



The phenomenology of vote buying in Manaus: analysis of voter penalties and the effectiveness of electoral oversight

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SUMMARY

This article analyzes the phenomenon of vote-buying in Manaus from a phenomenological perspective, seeking to understand not only the legal aspect but also the social and human dimensions that underpin it. The research adopts a qualitative approach, based on doctrinal review, analysis of electoral legislation, such as the 1988 Federal Constitution, Law No. 9,504/1997, and the Electoral Code, and the interpretation of precedents from the Superior Electoral Court (TSE) and the Regional Electoral Court of Amazonas (TRE-AM). The results indicate that, although Brazil has a solid set of regulations focused on electoral morality, the practical application of penalties remains limited. Difficulty in obtaining evidence, witness intimidation, and the social vulnerability of part of the electorate compromise the effectiveness of punishments. Repression is more severe against candidates, while voter accountability tends to be mitigated by economic and cultural factors. A comparative analysis with Portugal, Mexico, and the United States shows that combating vote-buying is most effective when it integrates legal repression, civic education, and whistleblower protection. The conclusion is that addressing this issue in Manaus requires coordinated actions involving rigorous oversight, awareness-raising policies, and social inclusion, aiming to restore the authenticity of the vote and strengthen trust in democracy.

Keywords: Vote buying; Manaus; Electoral Justice; Inspection; Democracy.

ABSTRACT

This article analyzes the phenomenon of vote buying in Manaus from a phenomenological perspective, seeking to understand not only the legal aspect but also the social and human dimensions that underpin it. The research adopts a qualitative approach, based on doctrinal review, analysis of electoral legislation, such as the 1988 Federal Constitution, Law No. 9,504/1997, and the Electoral Code, and the interpretation of precedents from the Superior Electoral Court (TSE) and the Regional Electoral Court of Amazonas (TRE-AM). The results indicate that, although Brazil has a solid set of regulations focused on electoral morality, the practical application of penalties remains limited. Difficulty obtaining evidence, witnessing intimidation, and the social vulnerability of part of the electorate compromising the effectiveness of punishments. Repression is more severe against candidates, while voter accountability tends to be mitigated by economic and cultural factors. A comparative analysis with Portugal, Mexico, and the United States demonstrates that combating vote buying is most effective when it integrates legal repression, civic education, and whistleblower protection. The conclusion is that addressing this problem in Manaus requires coordinated actions involving rigorous oversight, awareness-raising policies, and social inclusion, aiming to restore the authenticity of the vote and strengthen trust in democracy.

Keywords: Vote buying; Manaus; Electoral Justice; Oversight; Democracy.

1. INTRODUCTION

Vote buying is one of the most persistent and harmful electoral crimes, representing a direct threat to popular sovereignty and the integrity of the process democratic. By corrupting the free expression of the voter's will, this practice weakens the foundations of the Democratic Rule of Law, enshrined in art. 1, sole paragraph, of the Federal Constitution of 1988. Despite the solid existing legal framework, which covers the art. 41-A of Law No. 9,504/1997, art. 299 of the Electoral Code and the provisions of Law Complementary nº 64/1990, the recurrence of the phenomenon reveals the distance between the norm and the reality, highlighting concrete challenges in preventing, detecting and repressing this behavior.

In Manaus, capital of the state of Amazonas, the situation worsens in the face of significant socioeconomic inequalities, historical clientelism and limited presence of public policies aimed at civic awareness. These factors create favorable conditions for the perpetuation of vote buying, making it not only a legal infraction, but also a phenomenon social system rooted in relationships of dependence and exchange of favors. The actions of institutions supervisory bodies, such as the Regional Electoral Court of Amazonas (TRE-AM), the Ministry Electoral Public and the Federal Police, faces recurring limitations, especially in obtaining of direct evidence, in the protection of witnesses and in the speed of investigations.

From an academic perspective, authors such as Gomes (2022), Neisser (2023) and Greco (2021) converge in the diagnosis that the sanctions provided for voters, although legally adequate, are little applied and lack practical effectiveness, especially in contexts of social vulnerability. In this sense, the phenomenological approach is especially pertinent, as it allows investigating not only legal provisions and jurisprudence, but also the reading of the experiences, perceptions and meanings that permeate the voter's conduct and the functioning of institutions.

Thus, this article aims to analyze, from the perspective of phenomenology legal, the application of penalties to voters involved in vote buying in Manaus and the effectiveness of electoral oversight, in light of recent doctrine, relevant case law and data empirical. The aim is to answer the following question: the legal system and the mechanisms of available oversight measures are sufficient to ensure effective punishment of voters and preserve the integrity of the democratic process in the capital of Amazonas? The answer to this question will be constructed through bibliographic review, documentary research and case study, also considering international experiences that may contribute to improving the Brazilian system.

The study has significant social and democratic relevance, as the purchase of votes compromises the principle of popular sovereignty, reduces political representation and reinforces social exclusion. In contexts like Manaus, where a large part of the population faces basic needs, the vote begins to be traded as a means of survival.

In the end, the aim is not only to offer a critical diagnosis, but also formulate legislative and institutional recommendations capable of strengthening integrity electoral and consolidate a political culture guided by ethics, qualified information and for conscious citizen participation.

2. THEORETICAL FRAMEWORK

Vote buying, while an affront to freedom of suffrage, demands a hybrid reading: normative and phenomenological. In the legal sphere, the CF/1988 (art. 14, §9), Law 9.504/1997 (art. 41-A), the Electoral Code (art. 299) and LC 64/1990 structure a sanctioning system cumulative that protects different legal assets — electoral morality, election fairness and legitimacy of the mandate (Nucci, 2020). From a dogmatic point of view, the illicit capture of suffrage strikes at the core of popular sovereignty by distorting the free will of the voter (Gomes, 2022), any “consent” being illusory when mediated by vulnerabilities socioeconomic and clientelism (Greco, 2021). Legal phenomenology allows us to grasp the lived meaning of this behavior, more than a criminal type, a relational pattern in contexts of deprivation, explains why exclusively repressive responses tend to be low effectiveness without prevention policies, civic education and proactive investigation (Neisser, 2023).

2.1. VOTE BUYING AS A LEGAL AND SOCIAL PHENOMENON

Vote buying constitutes an electoral offense as provided for in Article 41-A of Law No. 9,504/1997, added by Law No. 9,840/1999, as prohibited conduct that implies cancellation of the registration or candidate's diploma, in addition to a fine. From a criminal point of view, it also conforms to the type of art. 299 of the Electoral Code, punishable by imprisonment of up to four years and payment of a fine.

According to Gomes (2022, p. 489), the illicit capture of votes “is not just an illicit against the moral heritage of elections, but a direct affront to the essential core of sovereignty popular, by distorting the free conviction of the voter.” Rogério Greco (2021, p. 375)

adds that “the apparent consensual nature of this practice is illusory, as it often results from of structural inequality that restricts citizens’ freedom of choice.”

From a phenomenological perspective, vote buying cannot be reduced to an isolated illegal act, but it is part of a social and political cycle that feeds on socioeconomic vulnerabilities, historical clientelism and low effectiveness of sanctions. This perspective broadens the analysis to beyond the legal text, seeking to understand how the voter experience and local contexts influence the perpetuation of the practice.

2.2. BRAZILIAN REGULATORY FRAMEWORK

The Brazilian legal system has built a robust set of rules aimed at to combat vote buying, combining criminal and electoral devices that, in thesis, would guarantee the protection of public morality and the legitimacy of elections. The The 1988 Federal Constitution, in its art. 14, § 9, enshrines the requirement of probity administrative and morality as requirements for the exercise of the elective mandate — a true ethical milestone in the consolidation of the Democratic Rule of Law.

In addition, Law No. 9,504/1997 (Election Law), in art. 41-A, provides for the revocation of registration or diploma and the application of a fine to the candidate who donates, offers, promises or delivers goods or benefits in exchange for votes. Article 299 of the Electoral Code defines the vote buying as a crime, punishing not only the candidate who corrupts, but also the voter who accepts the benefit, reinforcing the idea of co-responsibility in the process democratic. In turn, Complementary Law No. 64/1990, in its art. 1, I, “j”, expands the sanctioning scope by establishing ineligibility for eight years for those convicted of illicit capture of votes.

This set of regulations, in theory, forms a solid barrier against practices that distort popular sovereignty. However, practical experience reveals a mismatch between the norm and reality. As Nucci (2020) observes, the coexistence of civil and electoral sanctions and criminal is fully compatible with the Constitution, since they protect legal assets distinct, electoral morality, the legitimacy of suffrage and the fairness of the political process. However, the author emphasizes that the application of these sanctions to the voter who receives the advantage is much less recurrent, which reduces the dissuasive nature of the rules and perpetuates a feeling of impunity.

This asymmetry between the punishment of the corruptor and the corrupted reveals a phenomenon more complex than simple legal violation. In many communities, especially in



contexts of social vulnerability, voters do not see vote swapping as a crime, but as a form of survival in the absence of effective public policies. Thus, although the Brazilian legal framework is dense and sophisticated, its effectiveness depends on the State's ability to transform the political and social culture that supports the practice of purchasing of votes.

2.3. RECENT AND COMMENTED JURISPRUDENCE

The jurisprudence of the Brazilian Electoral Court has been consolidating parameters interpretative measures that strengthen the fight against vote buying, seeking to balance rigor normative with the protection of political rights and the preservation of popular sovereignty.

The Superior Electoral Court (TSE) has reaffirmed its solid understanding in the sense that the configuration of illicit voter registration is independent of the demonstration of potentially harmful to the claim, with proof of the promise, offer or delivery of advantage in exchange for votes, even if on a small scale. It is, therefore, a type of mere conduct, in which the simple act of trying to influence the voter through advantage is sufficient to characterize the offense provided for in art. 41-A of Law No. 9,504/1997.

In Ordinary Appeal No. 0002246-61.2014.6.04.0000, reported by Minister Napoleão Nunes Maia Filho (judged on May 4, 2017), the TSE confirmed the impeachment of diplomas of the governor and vice-governor of the State of Amazonas, recognizing the existence of robust and coherent evidence that demonstrated the purchase of votes by third parties linked to the candidates, as well as their awareness of the illegal practice. The Court highlighted the possibility of using evidence to prove the direct or indirect participation of candidate, as long as they are supported by concrete elements, in accordance with art. 23 of the Law Complementary No. 64/1990, prohibiting, however, convictions based solely on presumptions.

Along the same lines, Special Electoral Appeal No. 193-92/PI, reported by Minister Herman Benjamin (judged on September 27, 2018), consolidated the understanding that the configuration of illicit voter capture is independent of proof of influence on the result of the election, with the demonstration of the offer, promise or delivery of an advantage being sufficient in order to obtain votes. The Court reinforced that the purpose of art. 41-A of Law No. 9,504/1997 is preserve freedom of vote and equality among competitors, eliminating any requirement of harmful potential for the configuration of the offense. This guidance highlights the nature preventive, repressive and moralizing of Electoral Law, aimed at protecting the legitimacy

of the election and the authenticity of the popular will, essential values of the Democratic State of Right.

This interpretation has also been observed at the regional level. The 1st Zone Electoral Court of Manaus, in a decision handed down in the Electoral Judicial Investigation Action No. 0601653-67.2020.6.04.0001, revoked the diploma of councilor Sandro Maia Freire in the Elections Municipalities of 2020, recognizing the use of the Sandro Maia Institute as a means of promoting electoral through assistance actions, including the distribution of basic food baskets, courses and social events. The court concluded that such conduct constituted abuse of economic power and illicit capture of votes, determining, in addition to the revocation of the mandate, the ineligibility of the investigated for eight years.

These decisions, both at the national and regional levels, demonstrate that Justice The Electoral Court has adopted a rigorous and pedagogical stance, valuing testimonial evidence harmonic and contextual analysis of evidence as essential tools for preservation the authenticity of the popular will and the principle of sovereignty of the vote.

In general, precedents reveal that repression has been more incisive in relation to the corrupt candidate, whose conduct directly compromises the legitimacy of the election. The accountability of corrupt voters, provided for in Article 299 of the Electoral Code, faces evidentiary challenges and ethical dilemmas: voters are often seen as victims of socioeconomic circumstances, and not as a willful participant in the offense. Thus, the case law recent evidence highlights a model of selective accountability — effective at the top of the chain of electoral corruption, but still timid at the base, where the vote is negotiated as an instrument of survival.

This panorama reinforces the need for integrated repression and prevention policies, that combine exemplary punishment of the corruptor with civic re-education and social protection of the voter, in order to break the cycle of impunity and strengthen the authenticity of the vote in Manaus and in the whole country.

2.4. EFFICACY OF ELECTORAL MONITORING IN MANAUS

Empirical studies of the Regional Electoral Court of Amazonas (TRE-AM, Report Management 2022) indicate that, despite the increase in joint operations with the Ministry Electoral Public and the Federal Police, the conversion rate of complaints into convictions still is low. This is due, according to the TRE-AM itself, to the difficulty in collecting immediate evidence, the intimidation of witnesses and the speed with which the practice is carried out.

Fernando Neisser (2023) observes that “the Brazilian repressive model depends excessively on spontaneous reporting and flagrant offences, lacking preventive systems and proactive investigative measures.” This limitation reinforces the need for more integrated action between control bodies and public policies aimed at raising awareness and protecting the whistleblower, in order to break the cycle of impunity that weakens the effectiveness of justice Electoral.

2.5. COMPARISON WITH FOREIGN LEGISLATION

Comparative analysis is a valuable tool for understanding how different legal systems confront electoral corruption and vote buying. By observing international experiences, it is clear that normative effectiveness derives less from rigidity of punishment and more of the integration between repression, civic education and institutional protection. The Next, three paradigmatic models are examined: Portugal, Mexico and the United States of which offer complementary perspectives for improving the Brazilian system.

2.5.1. Portugal: pedagogical accountability and civic culture

In Portugal, the fight against electoral corruption is governed by the Electoral Code (Law Organic Law No. 1/2001), which typifies both active corruption, practiced by those who offer an advantage, as for passive corruption, practiced by the voter who accepts it. Portuguese legislation It is distinguished by its balanced and pedagogical character, recognizing that punishment must be accompanied by educational measures aimed at rebuilding civic consciousness.

In practice, the Portuguese Public Prosecutor's Office can propose suspension agreements provisional of the process (art. 281 of the Code of Criminal Procedure), through the participation of the accused in citizenship training and electoral ethics programs. This approach demonstrates that the Portuguese law seeks to re-educate voters, treating the illegal act as a symptom of democratic fragility and not just as an isolated violation of the law.

Portuguese legislation, by combining criminal sanctions and civic re-education, reflects a policy criminal law aimed at preventing and restoring public confidence in elections. This experience offers an interesting parameter for Brazil, where voter punishment is still rare and lacks an institutionalized pedagogical dimension.

2.5.2. Mexico: tougher penalties with a focus on social reintegration

Mexico has historically faced high rates of clientelism and vote buying, situation that led to the publication of the Ley General en Materia de Crimes Electorales (2014). This the rule provides for strict penalties of up to six years imprisonment, both for the candidate and for the voters who accept undue advantage. However, Mexican politics goes beyond punishment formal, incorporating social reintegration and prevention strategies.

The National Electoral Institute (INE) acts as the central axis of this policy, developing national civic education campaigns focusing on young people and communities vulnerable. The purpose is to transform the social perception of voting, from a tradable good to inalienable right. Furthermore, Mexico maintains mechanisms to protect whistleblowers and incentives for voluntary collaboration, recognizing that fear and economic dependence are structural factors of practice.

The Mexican experience shows that enforcement alone is not enough: it is the combination between criminal policy, education and active citizenship that promotes more lasting results. The Brazil, despite having a similar regulatory system, still lacks public policies integrated that reinforce the formative dimension of democracy.

2.5.3. United States: institutional *enforcement* and systemic deterrence

In the United States, vote buying is classified as a federal crime under 52 USC. § 10307, framed within the legislation protecting civil rights and electoral integrity. The The North American model prioritizes the fight against the corruptor, not the corrupted voter, starting from the principle that the latter is, most of the time, the target of economic manipulation and policy.

The decentralized *enforcement* system relies on the coordinated action of three main bodies: the *Department of Justice* (DOJ), responsible for investigating and prosecuting electoral crimes; the *Federal Election Commission* (FEC), responsible for regulating the campaign financing and transparency; and the *State Election Boards*, which carry out the electoral regulations at the local level. This structure ensures a rapid institutional response, independent and technically specialized, elements that are still fragile in the Brazilian reality.

In addition to the repressive apparatus, there is continued investment in programs of electoral integrity and political education, especially in schools and universities, where voting is treated as a pillar of republican citizenship. Thus, the American model reveals a

political culture of zero tolerance for fraud, sustained more by trust in institutions than than for fear of punishment.

2.6. COMPARATIVE SYNTHESIS AND LESSONS FOR BRAZIL

The comparison between Portugal, Mexico and the United States shows that the effectiveness in combating vote buying depends on the integration of legal repression and training permanent civic responsibility. In all cases analyzed, there is a common denominator: punishment isolated is not enough. Countries that obtain more expressive results combine efficient *enforcement*, institutional transparency and structured political education.

In Portugal, the pedagogical and restorative nature of sanctions stands out; in Mexico, investment in civic education and whistleblower protection; and, in the United States, the strengthening of autonomous oversight institutions and the culture of electoral integrity.

Brazil, although it has comprehensive legislation (art. 41-A of Law No. 9,504/1997 and art. 299 of the Electoral Code), still faces challenges in aligning normative repression and social transformation. Comparative experience indicates that the path to greater effectiveness involves continuing political education, professionalization of oversight and protection institutional framework of the vulnerable voter — essential elements for consolidating a democracy more ethical, participatory and conscious.

2.7. CRITICAL SYNTHESIS

The doctrinal and jurisprudential analysis indicates that the Brazilian legal system has sufficient formal sanctions to punish vote buying, but their practical application, especially to the voter, is limited by evidentiary difficulties, social resistance and structure insufficient oversight. Foreign experience suggests that the integration of measures repressive measures with educational policies and mechanisms to encourage reporting can increase effectiveness of repression.

Thus, the study of the reality of Manaus under a phenomenological lens will allow understand not only the normative functioning, but also the perceptions and experiences that shape the persistence of this practice, offering subsidies for reforms normative and institutional.

3. CONCLUSION

The phenomenological analysis of vote buying in Manaus revealed that, among the strictness of the laws and the complexity of real life, there is a chasm that is difficult to bridge. Brazil has an apparatus solid legal framework, capable of punishing both the corrupt candidate and the corrupted voter. However, practical experience shows that the force of law alone has not been sufficient to modify a phenomenon that repeats itself at every election, fueled by inequalities, institutional distrust and the survival of old practices of political clientelism.

In contexts like the Amazon, where structural deficiencies coexist with a tradition of social and political dependence, vote buying is not just a crime, but a symptom of democratic fragility. Voting ceases to be an expression of freedom and becomes a subsistence strategy for many. Social vulnerability, in this scenario, becomes political instrument, perpetuating a cycle of unequal exchange in which the voter is not only the author of the illicit, but also a victim of a system that marginalizes him.

The data and decisions analyzed demonstrate that, although the number of complaints and operations repressive measures have increased, effective convictions are still rare. The difficulty of gathering evidence direct elections, the fear of reporting and the reluctance to punish voters in poverty make the fight vote buying is a challenge that goes beyond the legal field, also projecting itself onto the ethical and social. Therefore, more than punishing, it is necessary to understand and transform the deep causes that make this recurring practice.

Based on this finding, the research indicates that effectively tackling vote buying requires an integrative perspective, capable of combining firm repression with civic education and social inclusion. strengthening of oversight institutions, such as the TRE-AM, the Electoral Public Ministry and the Federal Police, must go hand in hand with the creation of permanent educational programs, which form a critical political consciousness and empower the voter as a subject of rights, and not as currency of exchange.

Furthermore, public policies to combat poverty and inequality are essential. voting will only be fully free when citizens do not depend on favors to live with dignity. The experience of countries like Portugal and Mexico shows that the combination of sanctions and re-education civic education produces more lasting results. In the Brazilian context, civic education initiatives, accountability and community electoral observatories can bring social control closer and effective.

Therefore, more than a legal problem, vote buying is a human phenomenon and collective, which reflects the material and symbolic needs of a society still in search of maturity democratic. Confronting it requires recognizing these weaknesses, without complacency, but also without dehumanize the voter who, often, acts out of necessity.

In short, combating vote buying in Manaus is rebuilding trust in politics, it is educate for freedom and strengthen the sense of democratic belonging. Repression is necessary, but it must be accompanied by the awareness that true transformation arises from dialogue between justice and citizenship. May voting finally return to being the legitimate expression of hope and sovereignty popular, not an object of bargaining, but a gesture of faith in democracy and the future.

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