

ELECTIONS FOR SALE: THE SHORTCOMINGS OF INDONESIA'S ELECTION LAW IN PREVENTING VOTE-BUYING AND ENSURING FAIR PLAY

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Abstract

This article examines the implications of addressing vote-buying in Indonesia for the future of democracy in the country. Vote-buying undermines democratic institutions, erodes public trust, and hampers citizen participation in the electoral process. By effectively tackling this issue, Indonesia can strengthen its democratic institutions, restore public confidence, and increase citizen engagement. Additionally, addressing vote-buying promotes fair political competition, ensures better representation, strengthens the rule of law, and enhances Indonesia's international reputation as a vibrant democracy. Overall, addressing vote-buying holds significant implications for the future of democracy in Indonesia, promoting transparency, accountability, and a vibrant democratic society.

Keywords: *Vote-buying, rule of law, fair political competition.*

INTRODUCTION

Election Law No. 7 of 2017, was enacted to regulate the administration of elections in Indonesia. This law was introduced to consolidate and update previous election regulations, aiming to ensure fair, transparent, and democratic electoral processes¹. The law covers various aspects of elections, including the organization, procedures, and penalties for violations, with a particular focus on combating vote-buying, bribery, and money politics.

Before the enactment of the Election Law, Indonesia's electoral framework was governed by multiple laws, leading to inconsistencies and complexities in election management. The law was designed to streamline these regulations into a single, comprehensive framework, addressing both legislative and executive elections. This consolidation was part of broader reforms to strengthen Indonesia's democratic institutions and electoral integrity following the political turmoil of the late 20th century and the transition to democracy in 1998².

Indonesia's Election Law regulates the general elections in the country, utilising an open proportional system for electing members of the Legislative Assembly and a district system with multiple representatives for the Regional Representatives Council³. The law aims to uphold democracy by allowing the people to exercise their sovereignty through free, fair, and confidential elections. However, the implementation of this law has faced challenges, particularly in combating money politics and clientelism, which have been prevalent due to regulatory loopholes and ineffective legal measures. The weaknesses of the open proportional system include party fragmentation, difficulty in forming a strong

¹ "Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum" (2017).

² Nathan Allen, *Electoral Systems in Context: Indonesia*, The Oxford Handbook of Electoral Systems (Oxford University Press, 2017), <https://doi.org/10.1093/oxfordhb/9780190258658.013.34>.

³ Fritz Siregar, "The Role of the Elections Supervisory Agency to Contend Hoax and Hate Speech in the Course of 2019 Indonesian General Election," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 07, no. 02 (2020): 158–80, <https://doi.org/10.22304/pjih.v7n2.a2>.

government majority, and a disconnect between elected representatives and constituents. Efforts to address these issues include the need for comprehensive legal improvements, clear regulations, strict sanctions, integrity in the legal apparatus, and community political education. Moreover, enhancing transparency in campaign financing and promoting civic engagement are crucial steps towards strengthening the electoral process and restoring public trust in the political system. Furthermore, establishing an independent electoral oversight body with the authority to monitor and enforce compliance with electoral laws can help ensure fair and transparent elections.⁴ Additionally, implementing measures to prevent gerrymandering and ensure equal representation across districts is essential for upholding the principles of democracy and fairness in the electoral system. Moreover, fostering collaboration between political parties, civil society organisations, and international observers can provide additional layers of accountability and oversight to safeguard the integrity of the electoral process. Moreover, investing in voter education programs to increase awareness of voting rights and responsibilities can empower citizens to make informed decisions at the polls and actively participate in shaping the future of their country⁵.

Vote buying, as outlined in the provided research papers^{6,7}, refers to the practice of candidates offering money or material benefits to voters in exchange for their votes during electoral campaigns. This phenomenon is prevalent in developing countries and even in authoritarian regimes, where it undermines the integrity of elections and democratic governance. Vote buying influences both the 'supply side' (political actors' decisions to engage in such practices) and the 'demand side' (voters' willingness to participate in them)⁸. It is a form of political clientelism that can have spillover effects on citizens' behavior, affecting their candidate choice, support for redistribution, and contributions to public goods provision⁹. The practice distorts the principles of freedom, fairness, and competition in elections, highlighting the need for effective policy interventions to minimize its prevalence and uphold the democratic process¹⁰.

Vote-buying in the context of elections refers to the illegal practice where candidates, political parties, or their agents offer money, goods, services, or other forms of compensation to voters in exchange for their votes¹¹. This unethical practice undermines the integrity of the electoral process and democracy by distorting the will of the people. Vote buying is an electoral campaign violation that occurs in many countries, which undermines the integrity

⁴ R. Van Loo, "REGULATORY MONITORS: POLICING FIRMS IN THE COMPLIANCE ERA," *Columbia Law Review* 119, no. 2 (2019): 369–444, <https://www.jstor.org/stable/26651844>.

⁵ Arya Budi, "Less Democracy, More Centralism: The Selection of Candidates by Golkar and PDIP in Indonesian Subnational Executive Elections, 2005–2020," *Asian Journal of Political Science* 28, no. 3 (2020): 236 – 255, <https://doi.org/10.1080/02185377.2020.1774909>.

⁶ Allen Hicken et al., "Buying Brokers: Electoral Handouts beyond Clientelism in a Weak-Party State," *World Politics* 74, no. 1 (January 4, 2022): 77–120, <https://doi.org/10.1017/S0043887121000216>.

⁷ SEBASTIÁN M. SAIEGH, *Ruling by Statute How Uncertainty and Vote Buying Shape Lawmaking* (New York: Cambridge University Press, 2011).

⁸ Simon Butt and Fritz Siregar, "Multilayered Oversight: Electoral Administration in Indonesia," *Asian Journal of Comparative Law* 16, no. S1 (December 1, 2021): S121–35, <https://doi.org/10.1017/asjcl.2021.32>.

⁹ Victoria Paniagua, "When Clients Vote for Brokers: How Elections Improve Public Goods Provision in Urban Slums," *World Development* 158 (October 2022): 105919, <https://doi.org/10.1016/j.worlddev.2022.105919>.

¹⁰ Burhanuddin Muhtadi, *Vote Buying in Indonesia* (Singapore: Springer Singapore, 2019), <https://doi.org/10.1007/978-981-13-6779-3>.

¹¹ J L Umagapi, "Money Politics on General Election 2019," *Unnes Political Science Journal* 7, no. 2 (2023): 71–77, <https://doi.org/10.15294/upsj.v7i2.70509>.

of elections and is detrimental to democratic governance, which is why it is referred to as vote-buying.

Vote-buying, a prevalent issue in elections, involves candidates offering money or goods to influence voters' decisions¹². Various countries, including Indonesia, regulate this practice as electoral malpractice. The impact of vote-buying extends beyond the electoral process, affecting legal culture, societal norms, and democratic principles. Research indicates that vote-buying can lead to the election of unprofessional individuals, block political channels, and decrease a country's democracy index. Moreover, the practice of vote-buying is often associated with corruption and can have adverse effects on the overall integrity of the electoral system. Efforts to combat vote-buying involve understanding its implications for legal culture and implementing strategies to prevent such criminal acts¹³.

This research aims to critically analyze the shortcomings of Indonesia's Election Law in effectively preventing vote-buying and ensuring fair play in electoral processes. Democracies, including Indonesia, have long grappled with the issue of improper use of money influencing elections. By examining the key provisions and enforcement mechanisms of the current law, this study presents an assessment of its effectiveness and proposes necessary improvements to address the pervasive problem of elections for sale.

Given these limitations, it is crucial to reassess and enhance regulatory procedures in order to properly address the complex problem of vote-buying. The current enforcement methods to identify and penalize vote buying are not sufficiently strict, since this illegal practice typically takes place covertly and may be difficult to show without tangible proof of agreements or perks being traded for votes.

This inquiry is normative legal research. Legal normative study involves a comprehensive analysis of legal matters from the standpoint of legal science with regard to established legal norms. Normative legal research is a type of investigation that uses a normative juridical, statutory, or philosophical approach.

OVERVIEW OF INDONESIAN ELECTION LAW

1. Key provisions related to preventing vote-buying

The Election Law in Indonesia includes several key provisions aimed at preventing vote-buying. These provisions focus on defining illegal activities, establishing penalties, and setting up enforcement mechanisms¹⁴. The Election Law in Indonesia addresses the issue of vote-buying by defining illegal activities, setting penalties, and establishing enforcement mechanisms¹⁵. Despite these efforts, the law has not been entirely effective in combating money politics during elections, as indicated by the prevalence of such practices in various regions, like the Bireuen District. The law's provisions aim to uphold the integrity of the

¹² Edward Aspinall, "Money Politics: Patronage and Clientelism in Southeast Asia," in Routledge Handbook of Southeast Asian Democratization (Routledge, 2015), 311–25, <https://doi.org/10.4324/9781315674735-27>.

¹³ ARIS SEPTIONO et al., "CONSTRUCTION OF INDONESIAN CRIMINAL LAW POLICY ON THE CRIME OF MONEY POLITICS IN GENERAL ELECTION," RUSSIAN LAW JOURNAL XI, no. 2 (2023): 169–77.

¹⁴ Iqbal Katrino and Yus Afrida, "People's Sovereignty In The System Presidential Threshold In The Perspective Siyāṣah Al-Syar'iiyyah," El-Mashlahah 11, no. 2 (2021): 187 – 204, <https://doi.org/10.23971/elma.v11i2.3259>.

¹⁵ Brian Septiadi Daud, "Law Enforcement and Overcoming Violations of Money Politic in General Election: Indonesia's Case," Jurnal Hukum Novelty 11, no. 2 (August 17, 2020): 124, <https://doi.org/10.26555/novelty.v11i2.a15146>.

electoral process and prevent violations and fraud, which are considered significant threats to democracy in Indonesia. To enhance the effectiveness of these provisions, comprehensive improvements are suggested, including clearer regulations with stricter legal sanctions, ensuring the integrity of the legal apparatus, and providing political education to the community to deter the practice of money politics and maintain the democratic integrity of general elections¹⁶.

Definition and Prohibition of Vote-Buying Article 280 specifically forbids candidates, political parties, and their supporters from providing money or other tangible advantages to voters in order to influence their voting choices¹⁷. Vote-buying is defined as any endeavour to trade votes for monetary compensation, commodities, or services. Sanctions for engaging in vote-buying¹⁸. Article 523 imposes sanctions on those convicted of engaging in vote-buying. Judges may sentence offenders to jail for a duration ranging from 24 months to 72 months and fine them an amount ranging from IDR 24 million to IDR 72 million. Article 278 outlines the specific administrative sanctions that political parties may face if they engage in vote-buying. These penalties include disqualifying candidates and annulling election results in the regions where vote-buying occurred.

Electoral bodies, specifically the General Elections Commission and the Election Supervisory Board (ESB), is crucial in preventing and addressing vote-buying during elections. These bodies have specific responsibilities outlined in relevant articles of the electoral laws¹⁹.

Article 22 specifies the responsibilities of the General Elections Commission in combating vote-buying. The General Elections Commission has the mandate to educate voters about the consequences and illegality of vote-buying. This includes providing information on the importance of free and fair elections and the detrimental effects of vote-buying on the democratic process. Additionally, the General Elections Commission is responsible for monitoring election campaigns and ensuring that all candidates adhere to campaign regulations. They play a crucial role in promoting transparency and fairness in campaigns, thereby minimizing opportunities for vote-buying.²⁰

Article 95 empowers the Election Supervisory Board with the authority to oversee the conduct of elections. The Election Supervisory Agency is responsible for monitoring and investigating allegations of vote-buying. They have the mandate to ensure that elections are conducted fairly and that all candidates and political parties comply with the law. If any instances of vote-buying are reported, The Election Supervisory Agency investigates the

¹⁶ Gamawan Fauzi, "THE CONTRIBUTION OF DIRECT ELECTIONS FOR LOCAL LEADERS TO THE CORRUPTION IN INDONESIA : LESSONS LEARNED FROM INDONESIAN DEMOCRATIC SYSTEM," n.d., 103–10.

¹⁷ Almas Ghaliya and Putri Sjafrina, "Dampak Politik Uang Terhadap Mahalnya Biaya Pemenangan Pemilu Dan Korupsi Politik," *Jurnal Anti Korupsi Integritas* 5, no. 1 (2020): 43–53.

¹⁸ Lachlan Montgomery Umbers, "What's Wrong with Vote Buying," *Philosophical Studies* 177, no. 2 (2020): 551 – 571, <https://doi.org/10.1007/s11098-018-1194-4>.

¹⁹ Rosalin Samihardjo, Murnawan, and Sri Lest, "E-Voting In Indonesia Election: Challenges And Opportunities," *Review of International Geographical Education Online* 11, no. 6 (2021): 196 – 204, <https://doi.org/10.48047/rigeo.11.06.24>.

²⁰ Lawrence R Jacobs and Judd Choate, "Democratic Capacity: Election Administration as Bulwark and Target," *Annals of the American Academy of Political and Social Science* 699, no. 1 (2022): 22 – 35, <https://doi.org/10.1177/00027162211061318>.

allegations and takes appropriate action. They coordinate with law enforcement agencies to hold offenders accountable and initiate legal proceedings if necessary²¹.

These articles highlight the proactive role of electoral bodies in preventing and addressing vote-buying. By conducting voter education, monitoring campaigns, and investigating allegations, these bodies aim to maintain the integrity of elections and ensure that voters can exercise their democratic rights freely and without coercion²². Through their strict enforcement of campaign regulations and coordination with law enforcement agencies, electoral bodies play a crucial role in upholding the principles of fair elections and combating corruption in the electoral process²³.

2. Enforcement mechanisms for addressing violations of the law

The Election Law delineates several methods of enforcement to tackle infractions such as vote-buying, bribery, and other types of electoral fraud. These systems include the participation of several authorities and the implementation of different processes to guarantee that infractions are thoroughly investigated, prosecuted, and appropriately penalised²⁴.

The role of the General Elections Commission Monitoring and Supervision: A primary role of the General Elections Commission is to supervise the election process, ensuring adherence to legal requirements, and closely monitoring for any indications of vote-buying or other infractions. The General Elections Commission develops comprehensive rules and instructions to guarantee that candidates and political parties comply with legal obligations and conduct their campaigns in accordance with the law.

The Election Supervisory Board is responsible for conducting investigations and reporting on charges of electoral breaches, which may include instances of vote-buying. The system has the capability to accept reports from members of the public, political parties, and other individuals or organisations with a vested interest. Supervision and Coordination: The Election Supervisory Agency oversees the execution of election norms and collaborates with other law enforcement authorities to execute penalties against those who breach them. The Election Supervisory Agency implements preventative efforts, such as voter education and awareness campaigns, in order to decrease the occurrence of vote-buying²⁵.

The Integrated Law Enforcement Centre is a collaborative effort by The Election Supervisory Agency, the Indonesian National Police, and the Attorney General's Office to enforce the law. It is responsible for conducting investigations and pursuing legal action against individuals who commit election offences. The Integrated Law Enforcement Centre

²¹ fikri Zikri Ramdanu Cahya, Untung Sri Hardjanto, And Untung Dwi Hanan, "Politik Hukum Undang-Undang No . 7 Tahun 2017 Tentang Pemilihan Umum Mengenai Badan Pengawas Pemilu," *Diponegoro Law Journal* 8, no. 1 (2019): 281–304.

²² Oliver Joseph and Vasil Vashchanka, *Vote Buying: International IDEA Electoral Processes Primer 2*, *Vote Buying: International IDEA Electoral Processes Primer 2* (International Institute for Democracy and Electoral Assistance (International IDEA), 2022), <https://doi.org/10.31752/idea.2022.61>.

²³ Arnie Fajar and Chairul Muriman, "Prevention of Corruption through Anti-Corruption Education" 251, no. Acec (2018): 650–53, <https://doi.org/10.2991/acec-18.2018.145>.

²⁴ Allen Hicken et al., "Buying Brokers: Electoral Handouts beyond Clientelism in a Weak-Party State," *World Politics* 74, no. 1 (January 4, 2022): 77–120, <https://doi.org/10.1017/S0043887121000216>.

²⁵ Simon Butt and Fritz Siregar, "Multilayered Oversight: Electoral Administration in Indonesia," *Asian Journal of Comparative Law* 16, no. S1 (December 1, 2021): S121–35, <https://doi.org/10.1017/asjcl.2021.32>.

enables the coordination and prosecution of complicated instances of election fraud by enabling the cooperation and action of several law enforcement organisations²⁶.

The Constitutional Court is responsible for resolving challenges about election outcomes. If substantial breaches, such as widespread vote-buying, are shown, the court has the authority to invalidate the results. Electoral offences, such as vote-buying, are brought before criminal courts for prosecution. Offenders may face imprisonment and fines in accordance with the law²⁷.

Candidates who are determined to have engaged in vote-buying may face administrative sanctions, including disqualification from participating in the election. This may be implemented by the Election Supervisory Agency and verified by the General Election Commission. An election may be declared null and void in regions where there is concrete evidence of vote-buying. In such cases, a new election can be mandated to uphold the fairness and honesty of the electoral system.

Public participation and reporting, as well as public hotlines and reporting channels, have been established to enable the public to report cases of vote-buying and other irregularities. The Election Supervisory Agency and verified by the General Election Commission provide helplines and digital reporting platforms. Whistleblower Protection, Provisions exist to safeguard those who expose election infractions, guaranteeing that they are shielded from any kind of reprisal²⁸.

3. Criticisms of the law's effectiveness in combating vote-buying

The law's effectiveness in combating vote-buying is limited by a variety of factors. Weak enforcement, limited supervision, and inadequate penalties weaken the legal provisions against vote-buying, leading to a surge in cases and the normalization of this corrupt practice in Indonesian society. Additionally, concerns about free speech hinder campaign finance regulations, and manipulation of electoral processes shields corrupt officials from accountability at the polls. Moreover, the democratic system's pragmatism in Indonesia prioritizes winning elections based on votes rather than candidates' abilities, fostering a culture of money politics that undermines the democratic process and fosters corruption. These criticisms highlight the multifaceted challenges of effectively addressing vote-buying through legal means in Indonesia.

ANALYSIS OF VOTE-BUYING PRACTICES IN INDONESIA

1. Examples of vote-buying incidents in past elections

²⁶ Akbar Jalil Mohd. Din, Rizanizarli, "MODEL PENEGAKAN HUKUM TINDAK PIDANA PEMILU DI PROVINSI ACEH YANG BERKEADILAN (The Model for Law Enforcement on Election Crimes in Aceh Province)," *Jurnal Penelitian Hukum De JuraDe Jure* 20, no. 10 (2020): 289–300.

²⁷ Oly Viana Agustine, "Ekstensifikasi Subjectum Litis Dalam Perselisihan Pemilu Legislatif Dan Pemilihan Kepala Daerah," *Jurnal Konstitusi* 13, no. 4 (2016): 828, <https://doi.org/10.31078/jk1347>.

²⁸ Rustam H S Akili and Willya Achmad, "THE ROLE OF POLITICAL PARTIES IN THE IMPLEMENTATION OF DEMOCRATIC GENERAL ELECTIONS IN THE INDONESIAN STATE ADMINISTRATION SYSTEM; [O PAPEL DOS PARTIDOS POLÍTICOS NA REALIZAÇÃO DE ELEIÇÕES GERAIS DEMOCRÁTICAS NO SISTEMA DE ADMINISTRAÇÃO DO ESTADO INDONÉSI]," *Journal of Law and Sustainable Development* 11, no. 4 (2023), <https://doi.org/10.55908/sdgs.v11i4.551>.

In the 2024 Indonesian elections, several incidents of vote-buying have been reported, highlighting ongoing challenges in preventing and addressing electoral fraud. For instance, on the eve of the general elections, a man was arrested in North Sumatra for attempting to bribe voters. He was caught offering money to voters and demonstrating how to cast votes for a legislative council candidate inside a house^{29,30}. This incident underscores the persistent issue of vote-buying in Indonesia despite legal prohibitions and penalties.

Vote-buying remains pervasive in the country, affecting the integrity of the electoral process. The practice of distributing money or resources to secure votes not only undermines democratic principles but also perpetuates corruption and inequality within the political system. Despite efforts by authorities like the Election Supervisory Agency and other enforcement agencies, the effectiveness of measures to combat vote-buying continues to be questioned, as evidenced by these recent incidents³¹.

Vote-buying incidents have been prevalent in past elections, particularly in Indonesia, where cases have been on the rise from 2004 to 2019, showcasing a variety of modes and increasing numbers of occurrences³². The practice of money politics, including vote-buying, continues to persist in Indonesia, with cases found in 25 Regencies/Cities in 13 Provinces during the 2019 general elections, indicating the massive scale of money politics in the country³³. Additionally, vote-buying has been a common electoral malpractice in Asia, with detailed knowledge of voters and enforcement challenges being key factors in its success, especially in low-salience, low-turnout elections, while being less effective in high-interest, high-turnout elections³⁴. These instances highlight the negative impacts of vote-buying on the electoral process and the need for regulatory measures to address this issue effectively. In the 2019 Indonesian elections, several instances of vote-buying were reported, illustrating the challenges in ensuring a fair and transparent electoral process. Here are some examples:

West Java, Money and Goods Distribution, In West Java, numerous reports emerged of candidates distributing money and goods to voters. These distributions were often done covertly, with voters receiving envelopes containing cash or goods such as groceries. The aim was to influence voters to support specific candidates or parties³⁵.

Cash Handouts, In Central Java, incidents of cash handouts were reported, with campaign teams visiting households and offering money in exchange for votes. These

²⁹ Dessy Sagita, "Vote-Buying Shadows Indonesian Election | ABS-CBN News," 2024, <https://news.abs-cbn.com/news/2024/2/12/vote-buying-shadows-indonesian-election-1214>.

³⁰ Amber Tay, "Indonesia Election 2024: Man Arrested for Alleged Vote Buying on Eve of Election," 2024, <https://mothership.sg/2024/02/indonesia-election-alleged-vote-buying/>.

³¹ Saiful Risky, Sholahuddin Al-Fatih, and Mabarroh Azizah, "Political Configuration of Electoral System Law in Indonesia from State Administration Perspective," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 6, no. 1 (2023): 119 – 130, <https://doi.org/10.24090/volksgeist.v6i1.7940>.

³² Burhanuddin Muhtadi, "Politik Uang Dan New Normal Dalam Pemilu Paska-Orde Baru," *Integritas : Jurnal Antikorupsi* 5, no. 1 (2019): 55–74, <https://jurnal.kpk.go.id/index.php/integritas/article/view/413>.

³³ Sunarto et al., "Fraud Prevention And Supervision For Accountable Election," *Journal of Legal, Ethical and Regulatory Issues* 24, no. Special Issue 1 (2021): 1 – 9, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85116089162&partnerID=40&md5=7eb52e8531a063c8da692effd6e403d1>.

³⁴ Yandi Syaputra Hasibuan, Budi Agustono, and Pujiati, "Choosing Democracy: The 1955 General Election in Medan, Indonesia," *Paramita* 34, no. 1 (2024): 11 – 20, <https://doi.org/10.15294/paramita.v34i1.42943>.

³⁵ Aspinall, "Money Politics: Patronage and Clientelism in Southeast Asia."

activities were typically conducted in low-income areas, where voters were more likely to accept financial inducements due to economic hardships.

Arrests for Bribery, Authorities in North Sumatra arrested individuals involved in distributing money to voters. These arrests highlighted the ongoing issue of vote-buying and the efforts by law enforcement to curb such practices. However, the prevalence of these activities indicated the challenges in fully eradicating vote-buying³⁶.

Vouchers and Gifts, In Jakarta, campaign teams were reported to have distributed vouchers for groceries and other goods to voters. These vouchers were meant to secure votes and were often given with the implicit understanding that recipients would support the candidates providing them³⁷.

These incidents from the 2019³⁸ elections underscore the systemic nature of vote-buying in Indonesia. Despite legal prohibitions and enforcement efforts, vote-buying remains a significant issue, driven by socio-economic factors and the high stakes of political contests. Efforts to combat vote-buying require not only stricter enforcement and legal reforms but also broader socio-economic initiatives to reduce voter vulnerability to financial inducements.

For further details on these incidents and broader discussions on vote-buying in Indonesian elections, you can refer to sources such as news articles and reports on the 2019 elections.

2. Factors contributing to the prevalence of vote-buying in Indonesian politics

Multiple reasons contribute to the widespread occurrence of vote-buying in Indonesian politics. Researchers and analysts have identified many variables that contribute to this phenomenon, including socio-economic situations, cultural norms, deficiencies in the legal and enforcement systems, and political competitiveness³⁹⁴⁰. Here are the crucial elements in a comprehensive manner:

1. Socio-Economic Conditions, Poverty and Economic Hardship: Elevated levels of poverty and economic inequality render voters more vulnerable to the practice of vote-buying. For a significant number of individuals, the immediate financial or material gain derived from taking a bribe is considered more important than any worries about the integrity of the democratic process. Unemployment and underemployment: The presence of economic uncertainty and limited job prospects compels voters to see accepting money or products in return for their votes as a crucial method of survival during challenging periods⁴¹.

³⁶ Firman Wijaya and Universitas Krisnadwipayana, "Model of Additional Criminal Revocation of Voting and Voting Rights in Eradicating Corruption in Indonesia" 12, no. 12 (2020): 809–20.

³⁷ Tay, "Indonesia Election 2024 : Man Arrested for Alleged Vote Buying on Eve of Election."

³⁸ Badan Pengawas Pemilu, "Masa Tenang, Pengawas Pemilu Tangkap Tangan 25 Kasus Politik Uang," Bawaslu.Go.Id, 2019, [https://bawaslu.go.id/sites/default/files/press_release/Rilis Dugaan Politik Uang.pdf](https://bawaslu.go.id/sites/default/files/press_release/Rilis%20Dugaan%20Politik%20Uang.pdf).

³⁹ Burhanuddin Muhtadi, *Vote Buying in Indonesia*, Vote Buying in Indonesia (Singapore: Springer Singapore, 2019), <https://doi.org/10.1007/978-981-13-6779-3>.

⁴⁰ Joseph and Vashchanka, *Vote Buy. Int. IDEA Elect. Process. Prim. 2*.

⁴¹ George Towar Ikbal Tawakkal et al., "Consistency and Vote Buying: Income, Education, and Attitudes about Vote Buying in Indonesia," *Journal of East Asian Studies* 17, no. 3 (2017): 313–29, <https://doi.org/10.1017/jea.2017.15>.

2. Cultural norms and practices, Gift-giving traditions: In many areas, the custom of presenting gifts during elections is deeply rooted in the culture. Voters and politicians may see vote-buying as a valid and acknowledged component of the election process, rather than as an act of corruption. Patronage Systems, the enduring presence of patronage politics, in which politicians provide favours or resources in return for political support, encourages the practice of vote-buying. This method fosters the anticipation among voters that they will get concrete advantages in return for their electoral endorsement⁴².
3. Deficiencies in Legal and Enforcement Frameworks, Insufficient implementation of regulations: Although there are legislative measures in place to prohibit vote-buying, the implementation of these laws is sometimes inadequate. Election oversight entities such as the Election Supervisory Agency and law enforcement authorities may have limitations in terms of money, personnel, or determination to thoroughly investigate and bring legal action against instances of vote-buying. Ineffectiveness in the judicial system, the legal procedure may be protracted and erratic, leading to the dismissal or insufficient punishment of several instances involving vote-buying. The absence of severe sanctions diminishes the ability of the law to discourage individuals from engaging in illegal activities.
4. Intense Political Competition, High-Stakes Elections, the fiercely competitive character of Indonesian elections, which provide substantial political and financial benefits to the victors, motivates candidates to use whatever available methods to acquire votes. Vote-buying is used as a strategic instrument to acquire a competitive advantage over opponents. Expensive Campaigns, the exorbitant expenses associated with conducting election campaigns incentivize politicians to resort to vote-buying as a means to guarantee a profitable outcome. This strategy sustains a loop in which only affluent applicants or those with access to significant financial resources may successfully participate in competition.
5. Public Apathy and Lack of Awareness - Voter Apathy: Some voters, feeling disillusioned with the political process, regard elections cynically and believe that their sole reward from participating in the democratic process is taking money or commodities⁴³. This lack of interest and indifference affects attempts to ensure the integrity of elections.

The continuance of vote-buying may be attributed, in part, to a lack of voter education about the significance of election integrity and the detrimental effects of this activity. Some voters may lack a comprehensive understanding of the enduring implications of vote-buying on democratic government.

To tackle these concerns, a whole strategy is needed, which involves bolstering legal and enforcement measures, increasing economic circumstances, promoting voter education, and cultivating a political culture that values honesty and transparency. The effective

⁴² Rasdi Rasdi, "Criminal Politics (Enforcement) of Criminal Law Based on Pancasila Equity," *IJCLS (Indonesian Journal of Criminal Law Studies)* 5, no. 2 (2020): 109–20, <https://doi.org/10.15294/ijcls.v5i2.28107>.

⁴³ Petter Gottschalk, *Investigating White-Collar Crime: Evaluation of Fraud Examinations, Investigating White-Collar Crime: Evaluation of Fraud Examinations*, 2017, <https://doi.org/10.1007/978-3-319-68916-6>.

reduction of vote-buying in Indonesian politics can only be achieved via comprehensive and diverse initiatives.

IMPACT OF VOTE-BUYING ON THE INTEGRITY OF THE ELECTORAL PROCESS IN INDONESIA

According to Burhanuddin Muhtadi, vote-buying significantly undermines the integrity of the electoral process in Indonesia. It distorts democratic accountability and policy representation by prioritizing financial incentives over genuine voter preferences⁴⁴. Vote-buying skews electoral outcomes in favor of wealthier candidates, marginalizing those who rely on honest campaigning. This practice also diminishes public trust in democratic institutions, perpetuates corruption, and weakens the overall legitimacy of the political system⁴⁵. By targeting economically vulnerable voters, vote-buying exacerbates inequalities and hinders efforts to build a more transparent and accountable democracy. Vote-buying has a significant impact on the integrity of the electoral process in Indonesia. It undermines the fundamental principles of democracy, such as free and fair elections, equal representation, and citizen participation. The following are the key impacts of vote-buying:

1. Undermines the legitimacy of elected representatives: When voters are influenced through vote-buying, their choices may not be based on the candidates' qualifications or policies. This undermines the legitimacy and credibility of the elected representatives who may not truly represent the will of the people⁴⁶.
2. Distorts the power balance: Vote-buying can disrupt the power balance between voters and candidates. Candidates with greater financial resources have an unfair advantage in buying votes, which can lead to an unequal representation of the electorate's interests and concerns⁴⁷.
3. Encourages corrupt practices: Vote-buying perpetuates a culture of corruption. Candidates who engage in vote-buying often have personal interests or hidden agendas, and their actions prioritize personal gain over the well-being of society. This corrupt behavior can extend beyond elections, negatively impacting governance and public administration⁴⁸.
4. Diminishes public trust and confidence: The prevalence of vote-buying erodes public trust and confidence in the electoral process. Voters may become cynical, believing that their

⁴⁴ C. Vickery and E. Shein, "Assessing Electoral Fraud in New Democracies: Refining the Vocabulary," *IFES White Paper*, no. March (2012).

⁴⁵ Carlos Navarro Fierro et al., *Electoral Studies in Compared International Perspective* (Arenal Tepepan: National Electoral Institute, 2016).

⁴⁶ Artidjo Alkostar, "Korelasi Korupsi Politik Dengan Hukum Dan Pemerintahan Di Negara Modern," *Jurnal Hukum* 16 (2009): 155–79.

⁴⁷ Vickery and Shein, "Assessing Electoral Fraud in New Democracies: Refining the Vocabulary."

⁴⁸ Firman Noor et al., "The Implementation of Direct Local Election (Pilkada) and Money Politics Tendencies: The Current Indonesian Case," *Politik Indonesia: Indonesian Political Science Review* 6, no. 2 (August 7, 2021): 227–46, <https://doi.org/10.15294/ipsr.v6i2.31438>.

- votes are irrelevant and that the electoral process is inherently unfair. This can lead to apathy, low voter turnout, or even social unrest⁴⁹.
5. Impedes the development of a strong political system⁵⁰: A healthy democracy requires a competitive and robust political system, where candidates are judged based on their credentials, platforms, and their ability to represent the people effectively. Vote-buying disrupts this process by overshadowing legitimate campaign efforts and fostering a climate of transactional politics.
 6. Reinforces inequality and perpetuates poverty: Vote-buying is often prevalent in marginalized and economically disadvantaged communities. Candidates exploit the vulnerability of voters by offering short-term benefits in exchange for their support, perpetuating an environment where poverty and social inequality persist. This hinders the long-term development and progress of these communities⁵¹.

Addressing the impact of vote-buying is crucial for strengthening the integrity of the electoral process in Indonesia. Implementing and enforcing stricter laws and regulations, improving voter education and awareness, promoting transparency and accountability in campaign financing, and ensuring the participation and involvement of civil society organizations are some strategies that can be implemented to combat this issue and safeguard the integrity of the electoral process⁵².

According to Edward Aspinall, vote-buying significantly undermines the integrity of the electoral process in Indonesia. Aspinall explains that vote-buying is deeply entrenched in the political culture of the country, affecting the fairness and credibility of elections. Politicians often rely on personal networks and local brokers to distribute cash and goods to secure votes, creating a patronage-based system where the influence of political parties is diminished. This practice skews electoral competition, favoring those with greater financial resources and marginalizing honest candidates who cannot or choose not to engage in such activities⁵³.

Aspinall's research highlights the complexity and scale of vote-buying, showing that it is not merely a series of isolated incidents but a systematic strategy used by many candidates. This widespread practice compromises the principle of democratic representation and perpetuates corruption and inequality within the political system. As a result, the electoral outcomes often reflect the power of money rather than the genuine will

⁴⁹ Stefano Manacorda, Francesco Centonze, and Gabrio Forti, *Preventing Corporate Corruption*, ed. Stefano Manacorda, Francesco Centonze, and Gabrio Forti (Cham: Springer International Publishing, 2014), <https://doi.org/10.1007/978-3-319-04480-4>.

⁵⁰ Jayus, Muhammad Bahrul Ulum, and Moch. Marsa Taufiqurrohman, "Examining Recall of the House Member: How Does It Impact on Eradicating Corruption in Indonesia?," *Lentera Hukum* 7, no. 1 (2020): 101 – 116, <https://doi.org/10.19184/ejrh.v7i1.14434>.

⁵¹ Ari Pradhanawati, George Towar Ikbal Tawakkal, and Andrew D Garner, "VOTING THEIR CONSCIENCE: POVERTY, EDUCATION, SOCIAL PRESSURE AND VOTE BUYING IN INDONESIA," *Journal of East Asian Studies* 19, no. 1 (March 26, 2019): 19–38, <https://doi.org/10.1017/jea.2018.27>.

⁵² Ricardo González et al., "Fairness beyond the Ballot: A Comparative Analysis of Failures of Electoral Integrity, Perceptions of Electoral Fairness, and Attitudes towards Democracy across 18 Countries," *Electoral Studies* 87 (2024): 102740, <https://doi.org/https://doi.org/10.1016/j.electstud.2023.102740>.

⁵³ Hicken et al., "Buying Brokers: Electoral Handouts beyond Clientelism in a Weak-Party State."

of the people, leading to a cycle of corruption and reduced public trust in the electoral process⁵⁴.

SHORTCOMINGS OF ELECTION LAW IN PREVENTING VOTE-BUYING

1. Lack of clear definitions and penalties for vote-buying

The lack of clear definitions and penalties for vote-buying in Indonesia's Election Law has been a significant issue in the fight against electoral fraud. The law, while prohibiting vote-buying, often falls short in providing precise definitions and robust enforcement mechanisms. Here are some key points highlighting these shortcomings: (1) Ambiguity in Legal Terms: The law does not provide a detailed definition of what constitutes vote-buying, leading to varying interpretations. This ambiguity can result in inconsistent enforcement and difficulties in proving cases of vote-buying in court⁵⁵, and (2) Broad Scope: The broad language used in the law can make it challenging to distinguish between legitimate campaign activities and illegal vote-buying. For example, while distributing campaign materials is allowed, giving gifts or money can be construed as vote-buying, but the line between these actions is often blurred⁵⁶.

Inadequate Deterrence, the penalties prescribed in the law are often seen as insufficient to deter candidates from engaging in vote-buying. The fines and potential prison sentences may not be severe enough to discourage wealthy candidates who view these penalties as a minor cost of doing business. Lack of Enforcement, even when penalties are clear, enforcement is inconsistent. The Election Supervisory Agency and other election supervisory bodies often lack the resources and authority to effectively monitor and sanction vote-buying activities⁵⁷.

Evidentiary Challenges, gathering evidence for vote-buying cases is particularly difficult. The transactional nature of vote-buying means that it often occurs in private, making it hard for authorities to catch and prove such activities⁵⁸. Judicial Inconsistencies, the judiciary sometimes fails to uniformly apply the law, resulting in varying outcomes for similar cases. This inconsistency further undermines the credibility of the legal framework designed to combat vote-buying⁵⁹.

Clarify Definitions: There is a need for clearer, more specific definitions of vote-buying and related activities within the law to eliminate ambiguity. Increase penalties,

⁵⁴ Laurens Bakker, "Electoral Dynamics in Indonesia: Money Politics, Patronage, and Clientelism at the Grassroots, by Edward Aspinall and Mada Sukmajati (Eds)," *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 177, no. 1 (2021): 128–30, <https://doi.org/10.1163/22134379-17701002>.

⁵⁵ Gazalba Saleh and Teng Junaidi Gunawan, "DESIGNING A JUST, DEFINITE, DETERRENT, RESTORATIVE, AND RESPONSIVE CRIMINAL JUSTICE SYSTEM THROUGH SENTENCING ECONOMIC VALUE," *Journal of Legal, Ethical and Regulatory Issues* 24, no. 2 (2021): 1 – 11, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85103727458&partnerID=40&md5=a215f7c068109a2835182354da4dc2f3>.

⁵⁶ Liza Abram Benham, *From Winning Elections to Influencing Policy: The Electoral-Policy Link for Minority Voters* (New York: LFB Scholarly Publishing LLC, 2008).

⁵⁷ E Aspinall and M Sukmajati, *Electoral Dynamics in Indonesia: Money Politics, Patronage and Clientelism at the Grassroots* (Washington DC: NUS Press, 2016), <https://books.google.co.id/books?id=pi3jCwAAQBAJ>.

⁵⁸ Zahratul'Ain Taufik et al., "An Examination of Factors Influencing Law Enforcement in Cases of Electoral Offenses During the 2020 Regional Head Elections in Northern Lombok Regency," *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 1 (2024): 196 – 207, <https://doi.org/10.29303/ius.v12i1.1297>.

⁵⁹ Saut Parulian Manurung, "Inconsistent Constitutional Court Decisions Resulting in Uncertainty in Legal Dispute Regarding Regional Head Election Results," *Lentera Hukum* 6, no. 2 (2019): 321–36, <https://doi.org/10.19184/ejrh.v6.i2.11131>.

strengthening penalties to ensure they are substantial enough to act as a deterrent. Enhance enforcement by providing more resources and authority to election supervisory bodies to effectively monitor, investigate, and prosecute vote-buying cases. Improve voter education by educating voters on the illegality and negative impacts of vote-buying to reduce their willingness to participate in such activities.

Addressing these issues would help strengthen the integrity of the electoral process and reduce the prevalence of vote-buying in Indonesian elections. Vote-buying is a significant issue in many countries during election campaigns, including Indonesia. The lack of clear definitions and penalties for vote-buying in Indonesia's Election Law is a concerning factor.

One of the main challenges is the absence of a precise definition of vote-buying in the legislation. Without a clear understanding of what constitutes vote-buying, it becomes difficult to enforce the law effectively and hold perpetrators accountable. Those engaging in such illegal practices can exploit the loopholes created by this ambiguity.

Additionally, the absence of specific penalties for vote-buying is another drawback of the existing law. The lack of predefined consequences for this offense undermines the deterrent effect necessary to discourage individuals from engaging in vote-buying activities. As a result, offenders often face lenient punishments, minimizing the impact of any legal action taken against them.

Addressing this issue requires a comprehensive approach. First and foremost, Indonesia's election law should include a clear and specific definition of vote-buying to guide law enforcement agencies and courts in identifying and prosecuting offenders. The definition should encompass both direct and indirect forms of vote-buying, guaranteeing a comprehensive approach to all forms of electoral corruption.

Furthermore, it is crucial to establish strict penalties for vote-buying, including fines and imprisonment. Such penalties should match the offense's seriousness and democratic damage. Introducing severe consequences will serve as a strong deterrent and send a message that we will not tolerate vote-buying.

Moreover, mechanisms should be established to facilitate the reporting and investigation of vote-buying cases. This can be achieved by fostering cooperation between law enforcement agencies, electoral management bodies, and civil society organizations. Providing protection for whistleblowers and ensuring their anonymity can encourage people to come forward with information regarding vote-buying incidents.

Finally, public awareness campaigns should be carried out to educate voters about the negative consequences of vote-buying and the importance of maintaining the integrity of the electoral process. By raising awareness and promoting a culture of transparency and fairness, people will be more inclined to reject attempts to buy their votes.

the lack of clear definitions and penalties for vote-buying in Indonesia's election law poses a significant challenge to combatting this illegal practice effectively. Addressing this issue requires the formulation of a precise definition of vote-buying, the establishment of

strict penalties, improved mechanisms for reporting and investigating cases, and public awareness campaigns to discourage voter participation in such corrupt practices⁶⁰.

According to Professor Barda Nawawi Arief, one significant issue with Indonesia's Election Law is the lack of clear definitions and penalties for vote-buying. This ambiguity in the law creates challenges for effective enforcement and prosecution. Specifically, the law does not provide precise criteria for what constitutes vote-buying, leading to inconsistent application and enforcement⁶¹.

Additionally, the penalties for vote-buying outlined in the law are not stringent enough to deter potential offenders. This weak deterrence, combined with the unclear definitions, allows vote-buying to persist as a prevalent issue in Indonesian elections. The law's shortcomings in this regard undermine the integrity of the electoral process and create an environment where financial incentives can unduly influence voter behavior and election outcomes.

Edward Aspinall highlights several issues with Indonesia's Election Law concerning the lack of clear definitions and penalties for vote-buying. According to Aspinall, the law does not provide a comprehensive and precise definition of what constitutes vote-buying, leading to difficulties in enforcement and legal action. This ambiguity allows for various interpretations, which can hinder the effective prosecution of offenders⁶².

Moreover, many people believe that the prescribed penalties for vote-buying are insufficient to discourage the practice. The enforcement mechanisms are weak, and there is a lack of stringent sanctions that would significantly impact those who engage in vote-buying. The legal framework's inadequacy contributes to the persistence of vote-buying, as candidates view the risks of detection and punishment as insignificant in comparison to the potential electoral gains.

The combination of vague definitions and lenient penalties undermines the law's effectiveness in curbing vote-buying, thereby compromising the integrity of the electoral process in Indonesia. This situation perpetuates a cycle where money continues to play a decisive role in electoral outcomes, eroding public trust in democratic institutions and processes⁶³.

2. Inadequate enforcement mechanisms to deter vote-buying practices

Inadequate enforcement mechanisms to deter vote-buying practices in Indonesia are based on several legal principles. One key principle is the lack of clear and specific legislation addressing vote-buying as a criminal offense⁶⁴. While there are provisions in the

⁶⁰ Mark S. Davis, "British Society of Criminology," *The Concise Dictionary of Crime and Justice* 3, no. July 1999 (2012), <https://doi.org/10.4135/9781452229300.n254>.

⁶¹ Oliver Joseph and Vasil Vashchanka, *Vote Buying: International IDEA Electoral Processes Primer 2, Vote Buying: International IDEA Electoral Processes Primer 2*, 2022, <https://doi.org/10.31752/idea.2022.61>.

⁶² Ningrum Natasya Sirait, "Correlation between Competition Law Cases and Corruption (Case Study : Indonesia)" 46, no. Ebic 2017 (2018): 125–37.

⁶³ Laurens Bakker, "Electoral Dynamics in Indonesia: Money Politics, Patronage, and Clientelism at the Grassroots, by Edward Aspinall and Mada Sukmajati (Eds)," *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 177, no. 1 (2021): 128–30, <https://doi.org/10.1163/22134379-17701002>.

⁶⁴ Domenico Tuccinardi, *International Obligations for Elections: Guidelines for Legal Frameworks*, International Institute for Democracy and Electoral Assistance, 2014.

Indonesian Criminal Code that cover bribery and corruption, these provisions do not explicitly target vote-buying practices during elections.

Another principle is the weak implementation and monitoring of existing regulations. Indonesia has regulations, such as the Election Law and the Code of Conduct for Elections, that prohibit vote-buying. However, the enforcement of these regulations is often lax or ineffective, mainly due to limited resources, lack of coordination between law enforcement agencies, and political interference⁶⁵.

Additionally, the principle of limited investigative capacity contributes to inadequate enforcement mechanisms⁶⁶. Law enforcement agencies, including the police and the attorney general's office, face challenges in gathering evidence and conducting thorough investigations into vote-buying cases. This is due to various factors, such as the transient nature of vote-buying transactions, the difficulty in identifying beneficiaries, and the lack of specialized units dedicated to handling election-related offenses.

Furthermore, the principle of political patronage and clientelism hinders effective deterrence of vote-buying practices. Political parties and candidates often benefit from vote-buying practices to secure support and win elections. This intertwining of interests leads to a lack of political will to address the issue, as incumbent politicians may tolerate or even encourage such practices to maintain their power⁶⁷.

Overall, inadequate enforcement mechanisms to deter vote-buying practices in Indonesia are based on the lack of specific legislation, weak implementation and monitoring of regulations, limited investigative capacity, and the influence of political patronage and clientelism. Addressing these legal principles is crucial to effectively combating vote-buying and strengthening the integrity of elections in Indonesia.

In Indonesia, the inadequate enforcement mechanisms to deter vote-buying practices stem from various factors. The existing legal framework, as outlined in Indonesia's Elections Law attempts to regulate criminal punishments for money politics but falls short in effectively curbing election violations, particularly money politics. Political corruption, including vote-buying, is a prevalent issue in Indonesia, with ineffective law enforcement failing to deter such practices due to disharmony between laws and regulations. Disputes over elections involve multiple institutions, leading to inefficiencies in law enforcement and dispute resolution, highlighting the need for a special election court. Money politics not only tarnishes democracy but also contributes to corruption, collusion, and nepotism, emphasizing the importance of enhancing law enforcement integrity and public education to combat such practices. Reforming election laws, increasing public support for campaign financing, enhancing political education, and ensuring clear deterrence punishments for corrupt practices are crucial steps to eradicate money politics and strengthen the electoral system in Indonesia. Due to the prevalence of vote-buying practices and the lack of effective enforcement mechanisms, the deterrence of vote-buying is insufficient in Indonesia.

⁶⁵ Noor et al., "The Implementation of Direct Local Election (Pilkada) and Money Politics Tendencies: The Current Indonesian Case."

⁶⁶ Taufik et al., "An Examination of Factors Influencing Law Enforcement in Cases of Electoral Offenses During the 2020 Regional Head Elections in Northern Lombok Regency."

⁶⁷ Adrianus Hendrawan, Ward Berenschot, and Edward Aspinall, "Parties as Pay-off Seekers: Pre-Electoral Coalitions in a Patronage Democracy," *Electoral Studies* 69 (2021): 102238, <https://doi.org/https://doi.org/10.1016/j.electstud.2020.102238>.

Defines inadequate enforcement mechanisms as referring to the insufficient measures in place to prevent and penalize vote-buying. Inadequate enforcement mechanisms can include weak legal frameworks, limited resources, corruption, lack of transparency, and various challenges related to monitoring and reporting exchanges of vote-buying. These factors contribute to an ineffective system for tackling the issue⁶⁸.

Establishes the link between inadequate enforcement mechanisms and the persistence of vote-buying practices. When the enforcement mechanisms are weak, those who engage in vote-buying face reduced risks and consequences. The lack of timely investigation, prosecution, and punishment leads to a perception of impunity, emboldening individuals and political groups to continue practicing vote-buying tactics. To conclude that the deterrence of vote-buying practices in Indonesia is insufficient due to inadequate enforcement mechanisms. These mechanisms fail to effectively prevent or penalize those involved in vote-buying, perpetuating a cycle of electoral corruption.

3. Loopholes in the law that allow for manipulation of election outcomes

Loopholes in the law can allow for manipulation of election outcomes, particularly by exploiting voting rules vulnerabilities. Research indicates that agenda manipulation can exploit loopholes in legal rules, just as it can in voting rules. Moreover, the integrity of elections can be compromised by malicious actors who seek to influence outcomes by manipulating the perceptions of the voting public about candidates, often through misinformation. In the context of Instant Runoff Voting (IRV), it has been shown that manipulating an election efficiently can lead to a large last-round margin, potentially evading detection against traditional methods of assessing election result confidence. These findings underscore the importance of addressing loopholes in voting rules and election processes to safeguard the democratic principles of fair and transparent elections.

Loopholes in electoral laws can create opportunities for manipulation of election outcomes. The presence of politicized electoral management bodies (EMBs) can undermine election legitimacy, while impartial EMBs with high capacity and autonomy enhance trust in the electoral process. Additionally, the lack of transparency in the voting and counting process can lead to suspicions and erode citizens' trust, emphasizing the importance of transparency and public oversight in maintaining electoral integrity⁶⁹. Moreover, the focus on criminal aspects rather than administrative sanctions for election violations can limit the effectiveness of law enforcement in deterring offenders, allowing for continued manipulation through money politics activities. Addressing these loopholes through stringent regulations, transparency measures, and effective enforcement mechanisms is crucial to safeguard the integrity of elections and prevent manipulation of outcomes.

⁶⁸ Staffan Darnolf et al., "Election Audits: International Principles That Protect Election Integrity International Foundation for Electoral Systems," *Democracy International*, no. April (2015): 1–21.

⁶⁹ Sarah Birch, *Electoral Violence, Corruption, and Political Order* (PRINCE TON UNIVERSITY PRESS, 2020), https://www.researchgate.net/publication/269107473_What_is_governance/link/548173090cf22525dcb61443/download%0Ahttp://www.econ.upf.edu/~reynal/Civil_wars_12December2010.pdf%0Ahttps://think-asia.org/handle/11540/8282%0Ahttps://www.jstor.org/stable/41857625.

RECOMMENDATIONS FOR IMPROVING INDONESIA'S ELECTION LAW

1. Strengthening penalties for vote-buying offenses

Strengthening penalties for vote-buying offenses can be a way to deter such illegal activities and uphold the integrity of the electoral process. Some potential ways to strengthen penalties for vote-buying offenses based on legal principles include:

1. Increased fines: Increasing the monetary fines for individuals found guilty of vote-buying can act as a strong deterrent. Higher fines can make the offense more costly for those involved in such activities.
2. Increased prison sentences: Imposing longer prison sentences for individuals convicted of vote-buying can serve as a more severe punishment. Longer sentences can act as a stronger deterrent to potential offenders and help reinforce the seriousness of the offense.
3. Stricter enforcement: Ensuring effective and strict enforcement of existing laws against vote-buying can play a crucial role in combating the offense. This may involve providing adequate training and resources to law enforcement agencies, election monitoring bodies, and improving cooperation between various stakeholders involved in election processes.
4. Asset forfeiture: Implementing measures that allow for the seizure and forfeiture of assets acquired through vote-buying can act as an additional deterrent. This can help in deterring individuals from getting involved in such illegal activities, as they would face the risk of losing their illicitly gained assets.
5. Disqualification from political office: In cases where individuals involved in vote-buying hold political office, considering measures that disqualify them from holding such positions can act as a strong deterrent. This can serve as a means of safeguarding the integrity of the political system and ensuring that individuals involved in electoral misconduct do not continue to hold power.

It is important to note that strengthening penalties for vote-buying offenses should be done within the framework of due process and the rule of law. It is also crucial to provide education and awareness campaigns to combat the culture of vote-buying and promote a fair and informed electorate.

2. Enhancing oversight mechanisms to monitor campaign financing

Increasing the ability of Indonesian oversight institutions to monitor campaign money requires a number of essential tactics, including the following:

Improving the regulatory framework means having rules that are clear and specific, with severe consequences for those who break them. Having clear and specific rules is essential for maintaining order and promoting a sense of fairness and accountability. Everyone understands the expectations and acceptable or unacceptable behaviors when rules are clearly defined. This clarity helps to reduce confusion and uncertainty, allowing individuals to make informed decisions and act appropriately.

Moreover, specific rules provide a framework for addressing and resolving conflicts or disciplinary issues. When a person violates a clear rule, it becomes easier to identify and

address the problem, allowing for a more efficient resolution. This helps to maintain a healthy and positive environment for everyone involved.

However, it is important to note that simply having rules is not enough; the consequences for breaking them must also be severe enough to deter individuals from engaging in misconduct. When consequences are severe, it highlights the seriousness of the offense and acts as a deterrent for others.

Severe consequences serve multiple purposes. Firstly, they discourage individuals from breaking the rules in the first place, as they understand the potential negative repercussions of their actions. Secondly, they clearly communicate to the community that they will not tolerate deviations from the rules, thereby promoting compliance and upholding order. Lastly, severe consequences can serve as a form of justice, holding individuals who violate the rules accountable for their actions.

However, it is vital to strike a balance between severity and fairness when implementing consequences. While the consequences should be severe enough to deter misconduct, they should also be proportionate to the offense committed. Excessive or disproportionate consequences can undermine the credibility of the rules, leading to resentment or a sense of injustice among those affected.

Having rules that are clear and specific, with severe consequences for those who break them, is essential for maintaining order, promoting fairness, and fostering a sense of accountability. Clear rules provide guidance and reduce confusion, while severe consequences act as deterrents and ensure compliance. Striking the right balance between severity and fairness is crucial to creating a just and effective rule enforcement system.

3. Increasing public awareness and education on the consequences of vote-buying

Increasing public awareness and education on the consequences of vote-buying is essential to combating this corrupt practice and upholding the integrity of democratic processes. We can take several steps to achieve this goal as follows: Indonesia's Election Law is failing to effectively discourage vote-buying and ensure fair conduct in elections due to lack of clear definitions and punishments. This lack of explicit laws makes them vulnerable to agenda manipulation, allowing for the exploitation of gaps. To address this issue, strengthening penalties for vote-buying offences, revising the law to explicitly designate it as a criminal offense, and allocating resources to law enforcement agencies to investigate and prosecute cases of vote-buying are necessary. A concerted effort from the government, civil society, and voters is necessary to eradicate vote-buying in accordance with Indonesia's election regulations. Implementing these measures will promote fair elections, enhance public trust, strengthen democratic structures, and ultimately lead to a better government and a thriving democratic society.

By implementing these measures, we can empower citizens to make informed choices, resist the temptation of vote-buying, and actively contribute to fair and transparent electoral processes.

CONCLUSION

The deficiencies of Indonesia's Election Law in successfully discouraging vote-buying and guaranteeing fair conduct in election proceedings arise from the lack of clear definitions and punishments for vote-buying. Vote-buying as a criminal offence lacks precise and explicit laws. Studies indicate that legal regulations, similar to voting regulations, are vulnerable to agenda manipulation, which enables the exploitation of gaps. Addressing election fraud has become a significant issue of concern.

Strengthening penalties for vote-buying offences may function as a deterrent for these illegal actions and preserve the integrity of the electoral process. Strengthen the legal framework, Revise the existing election law to explicitly designate vote-buying as a criminal offence, imposing severe penalties on both those who make money and those who accept it. Strengthen law enforcement, Allocate sufficient resources to law enforcement agencies to effectively investigate and prosecute cases of vote-buying. Establish specialized teams or task forces to specifically tackle corruption associated with electoral processes. A concerted effort including the government, civil society, and voters is necessary to eradicate vote-buying in accordance with Indonesia's election regulations. By applying these steps, we can ensure the integrity of elections, protect democratic norms, and guarantee the true importance of each vote. Addressing the problem of vote-buying in Indonesia would have significant and far-reaching implications for the country's future viability as a democracy. Implementing this measure will promote fair and transparent elections, increase public trust and participation, and strengthen democratic structures, ultimately leading to a better government and a thriving democratic society.

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