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The Proof Paradox in Election Crimes: Why High Evidentiary Thresholds Enable Systematic Electoral Wrongdoing

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ABSTRACT

This article addressed the evidentiary difficulty of proving corruption in the absence of confession, explicit quid pro quo language, or formal ownership links. It proposed an evidentiary convergence approach that treated proof as the alignment of independent evidentiary tracks rather than reliance on a single decisive item. The analysis developed two substantive domains. First, illicit enrichment and asset disproportion were assessed as probative only when wealth anomalies were verified, temporally aligned with authority-linked opportunities, and reinforced by concealment indicators, while lawful explanations were tested through objective verification. Second, hidden beneficial ownership was examined through functional control markers, including decision control, economic benefit enjoyment, operational footprints, and risk-bearing patterns, allowing control to be proven even when title was displaced to nominees. The study also formulated an operational design using an evidence matrix and evaluative standards to strengthen inference while preserving fair-trial safeguards. The findings indicated that disciplined convergence improved reliability in no-confession cases without normalizing burden shifting or lifestyle-based prejudice.

INTRODUCTION

Electoral crime sits in an unusual legal terrain. The act is often brief, dispersed, and executed through layered intermediaries, yet the harm is systemic because it contaminates the competitive conditions that make an election meaningful. This tension produces what can be called a proof paradox. In many jurisdictions, the formal standard for conviction is demanding by design, and rightly so, because criminal punishment requires robust safeguards against error. The paradox appears elsewhere, in the practical thresholds applied long before a judge evaluates the merits. Investigators, prosecutors, and enforcement coordinators frequently treat election-crime files as worthy of pursuit only when they already contain near-trial-level proof, typically in the form of direct evidence such as a clear eyewitness transaction, a confession, or a caught-in-the-act operation (Daeli et al., 2024). The result is counterintuitive. The stricter the informal evidentiary gatekeeping becomes at the early stages, the more predictable it is that systematic electoral wrongdoing will evade criminal accountability, not because the conduct is absent, but because the legal system demands a form of proof that the offense type is structurally engineered to avoid. Election crimes are rarely designed to be witnessed. They are designed to be plausible, deniable, and distributable.

The proof paradox is not a plea for a weaker rule of law. The point is more exacting. A criminal justice system can maintain a high conviction threshold while still building investigative and charging practices that are compatible with the modus operandi of election crime. Many election offenses function as networked wrongdoing rather than isolated misconduct. Vote buying, for instance, often operates through brokers who manage lists, coordinate distributions, and maintain discipline through social ties and informal sanctions (Ascencio & Chang, 2024). Illicit campaign finance can be routed through straw donors, micro-transfers, community events, or charitable fronts that look legitimate in isolation but become incriminating in combination (Wood, 2023). Disinformation and coercive

mobilization are increasingly mediated by digital platforms where the most consequential evidence is not a single "smoking gun" message but a patterned interaction among accounts, timing, audience segmentation, and coordinated amplification (Subekti et al., 2025). When enforcement practice insists on direct proof tied to an individual actor at the earliest screening stage, it adopts an evidentiary imagination suited to street crimes, not to electoral manipulation. The law then behaves as if only the simplest, most careless forms of election crime are real, while the organized variants receive de facto protection through their sophistication.

This article advances a focused argument. High evidentiary thresholds can enable systematic electoral wrongdoing when the practical threshold for proceeding is elevated beyond what the law requires and when evidentiary evaluation is biased against circumstantial and pattern-based proof. The core mechanism is institutional rather than doctrinal. Early-stage decision makers often translate uncertainty into inaction by demanding evidentiary completeness at the moment of complaint intake or preliminary assessment. That move feels cautious, but in the electoral context it frequently functions as a built-in attrition device. Election timelines are short, witnesses are vulnerable to pressure, and traces—especially digital traces—are perishable unless secured quickly (Anderson, 2024). If enforcement institutions require near-conviction certainty before they deploy investigative powers, the necessary evidence will never be gathered, and the initial uncertainty becomes a self-fulfilling prophecy. The paradox is therefore not that criminal law has a high standard of proof. The paradox is that a high standard, when mirrored prematurely in gatekeeping practices, converts into a structural incentive for offenders to organize their conduct in ways that make direct proof improbable (Stoykova, 2021).

The objective of the analysis is threefold. First, it differentiates the formal evidentiary standard applied at adjudication from the informal operational threshold that determines whether a case is pursued, escalated, or quietly downgraded to non-criminal handling. This distinction is crucial because many failures of election-crime enforcement occur upstream from trial, at the level of screening, coordination, and investigative design. Second, it explains how election crimes exploit the mismatch between offense characteristics and evidentiary expectations, especially through displacement into deniable forms, fragmentation into small acts that appear innocuous in isolation, and the strategic use of intermediaries to diffuse responsibility. Third, it develops a reform package that does not dilute due process but recalibrates investigative reasoning: it proposes a disciplined approach to circumstantial and pattern-based proof, clearer linkage criteria for attributing responsibility to organizers and controllers, and time-sensitive methods for securing financial and digital traces. The intended contribution is practical and normative at once. Practically, it identifies why current evidentiary habits predictably fail against organized electoral manipulation. Normatively, it clarifies how a system can remain faithful to criminal-law safeguards while refusing to let evidentiary gatekeeping become a quiet amnesty for sophisticated wrongdoing.

RESEARCH METHODS

This study employs doctrinal (normative) legal research focused on criminal policy and evidentiary design in the enforcement of election crimes. It uses a conceptual approach to operationalize the distinction between the formal evidentiary threshold at adjudication and the operational threshold applied at screening and investigation, and to structure the mechanisms of impunity identified in the discussion; it also applies a comparative approach to extract cross-jurisdictional lessons on the controlled use of circumstantial and pattern-based proof, organizer/intermediary liability, and the time-sensitive preservation of digital and financial traces. The legal materials comprise primary sources (relevant electoral and criminal legislation, accessible judicial and institutional decisions, and enforcement guidelines where available) and secondary sources (peer-reviewed journal articles from the last five years addressing vote buying and brokered mobilization, disinformation and deepfakes in electoral contexts, electoral integrity and public trust, campaign finance transparency, and structured inference in proof assessment). Collection of materials is conducted through systematic document-based retrieval from journal databases and official repositories of legislation and decisions, with thematic screening aligned to the argument developed in the discussion. Analysis proceeds through qualitative doctrinal techniques issue identification, interpretive reasoning, and comparative synthesis to assess the fit between the networked, perishable-trace character of election crimes and prevailing operational proof gatekeeping, and to derive design recommendations that preserve due process while preventing operational thresholds from becoming an upstream barrier to accountability.

RESULTS AND DISCUSSION

1. Diagnosing the Proof Paradox: How Operational Thresholds Inflate and Why It Matters

A productive way to understand the proof paradox is to separate two thresholds that are often conflated in practice. One is the formal threshold for conviction, the demanding level of persuasion that justifies criminal punishment. The other is the operational threshold for moving a case forward, the internal standard used by enforcement actors to decide whether a complaint becomes an investigation, whether an investigation becomes a charge, and whether a charge is pursued with institutional confidence. The paradox emerges when the operational threshold silently rises until it approximates the conviction threshold. At that point, early-stage gatekeepers require evidentiary completeness at the very moment when completeness is least attainable, because the necessary completeness is precisely what an investigation is meant to produce. In election-crime enforcement, this elevation is rarely announced as policy; it becomes embedded as habit. A case is deemed viable only when it arrives already packaged with direct proof, while pattern indicators, relational evidence, and partial traces are treated as insufficient rather than as leads. The system then mistakes a lack of immediately admissible trial proof for a lack of underlying wrongdoing, even though the offense structure makes direct proof an unreasonable precondition for action in most serious cases (Pattavina et al., 2021).

The inflation of operational thresholds is amplified by the networked character of electoral manipulation. Many election crimes are "crimes of coordination," not merely crimes of individual action. Vote buying is typically distributed across brokers who recruit recipients, manage territorial lists, calibrate payments, and buffer candidates from direct contact (Tawakkal, 2024). Illicit financing is often layered through intermediaries and fragmented into small transactions that evade attention when viewed separately. Even non-monetary inducements—logistics, jobs, services, or "community assistance"—can be organized through local nodes that maintain plausible explanations. In these configurations, responsibility does not sit where evidence is easiest to obtain.

The street-level actor may be visible, but the organizing intelligence remains insulated. If enforcement practice insists that each defendant must be proven through a direct evidentiary link to the candidate or the formal campaign structure, then the most organized forms of manipulation are structurally advantaged. A legal system that is excellent at proving isolated incidents can still fail against a network because the evidentiary question is not only "what happened," but "how the parts relate," and that relational dimension is exactly what operational gatekeeping tends to suppress (Bahamonde & Canales, 2022).

Temporal structure adds a further distortion. Electoral wrongdoing often peaks close to voting day, when the marginal utility of influence is highest and the opportunity for counteraction is lowest. That compressed timeline interacts poorly with investigative routines that assume stable witnesses, durable traces, and leisurely sequencing of steps. As polling day approaches, the evidentiary environment becomes more volatile: lists are moved, devices are replaced, accounts are deleted, and transactions are converted into cash-like forms that leave thin documentation. In response, enforcement actors sometimes become more conservative, raising the operational threshold because they anticipate that time constraints will make the file messy. Yet this is precisely the wrong direction if the objective is accurate accountability. Volatility is not an argument for demanding perfect proof at intake; it is an argument for rapid preservation and focused investigative triage. When institutions treat the scarcity of time as a reason to do less, they transform the election calendar into an offender's shield. The paradox becomes self-reinforcing: because cases are not pursued early, evidence predictably dissipates, which later justifies the earlier reluctance as if it had been empirically validated (Heath et al., 2023).

Information asymmetry deepens the same pattern. Election-crime complainants and affected voters typically do not control the evidence that would satisfy a direct-proof bias. The most meaningful traces—financial flows, messaging coordination, instruction chains, distribution schedules—are held by the very network accused of wrongdoing or by third parties with their own incentives to resist disclosure. Meanwhile, witnesses are not neutral information carriers. Many are economically dependent, socially embedded, or politically exposed, which makes cooperation costly. In this setting, the practical demand for "strong witnesses" at the earliest stage is not a neutral quality filter; it is a structural barrier that privileges the powerful. The more the system requires vulnerable witnesses to deliver perfect narratives without institutional protection, the more rational it becomes for them to remain silent or to provide partial accounts that are later discounted. Operational threshold inflation

thus functions as a form of evidence externalization: the state implicitly pushes the burden of making the case onto those least able to bear it, then labels the outcome as insufficient proof.

A related driver is a persistent bias toward direct evidence and an underdeveloped discipline for evaluating circumstantial and pattern-based proof. In principle, many legal systems recognize that a chain of consistent circumstantial facts can be highly probative, sometimes more probative than a single eyewitness who is mistaken or pressured. In practice, election-crime enforcement often treats circumstantial indicators as speculative, especially when the indicators point to organization rather than to an isolated act. Consider a sequence of micro-transfers timed around campaign events, repeated withdrawals by connected intermediaries, or synchronized messaging that targets specific neighborhoods shortly before distribution activity. Each element may be explainable alone; the probative force lies in the convergence. Without an explicit method for documenting convergence, excluding plausible alternatives, and articulating inference with restraint, decision makers revert to intuition. Intuition in high-stakes political settings tends to be risk-averse, and risk aversion manifests as a demand for direct proof. The effect is doctrinally paradoxical: the law may allow inference, but enforcement culture refuses to rely on it, leaving organized wrongdoing untouched precisely because it is organized.

Operational threshold inflation also appears as a procedural distortion: early screening begins to resemble a miniature trial. Rather than asking whether there are sufficient leads to justify rapid preservation measures and targeted inquiry, gatekeepers ask whether the file already contains the full set of elements needed for conviction. This "mini-trial" posture is often rationalized as professionalism, yet it collapses the functional distinction between investigation and adjudication. In the election context, that collapse is particularly damaging because many evidentiary fragments are perishable and relational. A system that waits for completeness before acting will never assemble completeness. Screening should be oriented toward decidable steps—what data can be preserved now, which witnesses require protection, what financial records must be frozen, which devices and accounts should be secured—rather than toward premature certainty about the final narrative. When screening becomes a demand for narrative perfection, the system converts uncertainty into inertia, and inertia becomes a mechanism of impunity.

Finally, the coexistence of administrative and criminal enforcement channels can inadvertently raise operational thresholds by creating a pathway for responsibility diffusion. Electoral management bodies and supervisory institutions often have administrative tools that are faster and easier to deploy than criminal proceedings. Those tools are essential, but they can become an attractive substitute when criminal proof is perceived as too demanding (Jamil et al., 2024). The practical result is a quiet downgrading: serious misconduct is processed as an administrative irregularity, while the criminal track is reserved for the rare case with spectacular direct evidence (Prasetyo, 2022). This division can make the overall enforcement system appear active while leaving the most harmful practices intact. Administrative remedies typically struggle to attribute responsibility upward through networks, and they may not generate the investigative depth needed to expose organizers. If the criminal system then treats administrative handling as a reason to avoid deeper inquiry, a feedback loop forms. The criminal channel becomes exceptional rather than selective, and the exceptional cases are selected not by seriousness but by evidentiary convenience. A proof paradox emerges at the system level: the more the institutions emphasize high evidentiary certainty before acting, the more electoral wrongdoing adapts toward forms that minimize direct traces, and the more the enforcement architecture ends up punishing what is easy rather than what is consequential.

2. Mechanisms of Impunity: How High Operational Thresholds Protect Systematic Electoral Wrongdoing

The proof paradox becomes consequential because it does not merely reduce the number of prosecutions; it reshapes offender strategy. Once electoral actors learn—through experience, local lore, and the visible pattern of enforcement—that cases move forward only when direct evidence is immediately available, wrongdoing adapts toward forms that are resilient to that evidentiary demand. The system then produces a predictable selection effect: impulsive or poorly organized misconduct is prosecuted, while coordinated manipulation is filtered out upstream. This is not a matter of individual cynicism within enforcement agencies. It is a structural response to incentives. Operational threshold inflation functions like a design specification for impunity, teaching offenders what to avoid and which

forms of organization create legal invisibility. Four mechanisms make this adaptation especially durable in the electoral environment: displacement, fragmentation, silence, and selective enforcement.

Displacement refers to the strategic relocation of illicit influence into practices that are difficult to classify and difficult to prove using direct evidence. A classic example is the movement from overt cash-for-votes transactions toward indirect inducements that mimic social assistance, community service, or routine campaign outreach. Material benefits can be delivered as "transport support," "meal packages," "community donations," or "event logistics," each framed with plausible legality. Displacement also occurs in timing. Rather than paying at the moment of voting, inducements may be distributed earlier as "gratitude" or later as "thanks," creating narrative distance from the electoral act. In financial terms, offenders can replace identifiable transfers with a sequence of small disbursements, often routed through intermediaries who are not formally connected to the campaign. In digital settings, displacement includes shifting from explicit instructions to coded language, from public messaging to closed groups, from stable accounts to disposable identities, and from centralized coordination to distributed reposting that mimics organic support. Each move is not merely a behavioral trick; it is an evidentiary strategy (Nelson & Samarth, 2022). When enforcement practice privileges the unmistakable and the explicit, displacement exploits the space of ambiguity where the act remains socially legible but legally contestable.

Fragmentation complements displacement by splitting a single coordinated scheme into many small units that appear innocuous when examined separately. Electoral manipulation, especially vote buying and broker-driven mobilization, often operates through micro-decisions: who compiles the list, who stores the cash, who distributes, who confirms turnout, who reports back. Each node can be constructed as a "local initiative" without a clear link to a controlling actor (Setiawan & Asyikin, 2020). The evidentiary burden then grows exponentially if the enforcement system insists on proving each fragment as a self-contained offence with direct proof of intent and direction. Fragmentation is particularly effective when legal categories are narrowly drafted and enforcement culture treats each incident as an isolated allegation rather than as a manifestation of a coordinated program. The most damaging part of fragmentation is not the splitting itself, but the suppression of relational inference. If investigators and prosecutors lack an accepted method to aggregate fragments into a coherent narrative—through consistent timing, repeated actor associations, shared resources, common communication channels, or convergent financial signatures—then the whole scheme becomes legally invisible even as its components are widely experienced in communities. In practice, this is how systemic wrongdoing can be "everywhere" yet never sufficiently "proven" in any one file (Kyriacou, 2023).

Silence is the third mechanism, and it operates through rational witness behavior under risk. Election crimes often rely on community proximity: brokers are known locally, campaign teams are socially connected, and beneficiaries may be economically vulnerable. In such settings, witnesses face a credible threat of retaliation, stigma, or loss of access to services. High operational thresholds intensify this pressure by placing an implicit demand on witnesses to deliver unusually strong, consistent, and detailed accounts before the system acts decisively. If initial reports are treated as weak unless accompanied by direct corroboration, the witness receives a clear message: speaking up is costly and may yield no institutional protection or impact. Silence then becomes a rational equilibrium. Even when individuals are willing to report, their testimony may be partial by necessity. They may know that "something" happened but not the full chain of responsibility; they may have seen distribution but not the organizer; they may have received inducements but not know the source (Syahputra et al., 2023). A system that discounts partial testimony rather than treating it as a starting point for targeted corroboration effectively rewards networks that externalize risk to vulnerable participants. Silence is thus not merely an obstacle; it is an adaptive component of the wrongdoing architecture, sustained by enforcement practices that demand completeness from those least able to provide it (Ravanilla & Hicken, 2023).

Selective enforcement completes the cycle by shaping which cases become visible and which actors become prosecutable. High operational thresholds tend to privilege cases that are evidentiary convenient: small-scale incidents with direct witnesses, media exposure, or a caught-in-the-act moment. These cases often implicate low-level distributors, minor brokers, or isolated offenders rather than the organizers who design and finance the scheme. The enforcement system can therefore appear active—files exist, prosecutions occur, sanctions are imposed—while the commanding structures remain intact.

This selectivity produces perverse incentives. Organizers learn that insulating themselves from direct contact, delegating distribution, and avoiding written instructions lowers their legal exposure. Meanwhile, street-level actors become replaceable, and the network becomes resilient. Selective enforcement also reinforces the perception that election-crime prosecution is arbitrary or political, because the public sees visible wrongdoing but observes that the most influential actors rarely face consequences. That perception can reduce cooperation, weaken the legitimacy of enforcement institutions, and further entrench silence. In this way, evidentiary gatekeeping and selective prosecution interact, producing a durable system-level outcome: criminal enforcement punishes the easily proven while leaving the most consequential patterns structurally under-addressed.

Taken together, these mechanisms show why the proof paradox is not resolved by urging "tougher enforcement" in the abstract. Toughness directed at the wrong evidentiary model simply drives further adaptation. The central challenge is to preserve the demanding nature of criminal proof at adjudication while preventing operational thresholds from becoming an upstream barrier that selects for sophisticated impunity. That requires an enforcement logic capable of reading coordination without relying on direct confession or theatrical capture, capable of aggregating fragments without drifting into speculation, and capable of protecting and corroborating witness accounts so that speaking does not become an act of futility. The next step is therefore to translate these mechanisms into implementable changes: disciplined pattern-proof reasoning, clearer linkage standards for attributing responsibility upward through networks, and time-sensitive methods for securing financial and digital traces before the election calendar erases them.

3. Comparative Lessons: Making Election-Crime Proof Work Without Lowering Due Process

Comparative experience suggests that effective election-crime enforcement rarely comes from lowering the formal standard of proof. Systems that perform better typically do something more technical and more defensible: they discipline how inferences are drawn, they widen the legal aperture for attributing responsibility to organizers rather than only to street-level actors, and they treat time-sensitive preservation of evidence as a core due-process function rather than as an optional enhancement. The common denominator is not punitive zeal, but evidentiary compatibility. The enforcement model is built to fit the offense ecology: dispersed acts, intermediated execution, and traces that are often indirect. This matters because the proof paradox is primarily an upstream and methodological failure. Comparative lessons therefore concentrate on how to build cases that remain fair at trial while being feasible to assemble in the compressed and politically charged environment of elections.

A first lesson concerns the status of circumstantial and pattern-based proof. In systems with mature evidentiary practice, circumstantial proof is not treated as a second-class citizen; it is treated as a different genre of proof that requires explicit controls. The controls usually take the form of disciplined inference. Investigators and prosecutors are expected to articulate a chain of reasoning where multiple independent facts converge on the same explanatory account, while plausible alternative explanations are actively tested and, where appropriate, eliminated. In election crimes, this "convergence logic" is often the only realistic way to move from fragments to accountability. A single cash withdrawal proves little; repeated withdrawals tied to a campaign schedule, combined with broker communications, location clustering of distributions, and consistent recipient reports can become strongly probative when the inference is transparent and methodical. The comparative point is not that patterns automatically prove guilt, but that patterns can be made legally usable when the reasoning is structured: (1) identify indicators, (2) show their interdependence, (3) explain why coincidence is unlikely, (4) confront innocent explanations, and (5) maintain a restrained conclusion that matches the strength of the chain. Where this discipline exists, operational thresholds need not inflate, because early-stage decision makers can treat partial traces as investigable leads rather than as "weak evidence" that disqualifies a file (Matijević, 2024).

A second lesson concerns attribution of responsibility beyond the immediate actor. Many legal systems build practical enforceability by taking intermediary structures seriously. Election crimes are often executed by brokers, coordinators, and financial conduits who are not formal campaign organs, precisely to create distance from candidates and official teams. Systems that respond effectively tend to rely on robust participation concepts: liability for aiding, abetting, counselling, procuring, facilitating, conspiring, or otherwise contributing to a criminal plan. The key advantage is that enforcement does

not depend on proving that the organizer performed the physical act. Instead, the prosecution can focus on linkage: direction, financing, coordination, benefit, and control . This is where proof becomes strategically oriented. It is often easier to prove that a coordinator arranged logistics, maintained lists, and distributed resources than to prove a candidate personally handed over money. A well-designed attribution model does not presume guilt by association; it demands evidence of contribution and intent. Yet it allows the system to reach the actors who make the wrongdoing scalable. The comparative lesson is blunt: when law and practice are built around the "hands-on offender," networked electoral manipulation will remain structurally privileged.

A third lesson concerns speed as an evidentiary safeguard. Elections create a predictable evidence-loss curve. Digital messages are deleted, accounts are deactivated, devices are replaced, transaction records become harder to retrieve, and witnesses become more reluctant once political momentum shifts. Systems that handle election crimes more credibly tend to treat early preservation powers as routine and tightly regulated tools: rapid orders to preserve platform data, prompt securing of device logs and communication records under judicial oversight, quick freezes or structured access to financial records, and clear inter-agency protocols that prevent duplication and delay. Importantly, this is not an argument for weakening rights (Pirmansyah et al., 2025). Properly designed preservation is a due-process instrument because it reduces reliance on unreliable recollection and late-stage coercive measures. Timely preservation also lowers the temptation to inflate operational thresholds; decision makers can move forward on credible indicators because they know the next step will secure objective traces rather than waiting for perfect eyewitnesses to appear (Faizal, 2023).

Taken together, these comparative lessons sharpen the core diagnosis. The proof paradox is not a necessary feature of having a high standard of proof; it is a byproduct of treating election crime as if it should be provable only through direct, individualized, immediate evidence. Systems that perform better do not compromise adjudicative safeguards. They strengthen the upstream logic of proof: disciplined inference from converging facts, attribution mechanisms that reach organizers through linkage rather than theatrical directness, and time-sensitive preservation that prevents the electoral calendar from becoming an invisibility cloak. This comparative orientation sets the stage for a practical reform package: lowering the operational threshold by improving the epistemic tools of investigation, not by diluting the legal standard that protects against wrongful punishment.

CONCLUSION

The proof paradox in election crimes is not produced by the law's demanding conviction standard, but by the quiet inflation of operational thresholds that treat near-trial proof as a precondition for investigation. Because electoral wrongdoing is typically networked, intermediated, and engineered to avoid direct traces, early-stage gatekeeping that privileges confessions, eyewitness transactions, or theatrical captures predictably selects for impunity. Offenders adapt through displacement into deniable practices, fragmentation into seemingly innocuous units, witness silencing under risk, and a pattern of selective enforcement that punishes the easily proven while insulating organizers and controllers.

A defensible response keeps due process intact while making proof compatible with the offense ecology. That means institutionalizing disciplined pattern-proof reasoning rather than dismissing circumstantial convergence as speculation, adopting clear linkage criteria that allow responsibility to travel upward through coordination and control, and treating rapid preservation of digital and financial traces as a core fairness safeguard rather than an optional tool. When these elements are integrated into stepwise investigative triage, the criminal law can remain demanding at adjudication without turning evidentiary caution into a systemic amnesty for sophisticated electoral manipulation.

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