PROGRESSIVE STEPS FOR PREVENTING AND HANDLING MONEY POLITICS IN INDONESIAN ELECTIONS: AN EFFORT TO REDUCE DEVIANT BEHAVIOR IN DEMOCRATIC ELECTIONS

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Abstract

The practice of money politics in election process is primarily observed during campaign activities and distribution of donations, specifically cash contributions. This occurrence can be attributed to several factors, namely tradition, desire for recognition, conducive environment, the ability to influence laws, wavering ethical values, impoverished communities, limited public awareness, and culture. Furthermore, money politics is primarily conducted in two stages, namely pre-voting and post-voting. The pre-voting phase comprises administrative selection, the campaign period, quiet period, and the lead-up to the actual election. The targets are primarily voters susceptible to influence, while the post-election phase occurs after the election, specifically during the General Session of the DPR/DPRD and when making decisions about the APBN/APBD. The targets are mainly political elites who hold the sovereignty of the people and possess the authority to make strategic decisions. Considering the existence of legal loopholes that can be exploited by various parties for fraudulent purposes, specifically money politics, it is imperative to enhance the clarity of existing legal provisions. In addition, perpetrators often exploit these loopholes, necessitating more robust legal measures.

Keywords: General Election, Mode, Stages, Democracy

A. Introduction

Deviant behavior, in this case, is a behavior that is not in accordance with the behavior that should be done. For example, the behavior that should be done in general elections is to keep voters' votes clean. Then, there is a deviant behavior, which is behavior that is not in accordance with the behavior that keeps voters' votes clean. Such as paying voters to vote for a particular candidate. The case of money politics is an example of deviant behavior in general elections.

According to Burhanuddin et al., the incidence of money politics among voters during the 2019 elections ranged from 19.4% to 33.1%.\footnote{Lati Praja, et al, “Problematika dan Strategi Penanganan Politik Uang Pemilu Serentak 2019 di Indonesia”, Electoral Governance 1, no. 2, (2020): 1.} This prevalence is significantly higher than international standards, positioning Indonesia as the third-highest country globally for the practice. In other words, money politics has become a norm in Indonesian elections. This was in line with Bawaslu and various survey institutions, which reported cases of money politics during the 2019 simultaneous elections. There were 12 alleged cases of money politics during the quiet period from April 14 to 16, 2019, and on the day of voting. These cases occurred in
various regions, including one in Ciamis, one in Kuningan, four in Pangandaran, one in Bandung City, one in Indramayu, and four in Garut. A survey conducted by the Indonesian Institute of Sciences (LIPI) on the 2019 Elections and Democracy in Indonesia found that 47.4% of the public confirmed the existence of money politics during the 2019 Simultaneous Elections, and 46.7% considered the practice to be understandable.

Money politics poses a significant challenge in every political process, including regional head elections (pilkada). Meanwhile, qualified regional leaders are expected to be elected through these elections, the implementation often reveals dishonest behavior by some "democratic parties". This includes spreading false information during campaigns and attempting to influence the public by offering money or goods before voting, a practice commonly known as money politics.2

Money politics can foster corrupt behavior, as political actors actively recoup the capital they invest. To achieve a prosperous democracy, Indonesia should collectively combat money politics. This detrimental practice should also be recognized as a common issue, as it has been proven to harm the fabric of national life. A healthy democracy can be realized when general or local elections are free from the influence of money politics.3 This practice is primarily intended to buy votes and is carried out by election participants and their support teams, both official and unofficial, often before voting. Consequently, voters can lose their autonomy in choosing public officials based on rational considerations, such as track records, performance, programs, and campaign promises, by voting solely because of monetary incentives.4 Taufiqurrahman, quoting Al-Rasyid, asserted that money politics was deeply ingrained in most Indonesians. Money can become a tool for acquiring power, altering decisions, and even securing victory in competitions. Money politics has a broader dimension, extending beyond election contests, and is often referred to as bribery, in legal terminology.5

A previous study found that the economic capital owned by regional head/deputy candidates tended to be a combination of personal capital and support from political donors (entrepreneurs), among other sources. These candidates often demand businessmen to become "political investors".6 In return for their investment in winning candidates, entrepreneurs are promised various privileges (economic and political protection, and ease of obtaining projects). The underlying logic is that those indebted for campaign expenses reciprocate by granting concessions to their financiers after the election, ultimately marginalizing the aspirations of the broader community. This situation has also contributed to the corrupt behavior of regional heads, who resort to corruption in order to repay election-related debts. Chairman of the Corruption Eradication Commission (KPK), Agus Raharto,7 stated that one of the factors driving the corrupt behavior of regional heads was the exorbitant political costs. Consequently, regional heads could not recover their nomination and campaign capital without resorting to

corruption. The data sourced from the Ministry of Home Affairs revealed that the cost of nominating a regional head ranged from IDR 20 billion to IDR 30 billion. Political figures often find it impossible to repay debts or recover investments, even by working tirelessly without engaging in corrupt practices.

Voters typically elect unqualified leaders due to the influence of money politics. Therefore, preventing or mitigating this practice is of utmost importance to ensure that qualified leaders or regional heads are elected. This can be carried out by regulating the election mechanism. The election of regional heads at the beginning of the reform era was governed by Law No. 22 of 1999 concerning Regional Government, wherein regional heads were elected by the Regional People Representative Council (DPRD). The practice of money politics revolved around political parties, regional head candidates, as well as factions and members of the DPRD. This regulation was subsequently replaced by Law No. 32 of 2004 concerning Regional Government. Consequently, regional heads are directly elected by the people through Regional Heads and Deputy Regional Heads Elections, abbreviated as Pilkada. There are three main reasons underlying the implementation of direct regional elections:

a. People have the opportunity to directly choose regional head, manifesting democracy in action.

b. Direct elections correlate with the spirit of regional autonomy introduced in 1999.

c. Money politics was prevented in the previous system, where regional heads were elected through a representative system by DPRD.

This study contended that money politics had become more pervasive after years of direct elections. Following the introduction of the direct election mechanism, this practice has extended to candidates, political parties, election organizers, voters, and the broader community. Money politics occurs at every stage of the regional elections, starting with the efforts of candidates to secure support from political parties, the registration and selection process by the KPU (Commission for General Election), the campaign, and attempts to influence voter choices before voting day.

Money politics is an unjustifiable act, and its perpetrators can be subject to both administrative and criminal sanctions. Law No. 10 of 2016 on the Second Amendment to Law No. 1 of 2015 concerning the Stipulation of Government Regulation in place of Law No. 1 of 2014 on the Election of Governors, Regents, and Mayors, states in Article 73 paragraph 2, that candidate pairs or campaign teams proven to have engaged in money politics shall be subject to administrative sanctions. This is implemented in the form of canceling candidate pairs by the Provincial KPU (Commission for General Election) or regency/city KPU. Article 187 states that similar criminal penalties of imprisonment and fines shall be imposed on givers and voters who receive money.

Precisely in mid-June of 2018, Indonesia held simultaneous regional elections (pilkada) in 171 regions at the provincial and district/city levels. The Election Supervisory Agency recorded 3,133 reports of alleged violations, with 35 of them relating to money politics. The highest number of cases occurred in South Sulawesi, with 8 cases, followed by North Sumatra and Lampung, each with seven cases, and Central Java with five. Other provinces, including South Sumatra, reported a similar scenario. Bawaslu recorded four allegations of structured, systematic, and massive money politics violations, which allegedly occurred in four provinces, namely South Sumatra, North Sulawesi, Gorontalo, and Lampung.

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9 Ibid.
Money politics, characterized as systemic, massive, and structured crime, has continued to persist in elections despite the existing laws and regulations imposing severe sanctions on violators.10

Based on the background description above, there are several problem formulations that will be the topic of discussion. The formulation of the problem includes:
1. Money Politics Mode and Factors Underlying Money Politics
2. Stages of Money Politics During General Election Process

B. Discussion

I. Money Politics Mode and Factors Underlying Money Politics.

The 2024 General Election (Pemilu), accompanied by exciting aura, not only comprises the election of the president and vice president, but also the selection of legislative members at the DPR, DPD, DPRD provincial and district/city levels. These elections are scheduled a few months away, specifically on February 14, 2024. As participants gear up for campaigns in pursuit of political office, it is crucial to note that victory should only be achieved within the bounds of rules, specifically the prohibition of money politics.

Elections should be primarily aimed at producing leaders with integrity and responsibility, legitimacy, and a commitment to peaceful processes. To achieve this objective, elections need to be supported by several components, namely organizers, participants, and a process characterized by integrity.11 Campaign activities are also crucial aspects, serving as a means to capture public attention and garner votes.12 Election participants, when competing for the highest voter support, often violate clear and strict campaign regulations.

The essence of an ideal democracy diminishes when the electoral process is marred by fraud, unfairness, and undemocratic practices. In Indonesia, the issue of elections, spanning from one election period to the next, demonstrates no sign of reducing money-driven political behavior. Several studies have identified money politics as a persistent symptom across elections, often escaping the grasp of law enforcement. Concerns about the detrimental impact of democratic values have been voiced by various entities, including the academic community, non-governmental organizations, and election organizers. These concerns extend to the selection of commissioner candidates within the General Election Commission (KPU), the General Election Supervisory Body (Bawaslu), and the interference of politicians, both institutionally and personally, in shaping the outcomes of candidate selection, even before they are officially announced.

According to Samuel Huntington, democracy exists when the most influential decision-makers are elected through fair, honest, and periodic general elections. In that type of system, candidates can compete for votes, with almost all adult population having the right to vote. The question that arises is whether the dream of having genuinely democratic general elections can be realized without being overshadowed by Political Money. This question remains unanswered, even as 2024 draws near, and the general election approaches. Many remain

pessimistic about the possibility of achieving a truly fair election characterized by honesty, and integrity, primarily due to the persistent influence of political money.

Money politics is the exchange of money for political positions, policies, or decisions, often carried out in the name of public interests but serving a personal, group, or party. It represents an attempt to sway society by providing material incentives or, in simpler terms, buying and selling votes in the political and power processes. This includes the distribution of money, whether from personal or party coffers, to influence voter choices. Money Politics can be defined as an effort to influence the behavior of others by using certain forms of incentives. It often occurs across a wide spectrum, from village head elections to state general elections.

Money politics refers to the use of money in an attempt to sway individuals into making certain choices. It is also an effort to influence others through the offering of material rewards, or even the buying and selling of votes within the political and power processes. This extends to the distribution of money, whether from personal or party funds, to influence voter choices. Therefore, money politics has become a prevalent issue in both general and local elections.

According to constitutional law expert, Yuzril Ihza Mahendra, money politics is the use of material rewards to influence the electoral process. Meanwhile, Hamdan Zoelva defined it as an effort to influence voter behavior to choose certain candidates by offering material rewards. Money politics is an attempt to sway organizers with certain incentives, leading to the manipulation or inflation of votes. Interestingly, this differs from political costs, which are justifiable expenses associated with winning elections and are recognized by law.

Gary Goodpaster defined money politics as corruption within the presidential, regional head, and legislative election processes. It is also the transaction of bribery by actors to secure election votes.

The following key elements were drawn based on this definition:
1. Intention; The action is intentional, known, and desired by the perpetrator
2. Promise: Perpetrators only promise through words
3. Giving: This can take the form of providing or handing over something to another person
4. Targeting voters
5. Direct or indirect
6. Voting for a particular candidate
7. Not exercising the right to vote.

Money plays a significant role in shaping personality and influencing strategic discourse related to political interests or power. It grants individuals the freedom to exert personal or group interests over other parties through various means. Money, in the context of politics, can be in the following forms:

1. Campaign Facilities: This includes soliciting support from the community by distributing brochures, stickers, and t-shirts. Supporters are often reimbursed for transportation expenses after the event.

17 Ibid.
2. Distribution of Donations: Several practices of money politics often occur during elections, namely the distribution of donations, either in the form of goods or money, to party cadres, cheerleaders, or specific groups.

3. Direct Assistance: This includes candidates offering gifts to specific communities or groups. This is often carried out by a specific proposal detailing the type and amount of assistance requested. Prospective voters are expected to cast their votes accordingly when the proposal is approved.

The practice of money politics in Indonesian history is governed by the following regulations:

1. Article 73, paragraph 3 Law No. 3 of 1999 on General Election states that anyone who attempts to bribe or influence the voting behavior of others during a general election shall face a maximum prison sentence of three years. This penalty is also applicable to voters who accept bribes or promises.

2. The Anti-Corruption Law on the Eradication of Corruption Crimes states that bribery is a criminal offense.

3. Law No. 10 of 2012 on General Elections states that campaign organizers are prohibited from promising or providing money and other compensation, either directly or indirectly, to campaign participants. This regulation was amended by UU No. 7 of 2017 concerning General Elections.

4. The Criminal Code, Article 149, paragraphs (1) and (2) addresses money politics, stating that individuals who attempt to bribe, prevent others from voting, or influence voting behavior during elections shall face a maximum penalty of nine months in prison or a fine of up to IDR 4,500,000.

5. Prohibitions on Money Politics is addressed in Articles 278 (2), 280 paragraph (1) letter j, 284, 286 paragraph (1), 515, and 523 of Law no. 7 of 2017 concerning General Elections. Article 280 paragraph (1) letter j states, "Organizers, participants, and campaign teams are prohibited from promising or giving money or other materials to election campaign participants."

6. Article 187A paragraph (1) Law No. 10 of 2016 concerning the election of Governors, Regents, and Mayors states that anyone who deliberately promises or provides money and other materials to influence voting decisions or render certain votes invalid shall face a maximum prison term of 72 months and a fine of up to IDR 1,000,000,000.00.

7. Government Regulation (PP) no. 151 of 2000, concerning Procedures for the Election, Validation, and Dismissal of Regional Heads and Deputy Regional Heads, defines money politics as the provision of money or other forms of assistance by candidates for Regional Head and Deputy Regional Head, or related to candidate pairs, to DPRD members, to gain support.

Several regulations and legislations penalize individuals participating in money politics during general elections. However, many are still persistent in such criminal acts due to various reasons. The following are factors contributing to the prevalence of money politics:  

a. **Tradition**: While money politics is not a value passed down by ancestors, it is deeply ingrained in Indonesian culture, particularly those with substantial wealth. This culture has historical roots dating back to colonial times when colonists bribed native officials for their interests and has also persisted to the present day.

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b. **Greed for Success**: The allure of wealth, power, and prestige can lead individuals to resort to any means, including offering money or other incentives to achieve personal goals. Some candidates for regional offices tend to spend substantial sums to secure votes.

c. **Conducive Environment**: Money politics or bribery, from small-scale institutions to high-ranking state officials, often operate within organized networks. The judicial system is particularly vulnerable to bribery, with judges as frequent targets.

d. **Corruptible Legal System**: There is a perception in Indonesia that the legal system can be influenced by money. While this does not imply that the law itself is corrupt, the enforcement mechanisms favor those with substantial financial resources. By offering bribes to judges or prison guards, defendants can enjoy a life of luxury even behind bars, with reduced sentences and early release.

e. **Weak Faith**: This automatically distances individuals from God Almighty, ultimately causing people to be more susceptible to giving and accepting bribes, without considering moral consequences.

f. **Poor Society**: Poverty is characterized by the inability to meet basic needs such as food, clothing, shelter, education, and healthcare. This condition can force individuals to demand immediate financial relief. Money politics can become an avenue for people to access funds, with some recipients overlooking the legal consequences of bribery and vote buying.

g. **Limited Public Knowledge about Politics**: Many individuals lack a comprehensive understanding of politics, as well as its forms and impact. This lack of political education can lead to apathy or indifference toward politics, contributing to a climate where money politics thrives.

h. **Culture**: There is a cultural expression that encourages reciprocity—Give to others, and do not refuse any good fortune. This mindset has become ingrained in Indonesian society. Money and all forms of monetary politics from election participants are often viewed as blessings that should not be declined. Consequently, the public feels obligated to reciprocate by voting, becoming part of a successful team, and supporting money politics to ensure the victory of election candidates. This is considered a way to express gratitude and reciprocate toward the legislative candidates who provide financial support.

Irawan (2015) identified two common strategies used in conducting money politics during general elections:

1. **Dawn Attack**: This term refers to a form of money politics aimed at buying votes, typically carried out by individuals or groups to secure victory in a political race. Down attacks often target the lower middle class and tend to occur before general elections.

2. **Mass Mobilization**: This typically takes place during campaign events, where political parties entice large crowds with the promise of substantial sums of money to participate in campaign activities. This offer is usually intended to cover transportation, expenses related to attending campaign events, food costs, with the hope that those who attend will subsequently vote for the sponsoring candidates.

According to UU No. 7 of 2017 concerning General Elections, the General Election Commission (KPU) can take action when any violation is proven to have occurred. These

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actions may include removing the names of candidates for positions in the DPR, DPD, Provincial DPRD, and Regency/City DPRD from the list of permanent members or canceling their status as elected candidates. Article 286, paragraph (1) states, "Candidate pairs, prospective members of the DPR, DPD, Provincial DPRD, Regency/City DPRD, campaign organizers, and campaign teams are prohibited from making promises or offering money or other incentives to influence voters.”

II. Stages of Money Politics During General Election Process

Elections serve as a “Transmission of Belt,”20 through which power, originating from the people, shifts to the state and subsequently transforms into government authority for governing and leading purposes. Democratic countries are expected to hold general elections within specific intervals. General elections, typically conducted every five years, represent a moment of direct and genuine governance by the people. During general elections, all candidates aspiring to hold positions in the state and government depend entirely on the will and wishes of the people. The electoral system is a method that regulates and enables citizens to elect representatives. This method is closely tied to the rules and procedures for converting votes into parliamentary seats, emphasizing that those who choose or desire to be chosen are part of the same entity.

The practice of money politics can be categorized based on actor and regional factors, and it operates as follows:

a. At the highest level, transactions occur between economic and political elites (party leaders/regional heads/presidential candidates) who will become policy and political decision-makers after the election. This often takes the form of fundraising from individuals, private companies, and funds from BUMN / BUMD. Related provisions in addressing this issue include restrictions on campaign fund donations.

b. In the middle level, elite political transactions (party functionaries) determine legislative/executive candidates and the ranking of candidates/pairs. This includes financial contributions to secure a legislative candidacy, payments for preferred candidate numbers, expenses related to moving candidates between electoral regions, and more. Unfortunately, election laws do not typically address these activities (money politics), considering them as internal party matters.

c. At the lowest level, transactions occur between political elites (legislative candidates/candidates for regional heads and lower-level party functionaries) and the mass of voters. This includes the distribution of necessities, “dawn attack,” campaign transportation costs, microloans, borrowing funds, and more. In this case, legal provisions state that legislative/DPD/council member candidates, regional heads/presidential candidate pairs, and campaign teams found promising funds or providing other incentives to influence voters shall have their candidacy revoked by the KPU.

The impact of money politics in elections results in unqualified leaders who often engage in corrupt acts. This practice can lead to the elimination of candidates with genuine quality, ultimately undermining the democratic order. Consequently, it is imperative to prevent the occurrence of money politics. Maintaining quality regional elections within the context of national stability, requires a combination of legal and non-legal measures, with established solutions for dealing with political money.

20 Ibid.
Political money remains a possibility that should be addressed, particularly with a focus on minimizing its occurrence in the upcoming 2024 election. Understanding the gaps that allow for political money practices is also crucial. This study identified two distinct stages in the practice of political money:

1. Pre-collection: This phase includes activities during election administration, the campaign period, the quiet period, and the lead-up to the election. The targets are primarily voters susceptible to influence.

2. Post-collection: This phase occurs after the election and often includes interactions during sessions of the General DPR/DPRD, particularly when determining the APBN/APBD. The targets are primarily political elites who play crucial roles in making strategic decisions.

The law serves as a framework for justice, certainty, and utility. In practice, conflicts may arise between legal certainty and justice, an aspect this study specifically aimed to address. The practice of money politics is strictly prohibited, with Law No. 10 of 2016 concerning regional elections being particularly progressive in addressing this issue. Criminal punishment is imposed not only on those providing money but also on recipients.

For givers, Article 187A paragraph (1) stipulates that anyone who intentionally provides money or incentives to influence voters shall be sentenced to a minimum of 36 months and a maximum of 72 months in prison, coupled with fines ranging from IDR 200,000,000.00 to IDR 1,000,000,000.00. Article 73 paragraph (4) states that anyone who intentionally commits acts against the law by promising or providing money and other incentives as rewards to Indonesian citizens, either directly or indirectly, to influence voting decisions or render a vote illegitimate, shall be subject to criminal law imprisonment for a minimum of 36 months and a maximum of 72 months, with fines ranging from IDR 200,000,000.00 to IDR 1,000,000,000.00.

The recipients also face similar criminal sanctions, as outlined in Article 187A paragraph (2), stating that the same punishment is applicable to voters who intentionally commit acts against the law by accepting gifts or promises as referred to in paragraph (1).

From the stages related to the practice of money politics above, there are several efforts to reduce and even eliminate deviant behaviors from the general election. This step is carried out by the authorities. These steps include:

1. Keep a close watch on the movements of the candidates to be elected so that they do not commit acts such as money politics.
2. Guarding when the quiet period of the general election is about to begin.
3. Provide strict sanctions against perpetrators of election ethics violations.

Therefore, it can reduce deviant behavior in general elections. Of course, the prevention and reduction of deviant behavior in this general election is a shared responsibility and needs cooperation from all parties. Including the authorities, as well as those who are candidates and voters.

C. Conclusion

In conclusion, the practice of political money and dowry politics persisted due to vague definitions and lenient regulations. Moreover, the Constitution on Election did not provide some clarity regarding these issues.

Political money could occur in various forms during the election process, including campaign facilities, donation distributions, and direct cash contributions. This study identified several factors contributing to the prevalence of money politics, namely tradition, greed for
success, conducive environment, corruptible legal system, weak faith, poor society, limited public knowledge about politics, and culture.

Meanwhile, the prevention and reduction of deviant behavior in this general election is a shared responsibility and needs cooperation from all parties. Including the authorities, as well as those who become candidates and voters.

Money politics could occur in two stages, namely pre-voting and post-voting. The pre-voting phase comprised administrative selection, the campaign period, quiet period, and the lead-up to the actual election. The targets were primarily voters susceptible to influence. Post-election phase could occur after the election, specifically during the General Session of the DPR/DPRD and when making decisions about the APBN/APBD. The targets were mainly political elites who held the sovereignty of the people and possessed the authority to make strategic decisions.

This study identified some significant gaps that continued to be exploited by various parties, specifically in the context of political money practices, despite the existence of laws. To address this issue effectively, it was crucial to enhance these laws with more precise parameters, considering the frequent exploitation of these gaps by political money perpetrators. Furthermore, increased efforts should be directed toward the socialization of rules, prohibition behaviors, and regulations related to political money, as actions considered non-criminal could ensnare both givers and recipients.
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