a society free of corruption. *Al-haq Journal for Sharia and Legal Sciences*, 15-29.
11. Aghnayah, M. A. M. (2020). Restricting the effects of a ruling of unconstitutionality to protect legal security. *Al-haq Journal for Sharia and Legal Sciences*, 105-129.

12. Aghnayah, M. A. M. (2022). The Internationalization of the Constitution and its Implications. *Al-haq Journal for Sharia and Legal Sciences*, 89-115.
13. ALTAEB, M. O. (2021). The interest condition and its effect on the proceeding of the annulment suit. *Bani Waleed University Journal of Humanities and Applied Sciences*, 6(4), 104-122.
14. MUSBAH OMAR ALTAEB. (2021). Administrative grievance as a means of resolving administrative dispute. *Al-Haq Journal for Sharia and Legal Sciences*, 8(1), 132-151.
15. MUSBAH OMAR ALTAEB. (2022). The Right to Strike "A Comparative Study". *Al-Haq Journal for Sharia and Legal Sciences*, 9(1), 184-208.
16. Ali, A. S. M., & Idris, F. J. (2025). Civil Responsibility in Electronic Journalism and Social Media. *Bani Waleed University Journal of Humanities and Applied Sciences*, 10(1), 585-596.
17. ALTAEB, M. O. (2025). The harms of administrative abstention: A study of the consequences of negative decisions. *Bani Waleed University Journal of Humanities and Applied Sciences*, 10(1), 538-550.
18. ALTAEB, M. O. (2014). Administrative judiciary oversight in the field of public service. *Al-haq Journal for Sharia and Legal Sciences*, 196-219.
19. ALTAEB, M. O. (2024). Legal mechanisms to confront and reduce financial and administrative corruption. *Al-haq Journal for Sharia and Legal Sciences*, 704-719.
20. Suwaidan, K. A. H. J. (2025). Political authority and sovereignty in the state from a constitutional perspective. *Al-haq Journal for Sharia and Legal Sciences*, 12(2), 94-106.
21. Abdelmajid Ramadan, Political Parties and Electoral Systems, Lectures for Master's students, University of Ouargla, Faculty of Law and Political Science, Ouargla.
22. Abdul Mahmoud Razkar, The Impact of Voter Apathy on the Legitimacy of Elections, Research paper published in the *Journal of the Faculty of Law for Legal and Political Sciences*, Faculty of Law and Political Science – University of Kirkuk, Vol. 12, Issue 44, 2023.
23. Abdelhadi Al-Khayyati, Causes and Motivations of Voter Apathy and the Potential of Electoral Behavior, Research paper published in [Journal name missing]
24. Ali Saadi Abdulzahra Jubair, Voter Apathy in the 2018 Iraqi Elections: A Case Study, Research paper published in the *Academic Journal of Social Research – University Center of Sheikh Amoud Bin Maktar, El-Iliizi*, Vol. 4, Issue 1, 2022.
25. . Feroz Tawahar, The Electoral System and its Role in Enhancing Political Participation: The 2021 Parliamentary Elections, Faculty of Law and Political Science, University of Ouargla, 2022.