


Money Politics: External Sanctions and Legal Vacuums in Pemilukada

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Article Info	ABSTRACT
<p>Keywords: Political Money, Election Democracy.</p>	<p>The practice of money politics in general elections, especially regional head elections (Pilkada), is a serious violation of democratic principles. It involves giving or promising money to influence voter behavior, which can damage the integrity of the electoral process. Although there are regulations that regulate the prohibition of money politics, as stated in Law Number 10 of 2016 and Law Number 7 of 2017, law enforcement against these violations is often weak and ineffective. Sanctions for money politicians include prison sentences ranging from 36 to 72 months and significant fines, but the implementation of these sanctions is rarely seen in practice. This study aims to analyze the practice of money politics in the Regional Head Election (Pilkada) in Indonesia, identify the factors that cause it, as well as its impact on the quality of democracy. The research method used is qualitative with a literature study approach. The results of the study show that money politics is still a crucial problem caused by the low level of public education, economic factors, weak supervision and law enforcement, patron-client culture, and the role of political parties that are not optimal. This practice negatively impacts the integrity of the electoral process, produces unqualified leaders, and reduces public trust in the political system. To address this problem, comprehensive efforts are needed through increased political education, strict law enforcement, political party reform, strengthening participatory oversight, and reforming the campaign funding system. It is hoped that this effort can minimize the practice of money politics and improve the quality of democracy in Indonesia.</p>
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INTRODUCTION

Money politics different from political costs which are reasonable costs for legally justified victories. This practice is considered corruption in the election of presidential, regional heads, and legislatures, which includes bribery to gain votes. In the context of criminal law, money politics is regulated in Law No. 7 of 2017 concerning General Elections, especially Article 523 paragraphs (1-3). The law regulates prohibitions and sanctions related to money politics, with various threats of imprisonment and fines. Criminal sanctions are given to givers in the General Election, while in the Regional Elections sanctions are given to givers and recipients with heavier sanctions (Oktarina et al., 2022).

After the 2024 election, there are indeed many polemics that occur. One of them is the problem of money politics that is in circulation very structured, systematic and massive. The

reproach that the candidates and the campaign team can play is clearly an outside sanction that is recruited as much as possible to oversee the vote and so on. Actually, the issue of witnesses has been regulated in Article 10 Paragraph 4 of the General Election Commission Regulation Number 17 of 2024 and the General Election Commission Decree Number 1797 of 2024 in Chapter 2 Letter 1 Points "D" and "E".

Money politics in regional head elections (Pilkada) in Indonesia is a complex and profound problem, which includes various social, economic, and legal aspects. Despite regulations prohibiting this practice, as stipulated in Law Number 10 of 2016 and Law Number 7 of 2017, law enforcement against money politics violations is still very weak.

The problem is that the development of the practice of money politics using outside witnesses will be very unsettling for the community and will cause friction in the community. The potential to harm the community is also great related to this money politics and violates the principles of the Luberjurdil election.

The practice of money politics has a negative impact on democracy and the constitutional system, causing the waste of the state budget and eroding the purpose of elections. Therefore, it is important to address the problem of money politics or election corruption through increasing legal substance, political education to the public, and criminal liability of political parties involved in the manipulation of campaign funds (Nabila et al., 2020).

Money politics is the act of bribing or giving money to certain parties with the aim of influencing elections, which is a violation in the election of regional heads (pilkada) (Hariman Satria, 2019). This practice involves giving or promising to bribe someone so that they do not exercise their right to vote or direct them to vote in a certain way.

Sanctions for money politics actors are regulated in Law Number 10 of 2016. Article 73 prohibits candidates or campaign teams from promising or providing money or other materials to influence election organizers or voters. Candidates who are proven to violate may be subject to administrative sanctions in the form of cancellation as a candidate pair by the Provincial KPU or the Regency/City KPU (Muslim, 2023). Campaign teams that are proven to have committed violations will be subject to criminal sanctions in accordance with laws and regulations. In addition, members of political parties, campaign teams, volunteers, or other parties are also prohibited from promising or giving money or materials in exchange for influencing voters not to exercise their right to vote, exercising their right to vote in a certain way that results in invalid votes, or influencing them to vote for or not vote for a particular candidate. Article 187A of Law Number 10 of 2016 stipulates a maximum prison sentence of 36 months and a maximum of 72 months, as well as a minimum fine of Rp200,000,000.00 and a maximum of Rp1,000,000,000.00 for the giver and recipient of money politics.

However, the practice of money politics is still rampant due to several factors. The weak structure of law enforcement in elections/regional elections in supervision and law enforcement is the root of the problem. The legal culture of local voters in Indonesia has begun to get used to and accept the practice of money politics for granted, even making it something that politicians are used to doing to get support. Voters view political money as the minimum compensation they "deserve" to receive in the election process because they are disappointed with the performance of politicians. Law enforcement against money politics crimes is still not going well. Even though it has been regulated in the law, there are still many individuals or

election campaign participants who directly use money politics to get victory. Bawaslu has an important role in supervision and has the authority to eliminate money politics in the implementation of regional head elections. With this paper, the author sees that there are problems that arise, therefore the author raises research with a discussion of money politics that occurs and the existence of a form of legal vacuum in the election.

METHOD

The research was conducted by examining various related laws and regulations, as well as considering the historical aspects of law formation to understand its background and development. A comparative approach is also applied to compare the rule of law in Indonesia with other countries in similar matters. The data sources used are secondary data, including primary legal materials such as law and jurisprudence, as well as secondary legal materials such as research results and scientific papers. Data analysis is carried out qualitatively, by interpreting and constructing data to achieve a deep understanding of the legal issues being studied, and produce strong arguments based on applicable legal principles and norms.

RESULTS AND DISCUSSION

Money politics is a violation that often occurs in general elections (elections) and has become a tradition among prospective officials or legislative members, both at the central and regional levels. The purpose of this practice is to gain support and voice from the community. Ironically, money politics is actually considered an effective campaign tool to influence the public in choosing a certain candidate. As a result, the intellectual quality and personal morality of a legislative candidate are often overlooked, while financial wealth is the determinant of victory in elections. The practice of money politics has been going on for a long time and continues to occur until the 2019 elections, even openly.

Exercise *Money Politics*, or money politics, has become a worrying part of Indonesia's political landscape, especially in the implementation of General Elections (Elections) and Regional Head Elections (Pilkada) (Begovic & Cuan, 2021). This phenomenon damages the foundations of democracy, pollutes the electoral process, and undermines public confidence in the integrity of the political system. The roots of money politics are very complex and involve various interrelated factors, ranging from the socio-economic conditions of the community to weak law enforcement and supervision. This practice is not only limited to giving money directly to voters, but also includes various other forms of material or rewards aimed at influencing their choices. The implications of money politics are very broad and destructive, because it can produce leaders who are unqualified, corrupt, and irresponsible to the people.

One of the main causes of the increase *Money Politics* is the level of education and political awareness of the community that is still low. Many voters do not understand the importance of intelligent and rational political participation, so they are easily seduced by the lure of money or other materials (Begovic & Cuan, 2021). In addition, economic factors also play an important role, where people with difficult economic conditions tend to be more vulnerable to these practices *Money Politics*. They may feel that accepting money from candidates is a way to meet their daily needs, without being aware of the long-term impact

of such actions on the quality of democracy. The lack of jobs and economic opportunities can also exacerbate this situation, creating a vicious circle in which money politics becomes part of the survival strategy.

In addition to internal factors from society, external factors such as weak supervision and law enforcement also contribute to the rise of money politics. The Election Supervisory Agency (Bawaslu) often faces obstacles in supervising and cracking down on the practice of money politics due to limited human resources, budgets, and authorities (Baehaki, 2021). The process of proving money politics crimes is also very difficult, because it is often carried out in a hidden manner and involves many parties who protect each other. In addition, the existing legal sanctions have also not provided a significant deterrent effect for money politics actors. Many cases of money politics are not followed up or only receive light sanctions, so they are not able to prevent this practice from repeating in the future.

In the case in Nias, the police conducted an over-the-top (OTT) operation against a candidate for legislative member of the North Sumatra DPRD with the initials DRG (Michael Hangga, 2019). DRG is suspected of doing money politics ahead of a quiet period with three of his colleagues. Police arrested two motorists in a car with the number S 1976 JT who were raided in the context of a quiet day ahead of the 2019 elections.

In the 2019 election, the Pekanbaru Bawaslu and the police carried out an arrest operation aka OTT against four suspected money politicians. The Pekanbaru City Gakkumdu center team confiscated Rp. 506,400,000 from the hands of the perpetrators, it is suspected that the secured money will be used as a form of dawn attack (money politics). The arrests were made during the calm period of the campaign.

Implications of *Money Politics* The quality of democracy is very serious. This practice not only damages the integrity of the electoral process, but also produces leaders who are unqualified and irresponsible to the people. Candidates selected through *Money Politics* tend to focus more on the return on capital that has been spent during the campaign rather than serving the public interest. They are also vulnerable to corrupt practices and abuse of power, as they feel "indebted" to those who have helped them win elections. As a result, the resulting public policies often do not benefit small people and instead benefit certain interest groups. *Money politics* can also exacerbate public distrust of the political system, which can ultimately threaten the stability and sustainability of democracy (Irawan, 2022).

To resolve the issue *Money Politics*, comprehensive efforts are needed and involve all related parties. The government, Bawaslu, political parties, mass media, civil society organizations, and society in general must work together to eradicate this practice. Improving public education and political awareness is key in the long run. The public needs to be given a better understanding of the importance of smart and rational political participation, as well as the dangers of practice *politics* money on the quality of democracy. Bawaslu also needs to be strengthened in terms of human resources, budget, and authority, so that it can effectively supervise and take action *The practice of money politics* (Primary, 2022). Law enforcement must be carried out strictly and indiscriminately, by providing severe sanctions for perpetrators *Money Politics*. Political parties must also be responsible for cleaning themselves from practice *Money Politics* and encourage its cadres to compete in a healthy and honest manner. Mass media and civil society organizations can act as watchdogs who oversee the

electoral process and report on any political indications *money*. With continuous and coordinated efforts, it is hoped that political practice *money* can be significantly reduced and the quality of democracy in Indonesia can be improved (Yusuf et al., 2024).

Causes of the Rise of *Money Politics*

Several factors make the practice of money politics difficult to eliminate: (Ananingsih, 2016)

1. People with low levels of education tend to understand politics less, so they are more vulnerable to the practice of money politics.
2. The lack of effective supervision from related parties makes it difficult to eradicate money *politics* cases. The low public understanding of supervision rules is also an obstacle.
3. The practice of *money politics* has been going on for a long time and has become a habit in society due to the lack of supervision, knowledge, and awareness of its dangers.

Sanctions and Legal Void

Money politics is included in election crimes, but it is often difficult to deal with due to several constraints. One of the main obstacles is the absence of clear criminal sanctions norms for money politics crimes (Fitriani et al., 2019). Although there is a ban on the practice of money politics, there are no binding criminal sanctions, so the perpetrators cannot be entangled in the law. This condition makes it difficult for the Election Supervisory Agency (Bawaslu) to handle cases of alleged money politics practices.

Prevention and Law Enforcement Efforts

Although there are obstacles in law enforcement related to *Money Politics*, there are several efforts being made to prevent and crack down on this practice: (Simatupang et al., 2024)

1. The handling of *money politics cases* involves the Integrated Law Enforcement Center (Gakkumdu) consisting of Bawaslu, the prosecutor's office, and the police.
2. Article 149 paragraphs (1) and (2) of the Criminal Code regulate punishments for *money politics actors*. In addition, Law Number 7 of 2017 also regulates prohibitions and sanctions related to money politics. Article 280 paragraph (1) letter j prohibits the giving of money or other materials to campaign participants, and Article 523 paragraph 1 provides criminal sanctions for violators.
3. Bawaslu makes special efforts starting from the planning stage to prevent money politics.

The results of this study reveal that the practice of money politics in the Regional Head Election (Pilkada) is still a crucial problem that hinders the realization of quality democracy in Indonesia. The study identifies several key factors that cause the practice of money politics to remain prevalent, despite efforts to eradicate it (Fadhilurrahman, 2024). First, the low level of education and political awareness of the community has become fertile ground for the practice of money politics. Many voters do not understand their rights and obligations as citizens, and are unaware of the negative impact of receiving money or other materials from candidates. They tend to consider immediate interests more than long-term interests, so they are easily seduced by the lure of money politics.

Second, economic factors also play an important role in encouraging the practice of

money politics. High levels of poverty and unemployment make some people vulnerable to this practice. For them, receiving money from candidates is a way to meet the daily necessities of life, regardless of the political consequences. This condition is exacerbated by the unequal distribution of wealth and economic opportunities, which creates wide social disparities and strengthens people's dependence on help from those with financial resources.

Third, weak supervision and law enforcement are very crucial factors in perpetuating the practice of money politics. The Election Supervisory Agency (Bawaslu) as the institution responsible for supervising the course of the Regional Elections often faces various obstacles, such as limited human resources, budgets, and authorities. The process of proving money politics is also very difficult, because it is often done in a hidden manner and involves complex networks (Edma et al., 2025). In addition, the existing legal sanctions have also not provided a significant deterrent effect for money politics actors. Many cases are not followed up or only receive light sanctions, so they are unable to prevent this practice from repeating in the future.

Fourth, the patron-client political culture that is still strong in some Indonesian people also contributes to the rise of money politics. In this culture, the relationship between the leader and the followers is based on mutual exchange, where the leader provides protection and assistance to his followers, while the followers provide political support and loyalty. In the context of the Pilkad, the practice of money politics is often part of this patron-client system, where candidates give money or other materials to voters in exchange for their support (Abdurrohman, 2021). This culture is difficult to eliminate because it has been firmly rooted in the social and political system of society.

Fifth, the role of political parties is also very important in eradicating or perpetuating the practice of money politics. Political parties that do not have a strong commitment to democratic principles and political ethics tend to be more tolerant of the practice of money politics carried out by their cadres. They may consider money politics to be an effective way to win elections, regardless of its negative impact on the quality of democracy. On the contrary, political parties that have a strong commitment to democratic principles and political ethics will try to prevent and crack down on the practice of money politics carried out by their cadres.

The impact of the practice of money politics on the quality of democracy is very destructive. This practice not only damages the integrity of the electoral process, but also produces leaders who are unqualified and irresponsible to the people. Candidates elected through money politics tend to focus more on returning the capital that has been spent during the campaign rather than serving the public interest. They are also vulnerable to corrupt practices and abuse of power, as they feel "indebted" to those who have helped them win elections. As a result, the resulting public policies often do not benefit small people and instead benefit certain interest groups. Money politics can also exacerbate public distrust of the political system, which can ultimately threaten the stability and sustainability of democracy.

Based on the results of this study, several strategic steps are recommended to overcome the problem of money politics in the Regional Elections. First, increasing public education and political awareness must be a top priority. Governments, civil society organizations, and mass media need to work together to provide comprehensive political

education to the public, so that they understand their rights and obligations as citizens and the dangers of money politics. Second, law enforcement must be carried out strictly and indiscriminately against money politics actors. Bawaslu needs to be strengthened in terms of human resources, budget, and authority, in order to effectively supervise and enforce this practice. The legal sanctions given must provide a significant deterrent effect for money politics actors. Third, political parties must be responsible for cleaning themselves from the practice of money politics and encouraging their cadres to compete in a healthy and honest manner. Political parties need to implement a strict code of ethics and provide strict sanctions against cadres involved in the practice of money politics (Oktarina et al., 2022). Fourth, participatory supervision of civil society needs to be improved. Civil society can act as a supervisor who oversees the conduct of the regional elections and reports any indication of money politics practices. Fifth, reform of the campaign funding system needs to be carried out to reduce candidates' dependence on donations from parties with certain interests. A transparent and accountable campaign funding system will reduce the potential for money politics practices. With comprehensive and sustainable efforts, it is hoped that the practice of *Money Politics* can be significantly reduced and the quality of democracy in Indonesia can be improved.

CONCLUSION

Money politics remains a serious challenge in the implementation of the regional elections in Indonesia, which is rooted in the complexity of low education, difficult economic conditions, weak supervision, patron-client culture, and the less than optimal role of political parties. This practice undermines the integrity of democracy, produces unqualified leaders, and erodes public trust in the political system. To address this problem, comprehensive measures involving improving public political education, strict law enforcement, political party reform, strengthening participatory oversight, and reforming the campaign funding system are needed. Only with coordinated and sustainable efforts, money politics can be minimized, thereby realizing a more honest, fair, and integrity Regional Election, as well as producing leaders who truly represent the aspirations of the people. Suggestion Raising Public Awareness and Political Education, Regulatory and Law Enforcement, Stricter and Independent Supervision, Encouraging Community Participation, Independent Institutional Strengthening, The following is the advice that the author provides for handling in preventing forms of money politics that occur in society.

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