



Criminal Aspects of Passive Vote Buying in the Conduct of General Elections in Indonesia

Nesti Yusticiadewi Alakaman¹, Julianus Edwin Latupeirissa², Denny Latumaerissa³

^{1,2,3} Faculty of Law, Universitas Pattimura, Ambon, Indonesia.

@ : nesti.alakaman@gmail.com

Corresponding Author*



Abstract

In the process of conducting general elections, there are often actions that disrupt democratic order, and in reality, many violations lead to a decline in general election quality; one key issue is money politics, especially vote buying. Data, surveys, and documented cases show that those who make promises, offer money, or provide other material incentives (active vote buying) are more often prosecuted than the recipients (passive vote buying) during general elections. This issue is linked to the lack of regulations that address passive vote buying. The purpose of this article is to examine and analyze the forms of money politics in the conduct of general elections and the measures of legal enforcement in the act of passive vote buying. This article uses a normative legal research, with a statutory approach, a case approach, and a conceptual approach. The results of the research show that 1. The forms of money politics in general elections include various types, such as vote buying, vote brokers, political corruption, serangan fajar, mass mobilization, and money politics at different levels: upper, middle, and lower; 2. The efforts of law enforcement to address passive vote buying involve applying Article 149 paragraphs (1) and (2) of the Indonesian Criminal Code, which clearly covers both active and passive vote buying, and it also aim to reform criminal law by regulating both active and passive vote buying in future general election law (ius constituendum).

Keywords: Criminal Aspects; Passive Vote Buying; General Election.

INTRODUCTION

As a democratic country, Indonesia holds general elections every five years. This follows the mandate of Article 22E of the 1945 Constitution. Elections also serve as a way to transfer power based on the people's choice as voters. They represent the values of popular sovereignty. Elections are important in Indonesia because they relate directly to upholding Pancasila, the 1945 Constitution, democracy, and the continuity of Indonesia's national development. However, there is no guarantee that candidates, the government, the public, or law enforcement will act honestly and fairly. Additionally, the election process often faces significant issues with fraud.¹

In an electoral process, there are often actions that disrupt democratic order. The reality shows that many violations contribute to the decline in the quality of elections. One significant issue is money politics. Money politics involves using material rewards to influence people's behavior. It can also mean vote buying in the political process. This includes distributing money, whether from personal funds or political parties, to influence voting decisions.² Money politics remains a serious issue in the administration of elections and continues to involve. Indonesia is the third-largest country in the world for money politics, according to Burhanuddin et al. The percentage of voters involved in money politics

¹ Sintong Silaban, *Tindak Pidana Pemilu : Suatu Tinjauan dalam Rangka Mewujudkan Pelaksanaan Pemilu yang Jujur dan Adil*, (Jakarta: Pustaka Sinar Harapan, 1992), p. 59.

² Thajo Kumolo, *Politik Hukum Pilkada Serentak*, (Bandung: Mizan Publika, 2015), p. 155.

during the 2019 general elections ranged from 19.4% to 33.1%.³ A survey by the Center for Political Studies of the Indonesian Institute of Sciences⁴ found that although between 52.9% to 70.4% of respondents claimed they had never received a “gift” or any form of bribery to vote for a particular candidate, about 28.1% to 29.75% admitted to receiving such offers. Ironically, nearly 47% of all respondents, including those who received inducements and those who did not, believed that these practices were normal. This percentage is close to the portion of respondents who disagreed and said that vote buying could not be justified, which was 48%. In addition, the issue of vote buying in elections appears in several cases. For example, in 2019, the Corruption Eradication Commission (KPK) seized around 400,000 envelopes stored in 84 boxes. These contained a total of IDR 8 billion during an arrest hand operation involving a member of the House of Representatives (BSP). Former KPK leader Bambang Widjojanto said that the operation highlighted how deeply money politics is rooted in the electoral process. According to data, surveys, and other cases mentioned earlier, people who make promises, offer money, or other material benefits (active vote buying) face criminal charges more often than those who receive these offers (passive vote buying) during elections. The term “passive vote buying” comes from the concepts of “active bribery” and “passive bribery” that are commonly used in corruption-related offenses.⁵

This situation relates to the lack of regulations that address passive vote buying. It is a major gap in Indonesia's election laws. This gap is especially concerning when we consider the principle of *Ius Curia Novit*, found in Article 10 (1) of Law Number 48 of 2009 on Judicial Power. According to this principle, judges, as the final decision-makers, are prohibited from refusing to adjudicate a case on the basis of the law being absent or unclear, as they are presumed to possess full knowledge of the law. Therefore, judges must find and apply the right legal standards to every case, including those where explicit statutory regulation is lacking, such as in instances of passive vote buying. Elections in Indonesia are mainly governed by Law Number 7 of 2017 on General Elections and its amendment, Law Number 7 of 2023, which supports Government Regulation in Lieu of Law Number 1 of 2022. These laws set the foundation for the 2024 simultaneous elections. However, many issues from the 2019 elections are likely to happen again because the new amendments have not fully addressed the legal and structural problems of the previous framework. The issue of passive vote buying connects to the wider legal framework concerning electoral offenses, described in Book Five of the Election Law. Although the law does not explicitly criminalize passive vote buying, several provisions may be interpreted as doing so indirectly. These include Articles 515, 521 in conjunction with Article 280 (1) (j), 523 (1) in conjunction with Article 280 (1) (j), 523 (2) in conjunction with Article 278 (2), and 523 (3).⁶

Although the Election Law and its amendments do not cover passive vote buying, such provisions had previously existed. Historical legislation, including Law Number 7 of 1953 (Article 120), Law Number 15 of 1969 (Article 27(3)), and Law Number 3 of 1999 (Article 73(3)), briefly addressed passive vote buying. However, these laws are no longer in force, and newer electoral legislation has not reinstated such provisions. Interestingly, passive vote

³ Lati Praja Delmana et al., “Problematisasi dan Strategi Penanganan Politik Uang Pemilu Serentak 2019 di Indonesia”, *Jurnal Tata Kelola Pemilu Indonesia* 1, no. 2 (2020), p. 2, <https://doi.org/10.46874/tpk.v1i2.61>.

⁴ Wawan Ichwanuddin et al. *Pemilu Serentak 2019 dan Demokrasi di Indonesia: Survei Opini Publik Pasca-Pemilu 2019*, (Jakarta: Pusat Penelitian Politik Lembaga Ilmu Pengetahuan Sosial, 2020), p. 4-5 and p. 58-63.

⁵ Zainal Arifin Mochtar and Eddy, *Menjerat Korupsi Partai Politik*, (Yogyakarta, Genta Publishing, 2018), p. 22-24.

⁶ Hariman Satria, “Politik Hukum Tindak Pidana Politik Uang dalam Pemilihan Umum di Indonesia”, *Antikorupsi Integritas* 5, no. 4 (2019), p. 5-6, <https://doi.org/10.32697/integritas.v5i1.342>.

buying was regulated earlier under the Indonesia Criminal Code, specifically in Article 149 (1) and (2). Article 149 (2) clearly states that a voter who allows themselves to be bribed – either by money or promises – to vote or not vote in a certain way (as defined in paragraph 1) shall be subject to the same punishment as the briber (active vote buying). Even though Indonesia enacted a new Criminal Code (Law Number 1 of 2023), its provisions will only take effect three years after its promulgation. This means the old Colonial Criminal Code will still apply until the end of the 2024 simultaneous elections. This legal gap raises two contrasting interpretations. On one hand, according to the *lex specialis derogat legi generali* principle, the lack of passive vote buying provisions in the Election Law (*lex specialis*) implies deliberate exclusion. On the other hand, since the Criminal Code (*lex generalis*) continues to regulate passive vote buying, the offense remains punishable in the absence of a derogating provision in the special law.⁷ This divergence of views stems from two conflicting legal provisions governing the same subject matter, without a clear determination as to which norm should prevail. Ideally, this issue could be resolved using the principle of derogation, which refers to the nullification of the validity of one legal norm in relation to another, aimed at determining which norm should prevail in the event of a conflict. This may involve the partial invalidation, repeal, or elimination of one law in favor of another.⁸ However, since Article 149 (2) of the Criminal Code has never been repealed, its provisions remain valid and enforceable. Without a specific electoral law and without any express derogation of the general rule, there is a need for both short- and long-term legal reform to explicitly address passive vote buying in electoral law. Based on the above points, this paper discusses two main issues: the forms of money politics in Indonesia's electoral process, and the measures of legal enforcement regarding the act of passive vote buying.

METHODS OF THE RESEARCH

This paper uses normative legal research methods or doctrinal legal research because the focus of the study departs from the normative vacuum, using approaches: statutory approach, case approach, and conceptual approach. The technique of collecting legal materials involves document study or literature review, and the analysis is conducted using a qualitative method.

RESULTS AND DISCUSSION

A. Forms of Money Politics in the Administration of General Elections in Indonesia

The general elections functions as a democratic mechanism to converting the collective will of the people into official positions within the organs of the state.⁹ Consequently, elected officials are expected to effectively carry out the mandate entrusted to them by the electorate. To ensure this objective, elections must be conducted fairly and transparently. However, it is undeniable that numerous violations and criminal acts continue to occur during the electoral process. Before delving into the forms of money politics in election administration, it is essential to understand two important points relevant to this discussion: electoral crimes and the classification of offenders involved in electoral crimes (particularly those relating to

⁷ Gaza Carumna Iskadrenda and Edward, "Jerat Pidana terhadap Pelaku Pembelian Suara Pasif (Passive Vote Buying) dalam Penyelenggaraan Pemilihan Umum", *Jurnal Ilmiah Kebijakan Hukum* 18, no. 1 (2024), p. 21.

⁸ Fakhry Amin et al., *Ilmu Perundang-Undangan*, (Banten: Sada Kurnia Pustaka, 2023), p. 40-43.

⁹ Yusril Ihza Mahendra, *Dinamika Tata Negara Indonesia, Kompilasi Aktual Masalah Konstitusi Dewan Perwakilan dan Sistem Kepartaian*, (Jakarta: Gema Insani Press, 1996), p. 204.

money politics). In the Indonesian Criminal Code, criminal acts are referred to as strafbaar feit, which can be understood as a criminal offense, delict or punishable act. The legislature generally uses the terms criminal offense, criminal act, or criminal event. According to the views of several law experts, such as Simon, a criminal act is an action punishable by law, contrary to legal norms, and committed with culpability by an individual who can be held responsible. Furthermore, Kanter and Sianturi describe a criminal act as an act committed at a specific place, time, and circumstance that is prohibited (or required) and can be punished by law. It is illegal and is done with intent by someone who can be held legally responsible.¹⁰ Regarding to the electoral crimes, Topo Santoso suggests three definitions:¹¹ (1) all criminal acts related to election administration as defined by electoral law; (2) all criminal acts regarding elections, including those in political party laws or the Criminal Code; and (3) all criminal acts that occur during the election period (including traffic violations, assaults, vandalism, etc.). The first definition represents the narrowest of the three, as it focuses strictly on criminal offenses explicitly regulated under the Election Law. Upon further examination, the Election Law identifies a total of 66 specific acts that are classified as election-related criminal act.

There is limited literature specifically addressing the offenders of electoral crimes related to money politics. To classify these offenders, a normative analysis of the legal provisions is necessary. Normative structures can generally be categorized as follows: a) Norm addressee: Usually refers to individuals (natuurlijke personen) or legal entities (rechtspersonen); b) Norm operator: Generally includes commands (obligations), prohibitions, permissions, and dispensations in Western legal tradition; c) Norm object: Describes the behavior that the norm regulates; d) Norm condition: Sets the context, such as time, place, or requirements for the norm to apply.¹² According to Article 515 of the Electoral Law, the addressee of the norm is stated as “every person”, which should be understood as a legal subject - specifically individuals or natuurlijke personen.¹³ Hariman Satria, in his research, categorizes electoral crimes into several categories, including offenses by campaign organizers, election participants, and campaign teams. This includes nine provisions, with Article 521¹⁴ focusing on those who carry out campaigns and election participants. Moreover, Article 523(1) and (2) specifically identify offenders as campaign organizers, participants, and/or campaign teams. Article 523(3) applies more broadly to anyone involved in money politics during the voting period, as noted by the term “every person.”

Furthermore, in terms of money politics during elections in Indonesia, Bumke classifies them into three categories: vote buying, vote brokers, and political corruption. Vote buying involves exchanging goods, services, or money for votes in an election. Individuals representing candidates or parties engage in purchasing votes; these intermediaries are called vote brokers. Meanwhile, political corruption refers to any form of bribery aimed at politicians to secure favorable policies or other benefits.¹⁵ Other literature identifies several strategies of money politics used by election participants, including the practice of “serangan

¹⁰ Erdianto Effendi, *Hukum Pidana Indonesia, Suatu Pengantar*, (Bandung: Rafika Aditama, 2011), p. 98-99.

¹¹ Topo Santoso, *Tindak Pidana Pemilu*, (Jakarta: Sinar Grafika, 2006), p. 59.

¹² Muammar and Iqbal, “Membedah Tindak Pidana Politik Uang, Suatu telaah dari Sisi Struktur Norma”, *Matakao Corruption Law Review* 1, no. 2 (2023), p. 99-100, <https://doi.org/10.47268/matakao.v1i2.11305>.

¹³ *Ibid.* p. 100-103.

¹⁴ Hariman Satria, *Op. Cit.*, p. 5.

¹⁵ M. Jeffri Arlinandes Chanda and Jamaludin, “Peranan Hukum dalam Mencegah Politik Uang (Money Politic) dalam Pemilu di Indonesia: Upaya untuk Mewujudkan Pemilu yang Berintegritas”, *Wajah Hukum* 4, no. 1 (2020), p. 55, <https://wajahhukum.unbari.ac.id/index.php/wjhkm/article/view/167>.

fajar". In this practice, electoral candidates use financial resources such as money or basic necessities like food supplies. They distribute these to prospective voters to gain their votes. This practice is particularly common during the "election silence period". The second strategy is mass mobilization. This involves gathering crowds through money distribution, with the hopes that campaign events will attract public or potential voter attendance. It is important, however, to set clear boundaries and criteria for when mass mobilization can be considered money politics. According to several perspectives, that such efforts do not necessarily count as money politics. Campaign crowds that allow electoral participants to engage freely in the election process, including open campaigns, are seen as legitimate and constitutional, as the law guarantees this right. What needs further examination is the distribution of money during the campaign period. Some views suggest that this distribution can be lawful if it follows strict regulations set by the General Elections Commission Regulation, especially regarding limits on amounts. These regulations aim to ensure fairness and prevent abuse that could lead to money politics. If money distribution adheres to specific law and exceptions, any breach could lead to the act being labeled as money politics. Still, many consider mass mobilization a vital part of money politics.¹⁶ In addition, other literature describes three general forms of money politics commonly seen in Indonesia: at the upper level, the middle, and the lower.¹⁷

B. Legal Enforcement Measures Against Passive Vote Buying

Soerjono Soekanto, in his book, defines law as a set of rules, norms, or principles that govern each individual in society, enabling the attainment of social peace.¹⁸ Law requires the support of other instruments to function properly; it cannot function independently. Therefore, law is inseparable from the process of law enforcement. According to Satjipto Rahardjo, the essence of law enforcement lies in the realization of abstract legal ideals or concepts.¹⁹ In essence, law enforcement refers to the concretization of legal norms – which consist of directives, prohibitions, and sanctions – through formal authority established by the state and acknowledged by society. Lawrence M. Friedman asserts that the success or failure of law enforcement in a country - including, in this case, the enforcement of electoral criminal law - depends on three components of the legal system. First, there is the substance of the law. This includes the rules, norms, and actual behavior patterns within the system. Second, the structure of the law. The existence of a sound legal structure is essential, because no matter how well-drafted the legal norms may be, if they are not supported by the effective performance of law enforcement institutions, then the enforcement of law and the pursuit of justice will be rendered meaningless.²⁰ Third, the legal culture, which pertains to beliefs, ways of thinking, and behaviors of both law enforcers and members of society regarding the law and various legal phenomena.²¹ From the first general election to the most recent one, election supervisory bodies in Indonesia have received reports and findings about alleged electoral crimes. Some of these cases have proceeded to trial in district courts. However, a number of these cases did not reach the courtroom. This raises several questions: Is it because

¹⁶ Muhammad Hoiru Nail, "Kualifikasi Politik Uang dan Strategi Hukum dan Kultural atas Pencegahan Politik Uang dalam Pemilihan Umum", *Jurnal Yuridis* 5, no. 2 (2018), p. 251-253, <https://doi.org/10.35586/.v5i2.770>.

¹⁷ Aulia Ramadhani Abdullah et al, "Dinamika Money Politics terhadap Integritas Pemilu: Studi Kasus Pemilihan Umum di Enkerang", *Jurnal Multidisipliner Inovatif* 8, no. 6 (2024), p. 226-227, <https://oaj.jurnalhst.com/index.php/jmi/article/view/3268>.

¹⁸ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, (Jakarta: Rajawali Press, 2007), p.2.

¹⁹ Satjipto Rahardjo, *Masalah Penegakan Hukum suatu Tinjauan Sosiologis*, (Bandung: Sinar Baru), p. 15.

²⁰ Lawrence M. Friedman, *American Law: An Introducing*, (translated by Wishnu Basuki), Edisi kedua, (Jakarta: Tatanusa, 2001), p. 7-12.

²¹ Achmasd Ali, *Menguak Teori Hukum (Legal Theory) dan Teori Peradilan (Judicial Prudence), Termasuk Interpretasi Undang-Undang (Legisprudence)*, (Jakarta: Kencana Prenada Media Group, 2009), p. 204.

no violations actually occurred? Is the law lacking? Or is it due to poor supervision and enforcement? To address this issue, it is necessary to examine each component of the legal system that directly affects law enforcement.

The first part is the legal substance. The government has enacted legislation regulating general elections, including provisions on electoral crimes related to money politics, specifically vote buying. As previously mentioned, certain parts of the Election Law criminalize vote buying but do not fully cover all the legal subjects that might be involved, especially those who receive money, promises, or other benefits (passive vote buying). The criminal laws only target those who give money or promises (active vote buying). The lack of specific laws against passive vote buying in the Election Law – as a special rule – creates a legal gap that could lead to more money politics. Second, the legal structure. At the structural level, electoral criminal offenses are managed through an integrated system called Integrated Law Enforcement Center (Gakkumdu). This center includes the General Election Supervisory Agency (Bawaslu), the police, and the public prosecutor's office. These institutions play a key role in deciding if an electoral offense should proceed to court, as stated in Article 1(38) of Law Number 7 of 2017.²²

Gakkumdu aims to improve cooperation between investigators and public prosecutors so that electoral offenses can be brought to trial promptly and legal certainty can be achieved. As part of Gakkumdu, Bawaslu supervises the electoral process, which includes voter registration, campaigning, and the voting and vote-counting processes. Meanwhile, law enforcement agencies like the police and public prosecutors follow up on violations identified by Bawaslu. However, problems occur when the roles of Bawaslu, the police, and the prosecutors aren't clearly defined. This leads to confusion and legal uncertainty in addressing electoral offenses. For example, when Bawaslu spots a suspected violation, it has the authority to conduct a preliminary investigation and recommend actions to law enforcement.²³ Often, these recommendations are dismissed by the police, who may claim there isn't enough evidence to take the case to court or that they don't understand the legal standards and evidence needed for prosecution. Additionally, law enforcement officials sometimes believe that minor violations aren't worth pursuing due to their perceived insignificance or limited impact. In such situations, clear legal violations are left unaddressed, undermining public trust in the institutions meant to uphold justice in electoral processes. Thus, it is important to evaluate the system thoroughly to create rules that clearly define the relationship between Bawaslu and law enforcement agencies.

Another major issue is the differing interpretations and understandings of legal norms governing electoral crimes, especially regarding how to deal with such violations. Bawaslu, as the election supervisory authority, sees every violation – regardless of severity – as a threat to the integrity and quality of the elections. In contrast, law enforcement officials may focus on cases with significant impacts or those that attract public interest, leading to inconsistent law enforcement practices. Furthermore, a significant problem with authority arrangements is the lack of effective coordination. For example, the way reports of violations are sent from Bawaslu to law enforcement agencies is often unsystematic, informal and lacks a shared understanding of the urgency needed in managing electoral violations both effectively and efficiently. Complex and bureaucratic internal processes often cause slow

²² Elsina Mual, 'Kebijakan Hukum Pidana dalam Penanganan Tindak Pidana Pemilu di Provinsi Maluku', (Thesis Universitas Pattimura, 2019).

²³ Kayla Zefanya, "Penanganan Tindak Hukum Pidana Pemilu", *Blantika: Multidisciplinary Journal* 2, no. 11 (2024).

responses from law enforcement to reported violations.²⁴ Another pressing concern is the need for transparency and accountability at every step of the electoral crime handling process by Gakkumdu. Third, legal culture. This aspect refers to the views, beliefs, ways of thinking, and behaviors, of both law enforcement personnel and the public regarding law and legal phenomena. Instead of fostering awareness of the importance of following electoral rules, political communities tend to develop negative attitudes toward existing regulations.²⁵ For instance, during the 2019 general election, the high incidence of vote-buying was shaped by patron-client relationships where benefits were exchanged for political support. This is evident in instances where candidates or other election participants with personal power offer economic or political resources in return for loyalty and political backing from voters. This practice has become a common way to gain electoral support, providing economic benefits to voters and contributing to a deeply ingrained vote-buying culture. Increasingly, the public views money politics as a normal occurrence. For instance, during the 2019 general election, the high incidence of vote-buying was shaped by patron-client relationships where benefits were exchanged for political support. This is evident in instances where candidates or other election participants with personal power offer economic or political resources in return for loyalty and political support from their clients – namely, the voters. This practice has become a common way to gain electoral support, providing economic benefits to voters and contributing to a deeply ingrained vote-buying culture. Increasingly, the public views money politics as a normal occurrence.²⁶

Based on the three components mentioned above, we can enforce the law against passive vote buying by applying Article 149 paragraphs (1) and (2) of the Indonesian Criminal Code (KUHP). Paragraph (2) clearly states that a voter who allows themselves to be bribed through gifts or promises in order to abstain from voting or to vote in a certain way (as referred to in paragraph 1) may be subject to the same criminal penalties as the person who offered the bribe (active vote buying). In the Indonesian criminal law system, there is a principle known as *lex specialis*. This principle refers to special laws that address specific criminal acts, whether already covered under the criminal code or not. Article 103 of the criminal code legitimizes the application of these special laws by allowing for criminal provisions outside the criminal code. This article acts as a legal bridge between the criminal code and special legislation. However, this legitimacy does not mean that special laws automatically take precedence over the general criminal provisions in Book I of the Criminal Code. Instead, Article 103 serves as a connector, integrating the general provisions in Book I with other criminal regulations, unless the special laws specify otherwise. Looking ahead, the lack of clear legal provisions, as discussed in this study, can be addressed through future criminal law reform. This reform should specifically include both active and passive vote buying in the General Election Law (*ius constituendum*).

CONCLUSION

The Election Law identifies a total of 66 specific acts that are classified as election-related criminal act. Specifically, vote buying falls under several provisions, including Articles 515,

²⁴ I Putu Edi Rusmana, "Kewenangan antara Bawaslu dan Aparat Penegak Hukum dalam Penanganan Tindak Pidana Pemilu", *Jurnal Rechtsens* 13, no. 2 (2024), p. 272-275, <https://doi.org/10.56013/rechtsens.v13i2.3447>.

²⁵ Elsina Mual, *Op. Cit.*, p. 103.

²⁶ Dede Kania, "Problematika Penegakan Hukum terhadap Tindak Pidana Politik Uang dalam Pemilihan Umum di Indonesia", *Jurnal Keadilan Pemilu* 1, (2023), p. 64-64.

521 in conjunction with Article 280 (1) (j), 523 (1) in conjunction with Article 280 (1) (j), 523 (2) in conjunction with Article 278 (2), and 523 (3). The classification of perpetrators involved in vote buying offenses according to these articles includes: any individual committing vote buying during the voting process (Article 515 and Article 523 paragraph (3)); campaign organizers, election participants, and campaign teams (Article 521); and any election organizers, participants, and/or campaign teams (Article 523 paragraphs (1) and (2)). In Indonesia, the forms of vote buying during elections include various types such as vote buying, vote brokerage, political corruption, dawn attacks, mass mobilization, and money politics at the upper, middle, and lower level. Furthermore, there are three main obstacles to the enforcement of vote buying criminal offenses: Legal substance, where certain parts of the Election Law criminalize vote buying but do not fully cover all the legal subjects that might be involved, especially those who receive money, promises, or other benefits (passive vote buying); legal structure, where the Integrated Law Enforcement Center (Gakkumdu) faces issues in dealing with election crimes. Problems include unclear authority, varying interpretations of laws related to election offenses, poor coordination, and ineffective enforcement of transparency and accountability; legal culture, where vote buying has become a common practice in elections. This is driven by various factors, such as low levels of education and limited legal awareness among the public. Due to the absence of specific provisions regarding passive vote buying in the Election Law as a *lex specialis*, Article 149 paragraphs (1) and (2) of the Indonesian Criminal Code (KUHP) might apply. Moreover, future reform of criminal law should include regulations addressing both active and passive vote buying under the General Election Law.

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