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Clientelism and the Meaning of Free Choice in Indonesian Elections

Muhammad Fadel[1]
[1] Fakultas Hukum, Universitas Muslim Indonesia, Indonesia
Correspondence: fadelkadir13@gmail.com

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ABSTRACT

Free electoral choice is constitutionally protected in Indonesia, but clientelism complicates the legal meaning of that protection. This article examined how election law should distinguish unlawful inducement from broader clientelistic relations without treating every social influence as coercion. It used normative legal research through constitutional, statutory, conceptual, and case approaches, reading Article 22E and popular sovereignty together with Law No. 7 of 2017, Article 25 of the ICCPR, General Comment No. 25, and relevant Constitutional Court decisions. The analysis found that ballot secrecy protected the act of voting, while free choice also required independent formation of electoral will. Direct inducement could be prohibited without proof of how the recipient voted. Use of public authority required evidence that a lawful resource had been converted into partisan advantage in a legally significant manner. Challenges to election results required a separate assessment of the seriousness and electoral consequence of the conduct. Social-science evidence clarified mechanisms of pressure, but legal consequences depended on the type of electoral wrong and the proof appropriate to it.

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INTRODUCTION

Indonesia gives electoral freedom an explicit constitutional place. Article 22E paragraph 1 of the 1945 Constitution requires general elections to be direct, general, free, confidential, honest, and fair. Article 1 paragraph 2 places sovereignty in the people. Law No. 7 of 2017 translates those principles into rules on campaign conduct, prohibited inducements, election administration, criminal offences, and dispute settlement. Direct cash offered for a promised vote fits that framework more easily than a relationship built through repeated assistance or local brokerage. A village intermediary may influence voters because residents already rely on that person for information or contact with public officials. Social assistance may be lawful and socially necessary, yet its distribution can acquire electoral meaning when political actors present a public entitlement as personal favour. Ballot secrecy creates another difficulty because a voter can receive money and still choose another candidate. The legal prohibition, the social relationship, and the final vote are connected, but they do not answer the same question. A defensible account of free choice has to keep those differences visible while still asking whether electoral support was sought under conditions that impaired independent judgment.

Indonesian research shows why a transaction-only account is inadequate. Aspinall and Hicken (2020) find that clientelistic organization can operate beyond durable party machines. Berenschot and Aspinall (2020) likewise show that patronage democracies differ in how brokers organize access to political resources. Hicken et al. (2022) add an important qualification for Indonesia because campaign handouts can be used to secure brokers and mobilization instead of purchasing one identifiable vote. The transfer matters, but the relationship through which it moves can matter more.

Ballot secrecy limits a patron's capacity to enforce an electoral exchange. Survey evidence from West Bandung indicates that some respondents regard vote buying as normal or are willing to accept money while still claiming that they will vote according to conscience (Djuyandi et al., 2025). Halida et al. (2022) also show that decisions surrounding vote selling are connected to ethical judgment, inhibitory self-control, and perceptions of candidate quality. Comparative evidence points in the same direction. Vote buying can affect candidate choice, but compliance is not mechanically secured when patrons cannot observe the ballot (Guerra & Justesen, 2022). Carlin and Moseley (2022) find that some citizens punish parties that make clientelistic offers.

Those findings do not weaken the case for regulation. They show that proof of a prohibited inducement cannot be treated as proof that political will was successfully purchased, and legal doctrine should not require the second proposition before it can act on the first.

Personalized politics remains important even where voters exercise considerable agency. Village elections have become more competitive and participatory, but personal ties still organize parts of rural political life (Berenschot et al., 2021). Agustino and Hikmawan (2026) show that village heads remain valuable electoral actors because local authority and social networks can assist mobilization. Studies of money politics in village contests also describe exchanges that are socially familiar rather than exceptional events (Putri et al., 2020, Romadhan & Sihidi, 2023). These elections are governed by a different legal framework from national general elections. Their relevance here is analogical. They show how reciprocity and local dependence can give an electoral request practical weight even without a direct threat. The distinction matters because social evidence may explain how influence operates without establishing that the same conduct satisfies an offence under Law No. 7 of 2017.

Candidate-centred competition creates incentives for personal mobilization, although the electoral formula cannot carry the whole explanation. Fossati et al. (2020) demonstrate that ideological representation remains meaningful in Indonesia despite clientelistic politics. Risky et al. (2023) link open-list competition with continuing concern about money politics. Decision No. 114/PUU-XX/2022 nevertheless rejected a change to the closed-list model and treated both systems as carrying different democratic costs. Money politics was not treated as a problem unique to one formula.

The article asks when clientelistic practice becomes inconsistent with free electoral choice under Indonesian law. Free choice is not freedom from every political influence. Campaign persuasion, party identity, personal trust, and material interests are ordinary parts of democratic decision-making. The narrower concern is whether political actors intentionally use inducement, dependency, or public authority in ways that impair independent formation of electoral will. Article 25 of the ICCPR and General Comment No. 25 provide a useful legal basis because freedom of electoral opinion is treated separately from ballot secrecy. The distinction allows evidence about brokerage and reciprocity to inform constitutional interpretation without turning every unequal relationship into an electoral offence. The argument developed below is consequently limited. Clientelism is legally important when a social mechanism can be connected to a recognizable electoral wrong, and the proof required depends on whether the issue is criminal inducement, official neutrality, or the validity of an election result.

RESEARCH METHODS

This study applies normative legal research because the principal inquiry concerns the content and relationship of legal standards governing electoral freedom. Primary legal materials occupy the highest interpretive weight. Constitutional analysis begins with Article 22E and reads the requirement of free elections together with popular sovereignty under Article 1 paragraph 2. The statutory analysis examines Law No. 7 of 2017 as amended, especially provisions governing material inducements, campaign conduct, official neutrality, and enforcement. Law No. 7 of 2023 is considered only as part of the current legislative framework. Relevant provisions of the 2017 Election Law were checked against subsequent amendments instead of being treated as a separate regime created by the later statute. International materials are used as interpretive support. Article 25 of the ICCPR and Human Rights Committee General Comment No. 25 clarify that voters should be able to form political opinions independently and that secrecy protects them from pressure to reveal how they intend to vote or how they voted. The two guarantees are related but perform different legal functions.

The case approach focuses on decisions that expose different parts of the problem. Decision No. 114/PUU-XX/2022 is examined through systematic and purposive interpretation because the Constitutional Court connected electoral-system design with voter freedom and popular sovereignty. Decisions No. 1/PHPU.PRES-XXII/2024 and No. 2/PHPU.PRES-XXII/2024 are used to examine allegations concerning public assistance, official neutrality, and the proof needed in presidential-election litigation. The majority reasoning and dissenting opinions are treated separately because they reveal different assessments of electoral fairness. Widiastuti (2026) provides recent doctrinal scholarship on the Court's treatment of qualitative claims in the 2024 disputes and helps locate those cases within the wider question of electoral justice.

The legal materials were analyzed qualitatively by examining the relevant laws, court decisions, and scholarly literature. The analysis focused on the relationship between the legal rules and the issues discussed in this study. The materials were compared and interpreted to identify the legal principles relevant to clientelism and free electoral choice. The results of the analysis were then used to develop the arguments and conclusions of the study.

RESULTS AND DISCUSSION

1. Free Choice Beyond Ballot Secrecy

The constitutional meaning of free choice cannot be reduced to privacy inside the polling booth. General Comment No. 25 explains that electors should be able to form opinions independently without coercion, inducement, or manipulative interference. The same General Comment addresses ballot secrecy separately and requires protection against pressure to disclose intended or completed votes. One guarantee concerns the formation of electoral will. The other protects the final act from monitoring and forced disclosure.

Article 22E can be read consistently with that structure because freedom and confidentiality appear as distinct election principles. Popular sovereignty under Article 1 paragraph 2 reinforces the point. Voter control over representation would have little substance if constitutional protection began only after a person entered the polling station. The interpretation does not create a right to make choices without social influence. Political preferences always develop through social relations. The legal concern begins when influence takes a form that the constitutional and statutory framework recognizes as inconsistent with independent electoral judgment or fair competition.

Decision No. 114/PUU-XX/2022 supplies the domestic connection. The Constitutional Court retained the open-list proportional system and emphasized voters' direct freedom to select legislative candidates. Its reasoning linked electoral design with popular sovereignty and acknowledged the risk of money politics without treating that risk as unique to the open list. The constitutional issue is thus not whether one electoral formula can remove clientelism. The question is whether the surrounding legal framework protects voter choice against practices that intentionally attach money or authority to political loyalty. The decision also matters because the Court did not frame voter freedom as a defence of one electoral formula at any cost. Its reasoning leaves room for regulation aimed at money politics while preserving direct voter choice.

Indonesian evidence confirms that secrecy can protect real voter agency. Djuyandi et al. (2025) found that willingness to accept money did not necessarily correspond with stated willingness to surrender vote choice. Halida et al. (2022) similarly identify moral judgment and candidate evaluation within decisions about vote selling. These findings show why payment and compliance must remain separate. A rule that required evidence of the final ballot would make liability depend on information that constitutional confidentiality is designed to keep unavailable. The distinction is also consistent with the statutory design, which directs attention to the conduct and electoral purpose of the giver rather than the private content of the recipient's ballot.

Articles 515 and 523 of Law No. 7 of 2017 illustrate the distinction. Article 523 differentiates prohibited material inducements according to electoral stage, including the campaign period, the quiet period, and voting day. Article 515 addresses intentional promises or transfers at voting that aim to affect whether or how an elector uses the franchise. The provisions have different formulations and should not be reduced to the same offence separated only by time. Their common feature is that legal attention falls on prohibited conduct and electoral purpose. Neither provision requires proof that the recipient delivered the expected ballot. Such a requirement would undermine secrecy and misstate the legal wrong. An attempt to attach material consideration to electoral support can be unlawful even when the voter refuses the expected return. The recipient's independence may affect the empirical success of vote buying, but it does not erase the conduct of the giver.

Clientelism creates a more difficult case because a political obligation may arise without one explicit offer linked to one ballot. Hicken and Nathan (2020) warn against narrow indicators that miss variation in nonprogrammatic politics. Hicken et al. (2022) show that Indonesian campaign resources can be directed toward brokers whose value lies in mobilizing social networks, not in monitoring individual ballots. Still and Dusi (2020) reach a comparable conclusion in South Indian village elections, where money politics is embedded in ongoing relationships. Repeated assistance, access to an influential intermediary, and an expectation of future cooperation can make an electoral request more consequential than a one-time gift. Yet the same relational quality makes legal classification harder because reciprocity may be understood socially without producing evidence of a prohibited agreement. Political sociology can identify that mechanism, but legal liability still requires conduct that can be connected to the relevant norm.

Free electoral choice should not be expanded until every social influence becomes a constitutional violation. Family expectations, party loyalty, religious commitments, and economic interests routinely shape political preferences. The boundary is narrower. A constitutional problem arises when an actor intentionally turns a material benefit or exercise of authority into a particular expectation of political return under conditions that materially impair independent choice. Ballot secrecy may allow the recipient to reject that expectation. The attempt to create the obligation remains relevant to electoral freedom and fair competition.

2. Clientelism as Relational Pressure in Indonesian Electoral Politics

Clientelistic politics in Indonesia takes different forms because brokers and political networks do not operate with one organizational model. Berenschot and Aspinall (2020) show variation in the organization of patronage, while Aspinall and Hicken (2020) distinguish durable machines from looser networks. Brokerage matters because campaign resources acquire meaning through people who already occupy local social positions. Village politics provides especially clear evidence. Hasan et al. (2023) and Romadhan and Sihidi (2023) describe continuing money politics in village head contests. Prasetyo et al. (2020) show that patron-client relations between village heads and residents can structure access and authority outside an election as well. These findings do not determine liability under the national Election Law. They explain how a later electoral request may draw force from a relationship that predates the campaign. The mechanism is relational rather than contractual. Voters may understand who can facilitate contact with administration, who can mobilize neighbourhood support, and who is expected to receive loyalty in return. Such knowledge can influence political behaviour even when nobody states a formal condition.

Village heads are valuable to national campaign networks because their authority is both formal and social. Agustino and Hikmawan (2026) find that village heads remain significant electoral assets in the Reform era. Influence may involve endorsement, access to residents, or assistance with mobilization. A resident can recognize the practical value of continued cooperation with a local authority without receiving a threat. Voluntariness is harder to assess when political requests come through relationships that also matter outside election day. Social dependence does not automatically establish coercion, but it changes the context in which consent to political exchange is given. The same authority may also affect how residents interpret a campaign request, especially where the official remains relevant to routine administrative needs after the election has ended.

Voter agency remains visible within these unequal relations. Ideological representation persists in Indonesia despite clientelistic competition (Fossati et al., 2020). Carlin and Moseley (2022) show comparatively that some voters retaliate against clientelistic offers. Bauhr and Charron (2025) find that exposure to vote buying can coexist with participation even as trust declines. Cohen et al. (2025) likewise show that effects on electoral trust depend on social norms and context. Bacchus and Boulding (2022) connect perceptions of clientelism with confidence in elections. The literature does not support a picture in which patrons simply control passive voters. Agency can survive under unequal conditions. The democratic concern is that candidates with stronger access to money or brokerage may impose social costs on refusal that other candidates cannot reproduce.

Open-list competition can strengthen incentives for personal mobilization without explaining clientelism by itself. Risky et al. (2023) link candidate-centred competition with concern about money politics. Aryanda (2026) documents adaptation of money politics in Malang during the 2024 legislative election, and Gusniar et al. (2026) identify vote buying and village-apparatus neutrality as continuing enforcement problems. Decision No. 114/PUU-XX/2022 was correct to reject a deterministic connection between one electoral formula and money politics. Institutions shape incentives, but brokers and candidates still decide whether those incentives are translated into material exchange.

Social assistance requires separate treatment because a public benefit is not equivalent to a private campaign gift. Yuda (2021) shows that clientelism and social-policy development can coexist, so targeted assistance should not become suspect merely because recipients are voters. Noor et al. (2025) nevertheless find that social assistance can acquire political significance in presidential voting behaviour. The legal concern begins when political actors convert an entitlement financed by public resources into a personalized claim of generosity or associate distribution with partisan support. Timing may contribute to an inference of political use, but timing cannot establish the issue by itself. Administrative control, presentation of the benefit, targeting, and official involvement are more informative. A broad rule that treats welfare distribution near an election as clientelism would risk punishing ordinary government. A narrow rule that ignores personalization and partisan use would leave public resources open to forms of political appropriation that direct vote-buying rules were not designed to address.

Campaign finance and social inequality affect clientelism before any individual voter receives an offer. Harahap et al. (2023) show how the cost of transactional politics can obstruct women's political representation in North Sumatra. Aidt et al. (2020) demonstrate more generally that electoral transfers may be difficult to distinguish from ordinary political spending cycles. Kao (2023) shows that institutions shape identity-based clientelism differently across contexts. The resulting concern is partly about competition among candidates. Voters may remain formally free, yet access to clientelistic resources can affect which candidates are able to compete effectively. Free choice and fair competition are not identical principles, but persistent material exchange can impair both when political access depends heavily on private wealth or control of brokerage networks. High campaign costs can also encourage candidates to rely on financiers and intermediaries whose interests are not visible at the moment voters cast their ballots.

3. Different Electoral Wrongs and Different Standards of Proof

Direct vote buying presents the clearest legal case because the Election Law identifies prohibited conduct and attaches sanctions to defined actors and electoral stages. Criminal proof should establish the relevant promise or transfer, the statutory context, and the required electoral purpose. Proof of actual voter compliance belongs elsewhere. Guerra and Justesen (2022) show that an inducement can affect vote choice without operating as an enforceable contract. Gonzalez-Ocantos et al. (2020) add that inducement can coexist with intimidation, which changes the practical meaning of an offer. Indonesian law does not need to determine how the recipient finally voted before it can condemn conduct aimed at attaching a material reward to electoral support. Confidentiality is not an evidentiary obstacle that investigators should overcome. The secrecy of the ballot is precisely what prevents patrons from verifying performance. Criminal enforcement should focus on the conduct of the giver and the statutory elements that can be proved without exposing the recipient's ballot (Kadir, 2024b, 2024a, 2025). This distinction also avoids the reverse error of assuming that every recipient has surrendered electoral autonomy merely because money changed hands.

Administrative control of official power asks a different question. Incumbents continue to govern during election periods and may lawfully distribute programs, attend public events, or make policy decisions that produce political benefit. Electoral advantage is not illegality. Concern arises when official authority or state resources are used for partisan purposes contrary to neutrality or equal treatment. Electoral management matters because institutional quality affects the prevalence and control of vote buying (Lundstedt & Edgell, 2022). Pahlevi et al. (2020) also show that anti-money-politics initiatives can work through local preventive norms as well as punishment. Administrative rules can intervene before conduct satisfies a criminal offence, but they still need clear indicators of partiality and misuse. Otherwise ordinary government activity would become vulnerable to legal challenge whenever an incumbent gains public approval from performing official duties. A workable standard should ask whether official capacity was used to confer a partisan benefit that would not have been available on equal terms to competing candidates.

The 2024 presidential election disputes exposed the importance of matching proof to the legal claim. In Decision No. 1/PHPU.PRES-XXII/2024, the majority treated social assistance as supported by budgetary and legal authority and found no convincing evidence of improper purpose or a causal relationship between distribution and voter choice. The Court also identified gaps in rules governing actions by officials outside clearly defined campaign periods. Decision No. 2/PHPU.PRES-XXII/2024 similarly examined whether alleged abuse of power could be connected to the freedom of voters or the acquisition of votes. Widiastuti (2026) places these disputes within the Constitutional Court's broader difficulty in addressing qualitative claims that extend beyond numerical errors.

The majority approach protects legal certainty because public programs cannot be invalidated through political suspicion alone. Its demand for connection, however, also shows how difficult it is to litigate influence that operates through public authority without producing evidence of individual voter compliance. The doctrinal issue is not whether causation can be abandoned. The issue is what type of causal or material connection should be required for the remedy being sought.

The dissenting opinions gave greater weight to indications of official partiality, mobilization, and the political context of social-assistance distribution. Justices Saldi Isra, Enny Nurbaningsih, and Arief Hidayat did not treat every welfare payment as vote buying. Their disagreement concerned the significance of evidence about public power when direct proof of changed ballots was unlikely to exist. That difference belongs in the law of electoral fairness, not in the definition of clientelism alone. Misuse of state authority can undermine equality between contestants even when no voter can be shown to have changed a ballot because of the conduct. Their approach gives electoral integrity a broader role at the remedial stage without removing the need to identify concrete official conduct.

Election-result litigation cannot simply borrow the elements of a criminal offence. Criminal liability concerns an identified actor and proof of a statutory prohibition. Administrative supervision can focus on neutrality and misuse of authority even where no ballot can be linked to the conduct.

A petition challenging an election result asks whether proven irregularity is sufficiently serious and connected to electoral fairness or outcome to justify a judicial remedy. The 2024 decisions illustrate the consequences of failing to separate those inquiries. Weak evidence cannot be repaired by calling conduct clientelistic. At the same time, absence of proof about individual ballots should not end every inquiry into organized use of public power. A court can require a legally meaningful connection between conduct and the integrity of the election without demanding disclosure of how particular electors voted. The standard must reflect the remedy. Criminal punishment, administrative correction, and annulment or revoting carry different legal consequences and should not rest on one undifferentiated idea of proof.

Legal reform should preserve these differences instead of creating a broad offence labelled clientelism. Stronger reporting procedures and evidence preservation can improve proof of direct inducements. Clearer neutrality rules can govern use of public office before and after formal campaign periods, an issue the Constitutional Court itself identified in the 2024 disputes. Campaign-finance scrutiny can reveal organized distribution that otherwise appears as isolated payments. Regulation of social assistance should preserve ordinary welfare administration and focus on partisan use of public authority. Higher criminal penalties alone are unlikely to address relationships sustained through brokerage and dependency. More precise institutional rules are preferable because they identify the conduct that law can evaluate without requiring courts to infer private political loyalty from social relationships. Clearer institutional mandates would also reduce the pressure to use criminal law as the default response to conduct that may be improper without satisfying a criminal offence.

CONCLUSION

Free electoral choice in Indonesia is protected at more than one point in the electoral process. Ballot secrecy keeps patrons from verifying the final vote, and empirical research shows that voters sometimes use that protection to resist attempted exchanges. Article 25 of the ICCPR and General Comment No. 25 make clear that electoral freedom also concerns independent formation of opinion before the ballot is cast. Reading Article 22E together with popular sovereignty supports the same conclusion. Direct inducement can violate election law even when the recipient later votes independently because proof of compliance is not the basis of the prohibition. Clientelism becomes harder to regulate when political obligation develops through brokerage or public authority without an identifiable cash-for-vote agreement. Social research can explain how reciprocity and dependence operate, but those mechanisms do not themselves establish a legal offence.

Public assistance remains lawful unless evidence connects its administration or presentation to partisan use of state authority. Village-election studies are valuable for explaining relational pressure, but they cannot be treated as direct doctrinal evidence under the national Election Law. These limits matter because conceptual breadth should not substitute for legal precision.

Different electoral wrongs require different forms of proof. Criminal prosecution must establish the statutory offence against an identified actor without proving how a recipient voted. Administrative control can address neutrality and misuse of public authority under standards appropriate to official conduct. Litigation over election results requires a further showing that proven irregularities have the legal significance needed for the judicial remedy sought. Indonesian law can protect voter autonomy without treating every political influence as coercion when these distinctions remain clear. Clientelistic competition becomes inconsistent with free choice when political actors intentionally convert material benefits or public authority into obligations of political loyalty under conditions that compromise independent electoral judgment or equal electoral competition.

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