

The Phenomenon of Money Political Culture in the Context of the Election Law

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ABSTRACT

This study focuses on the phenomenon that has recently garnered public attention, namely the practice of money politics within the context of local elections (pilkada). In its general exposition, the research identifies that money politics is employed as a strategy to garner significant votes and wield influence in local elections. The research problem addressed is how regulations regarding the prohibition of money politics in local elections are structured, and the sanctions imposed on candidates found to engage in such practices. The objective of this study is to provide a comprehensive description of the legal framework concerning money politics in local elections and to identify the sanctions applied to violating candidates. This research utilizes a normative legal method to analyze the existing regulatory framework. The findings reveal that regulations prohibiting money politics in local elections are stipulated in Law Number 10 of 2016 concerning Local Elections. Meanwhile, sanctions for candidates proven to engage in money politics have been specified in amendments to Law Number 10 of 2016 from Law Number 8 of 2015 concerning Local Elections. Candidates who breach these regulations will face sanctions ranging from a minimum of 36 months to a maximum of 72 months of imprisonment, along with fines ranging from Rp. 200,000,000 to Rp. 1,000,000,000. Thus, this study provides a comprehensive overview of regulations and sanctions related to money politics in local elections, aiming to serve as a foundation for more effective efforts in prevention and law enforcement in the future.

Keywords: Local Elections; Money Politics; Sanctions.

INTRODUCTION

Law enforcement against the practice of money politics in the context of democracy in Indonesia, especially in the implementation of regional elections, reflects the tense balance between upheld democratic principles and political realities that are often influenced by corrupt practices. On the one hand, the democratic principles reflected in the Preamble to the 1945 Constitution and Pancasila affirm the importance of deliberation, fair representation, and honesty in leading the country. However, the implementation of democracy is often disrupted by the phenomenon of money politics. In the context of regional elections, where local leaders are directly elected by the people, the practice of money politics poses a serious threat to the integrity of the democratic process (Khairazi, 2015; Seran, 2016).

This phenomenon not only undermines electoral fairness, but also threatens the solid foundations of democracy. Although Law Number 10 of 2016 concerning Regional Elections expressly prohibits money politics and provides strict sanctions for violators, law enforcement against this practice is still faced with challenges, especially in terms of collecting sufficient evidence and proving in court. Therefore, effective and fair law enforcement of money politics in the context of regional elections requires cross-sectoral efforts involving strengthening regulations, strict supervision, political education for the community, and strict and non-discriminatory law enforcement. The practice of money politics, often referred to as money politics, raises serious doubts about the integrity and fairness of the political process, especially in the context of regional elections. This phenomenon is clearly a deviation from the principles of a healthy democracy, where the voice of the people is supposed.

The practice of money politics is considered a serious threat to the integrity of elections. The laws that have been expressly enacted to prohibit this practice reflect an awareness of the importance of maintaining fairness and honesty in the political process. However, in reality, the political culture of money remains a difficult challenge to overcome. The use of material rewards to gain significant votes in local elections not only turns the essence of democracy into commercial transactions, but also gives an unfair advantage to candidates who have greater financial access. Law enforcement against the practice of money politics is key in maintaining the integrity of local elections and public trust in the political process as a whole (Kumolo, 2015). The phenomenon of money political practice in the context of the Elections Law plays a crucial role in maintaining integrity and fairness in the democratization process in Indonesia, in line with the principles of deliberation.

Evaluation of the phenomenon of money political practices in the context of the Election Law must consider the effectiveness of existing regulations in dealing with money politics, as well as the extent to which law enforcement is able to provide firm and effective sanctions to violators. Only with concrete steps to strengthen regulations, improve supervision, and enforce the law fairly and indiscriminately, integrity and fairness in the political process, especially in regional elections, can it

be restored and maintained for the common good (hariyani, 2015; Marsudi & Sunarso, 2019; Nabila, Prananingtyas, & Azhar, 2020). This phenomenon illustrates how the practice of money politics has undermined the essence of democracy which should reflect a fair and election-based electoral process based on vision and mission. In addition, the statement shows that the practice of money politics violates the rule of law stipulated in Law Number 10 of 2016 which is legally.

Law enforcement of money politics is essential to ensure integrity and fairness in the democratization process, as well as to strengthen public trust in the political system. Evaluation of the effectiveness of law enforcement on money politics in regional elections is a crucial step in maintaining integrity and trust in the political process at the local level. Only with strong and firm law enforcement, as well as a commitment to strengthening regulation and supervision, can electoral integrity and public trust in local political processes be restored and maintained, preserving the prerequisites for the creation of an ideal democratic life in a state (Gaffar, 2004). A good local election process does require commitment from all stakeholders involved, including election organizers such as the Regional KPU and Panwaslu, as well as candidates or participants in the regional elections and all parties involved in the process. The Luber Principle of Title (direct, general).

In the perspective of the Schumpeterian (procedural) model, where the legitimacy of government derives from the results of the electoral process, the political practice of money becomes a source of serious illegitimacy. If the electoral process is influenced by money and not by the aspirations and will of the people, the legitimacy of the government resulting from the process becomes tainted (Aspinall & Sukmajati, 2015). The phenomenon of money politics is a serious challenge in maintaining integrity and fairness in the electoral process. The successful implementation of local elections in accordance with democratic principles, such as the Luber Jur Dill principle (direct, public, free, honest, and fair), is very important to ensure that the resulting government has strong legitimacy and can be widely recognized by the public. A deep understanding of the importance of conducting good local elections as a prerequisite for an ideal democratic life, as well as the recognition that the results of local elections are a source of legitimacy for government, provide encouragement.

It also requires active participation from all stakeholders in the local election process to ensure integrity and fairness in its implementation. 6 Cases of Money Politics Ahead of Regional Elections. Based on the article in Kompas.com, several cases occurred in the Pilkada process, including the following: (Kompas.com 2019).

1. Bawaslu Kota Pekanbaru conducted a hand-catching operation and confiscated evidence worth hundreds of millions of Rupiah. The hand-catching operation by Bawaslu in Pekanbaru on Tuesday (04/16/2019) at 13.30 WIB succeeded in arresting four people suspected of being involved in money politics. From the hands of the perpetrators, Rp. 506,400,000 was confiscated. The arrests were

made after receiving reports from the public about plans for dawn attacks during the quiet period of the local election campaign 2019.

2. Nias police arrested a legislative candidate from the Gerindra Party. Nias police also conducted a hand-arrest operation against a candidate for North Sumatra DPRD (Sumut) from the Gerindra Party who is also the leader of the winning team for presidential candidate number 02 on Nias Island with the initials DRG, on Tuesday (16/4/2019). In addition to DRG, police also arrested three other people. According to police, the arrests were related to money political activities. Three perpetrators said they would distribute the money to 2,400 people.
3. The candidate and his successful team were secured related to Money Politics in Karo. Karo police successfully conducted a hand-catching operation in Karo by arresting three successful teams and two candidates suspected of being involved in money politics. Among the three arrested were the successful team of Gerindra party candidates in Karo. During the arrest, the perpetrator brought Rp. 11,700,000 along with three business cards.
4. Candidates from Golkar were caught doing Money Politics. A candidate from Golkar in South Sulawesi was caught distributing money at the house of one of the residents in Sumarrang Village, Polewali Mandar, West Sulawesi, on Monday (04/15/2019). From the hands of the perpetrators, a number of evidence was confiscated showing that the perpetrators were distributing Rp. 200,000 to each family member who was designated as a voter.
5. Politicians from Gerindra became suspects of Money Politics. A Vice Regent is also a suspect for alleged money politics. This case occurred in North Padang Lawas Regency, North Sumatra. During the arrest, police secured 87 envelopes containing Rp 43.4 million.
6. 80 envelopes secured. From the M. Taufik winning post located in Warakas, on Monday (15/4/2019), 80 envelopes were secured which were suspected of being a means of money politics in an effort to obtain votes in the election. It was found that each envelope contained cash of Rp. 500.000.

Based on this background, this study was conducted with the aim of describing how the phenomenon of money political culture in the context of the election law.

METHOD

This research uses a communication approach, research can explore how the political narrative of money is built, disseminated, and accepted by the community, as well as how it affects their perception and participation in the process of electing regional heads based on existing laws and regulations (Fajar & Achmad, 2010). This method is strengthened by statutory and conceptual approaches and uses a comparative approach (Aspar, 2015). To deepen understanding of the phenomenon of money politics. This research uses primary and secondary legal materials, including laws and regulations, literature, and other relevant sources. Through deductive analysis in legal logic, the use of quantitative methods in this study aims to be able to provide valuable insights into the communication dynamics behind the

phenomenon of money politics, as well as its communicative consequences for political participation and democratic integrity.

RESULTS AND DISCUSSION

Regulatory Phenomenon prohibiting money politics in the implementation of regional elections.

The phenomenon of money politics in regional elections can be a very relevant and interesting subject to explore. Communication research can focus on how the political narrative of money is constructed, disseminated, and accepted by society through various communication channels. Analysis of mass media content, such as news coverage, opinion articles, and social media content, can provide a deep understanding of how the issue of money politics in local elections is represented and discussed by the media. Democracy ensures that decisions in local elections are entirely in the hands of the people. This principle implies that a good government is one that comes from the people, for the people, and by the people. This shows that when people can conduct elections carefully, the government will run effectively and in accordance with the principles of clean political life. This election process is the main key in running a democratic system well. Principle (Adaptasi dari Panjaitan, 2013).

The process of direct election by the community has a significant impact on the success or failure of candidates participating in the regional elections. The active involvement of the community is the key to determining the position of prospective participants in the regional elections in winning seats. In the election process, there are standards and criteria that must be met by candidates participating in the regional elections, and competition between them often triggers violations of the law, one of which is the practice of money politics or Money politics. Money politics is a serious interference in the political process, where participants, cadres, successful teams, and supporters of candidates commit unlawful acts by providing material rewards or other forms to influence voters' votes. This practice not only violates the law, Therefore, money politics is a serious concern of the government, and steps to minimize this practice have been taken, including with the issuance of Law Number 10 of 2016 which regulates the prohibition of money politics in elections. This law strictly prohibits candidates participating in local elections from promising or giving rewards to voters. Votes should be based on the vision and mission of potential participants, not promised rewards. Therefore, the practice of money politics should be avoided during the election process and election campaigns also disrupts the democratic paradigm, threatens the freedom of individuals to make their choices, and creates the view that power can only be obtained with money. The impact is felt on the structure of government, where the leader is supposed to represent the aspirations of the people. If the electoral process is not based on the will of the people, the results will most likely not be in line with their expectations.

Therefore, money politics is a serious concern of the government, and steps to minimize this practice have been taken, including with the issuance of Law Number 10 of 2016 which regulates the prohibition of money politics in elections. This law strictly prohibits candidates participating in local elections from promising or giving rewards to voters. Votes should be based on the vision and mission of potential participants, not promised rewards. Therefore, the practice of money politics should be avoided during the election process and election campaigns.

Sanctions for Candidates Participating in Regional Elections Who Do Money Politics

Violations often occur in the electoral process, one of which is the practice of money politics in campaigns. Money politics can come from various parties, including candidates participating in regional elections, cadres, successful teams, and other parties involved in the election process. Money politics can be in the form of giving money, materials, or even daily necessities such as basic necessities to win public sympathy and gain votes for potential participants. This issue of money politics has created a new paradigm in legal life, especially ahead of the electoral process.

The existence of money politics in society has a negative impact on politics and democracy in Indonesia. This causes society to lose faith in politics, with power thought to belong only to those who have money. However, if there is harmony between society and the democratic system, the government will run well and bring progress to the people. Money politics, in addition to breaking the law, also has a negative impact on society and candidates participating in regional elections. The community may regret it if the promised program does not match reality. On the other hand, candidates participating in regional elections risk losing their participation rights if proven to be doing money politics. To address this issue, the government has set strict sanctions for candidates who commit violations.

Sanctions for candidates participating in regional elections who are involved in money politics are regulated in Law Number 10 of 2016 and the Criminal Code. The law makes it clear that money political offenders can be punished with imprisonment and significant fines. Similar sanctions apply to voters who accept gifts or promises to influence their votes. In the Criminal Code, articles related to the inclusion of criminal acts also regulate sanctions for money political actors. Those who engage in giving, promising, or encouraging others to commit unlawful acts may also be subject to criminal sanctions. Similarly, voters who accept bribes can also be punished according to applicable provisions.

CONCLUSION

Analysis of laws and regulations related to money politics in the context of regional elections highlights the government's serious efforts to deal with this phenomenon. Law Number 10 of 2016 concerning Pilkada has established a clear prohibition on

the practice of money politics, covering various parties involved in the election process, ranging from political participants to members of political parties and campaign teams. The ban covers all forms of rewards, whether in the form of money or other materials, and prohibits any attempt to influence voters.

In addition, the sanctions imposed on money politics violators are also very firm, with criminal threats in the form of imprisonment of a minimum of 36 months to a maximum of 72 months, as well as significant fines. This shows the government's serious commitment in providing burdensome sanctions for violators of money politics, as an effort to prevent and control this practice in the process of electing regional heads.

Thus, Law Number 10 of 2016 concerning Regional Elections becomes an important instrument in an effort to deal with the political culture of money in the context of regional elections. Strict regulations and severe sanctions are necessary measures to ensure integrity and fairness in the democratization process, as well as to give a strong signal that money politics will not be tolerated in Indonesia's political system.

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