

FORMULATION OF LEGAL PROVISIONS PROHIBITING MONEY POLITICS IN ELECTIONS: TOWARDS HONEST AND FAIR ELECTIONS

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Abstract

The formulation of legal provisions prohibiting money politics in elections is a crucial step towards creating honest and fair elections. We must comprehend the boundaries of money politics, the kinds of actions that fall under its purview, and the efficacy of the penalties we can apply to those who violate them. In the context of elections, money politics refers to the practice or phenomenon where individuals use money as a tool to influence or win the outcome of an election. One of the main influences of money politics is to turn the election process into a vote-buying event, where voters who receive money or other material gifts tend to vote for candidates who offer these rewards, not based on ideological considerations or actual candidate qualifications. In Indonesia, the use of money politics in election practices has become a serious concern in society. Despite the prevalence of money crimes in elections, many remain unarrested and unpunished. The need for legal reform emphasizes the importance of strong legal and enforcement mechanisms to combat money politics. To prohibit the practice of money politics, there needs to be firmer and more effective legal provisions.

Keywords: legal provisions, money politics, law enforcement

INTRODUCTION

General elections (Elections) are one of the important pillars of democracy for countries that adhere to democratic systems. Honest and fair elections are a strong foundation in ensuring equitable political participation and producing a government that represents the will of the people. However, in practice, elections are often influenced by the practice of money politics that undermines integrity and threatens electoral ¹²fairness.

Money politics refers to the practice in which a candidate or political party gives cash, gifts, or other material rewards to voters, in an effort to influence their votes. This action gives an unfair advantage to candidates or parties that have abundant financial resources, as well as depriving voters of a sense of justice and independence³.

Therefore, it is necessary to formulate firm and clear legal provisions⁴ in prohibiting money politics in elections. This provision aims to create honest and fair elections, where every vote is valued and influenced by rational considerations and the public interest, not by financial rewards.

¹ Graham Brooks, *Criminology of Corruption Theoretical Approaches* (London: PALGRAVE MACMILLAN, 2016), https://doi.org/10.1057/978-1-137-51724-1_9.

² ARIS SEPTIONO et al., "CONSTRUCTION OF INDONESIAN CRIMINAL LAW POLICY ON THE CRIME OF MONEY POLITICS IN GENERAL ELECTION," *RUSSIAN LAW JOURNAL* XI, no. 2 (2023): 169–77.

³ Andryan et al., "Prevention of Money Politics Through Education Politics in Indonesia," *Journal of Law and Sustainable Development* 11, no. 12 (2023): e2365, <https://doi.org/10.55908/sdgs.v11i12.2365>.

⁴ ROBERT CRYER et al., *An Introduction to International Criminal Law and Procedure* (Cambridge: Cambridge University Press, 2010).

First of all, the provisions of the law must prohibit candidates or political parties from giving money or other material rewards to voters. This could include a direct ban on the practice of money politics, both through specific laws and in more general election laws. This provision must be very clear and binding, with strict sanctions for violators⁵.

Furthermore, it is imperative that legal regulations likewise forbid the political endorsement of monetary contributions by voters. In this scenario, voters who engage in the acceptance of money in politics should be subjected to legal sanctions. This measure aims to avoid the occurrence of a symbiotic relationship between candidates or political parties and voters, where the practice of money politics becomes mutually advantageous.

Legal regulations must not only include prohibitions, but also build a robust structure for overseeing and enforcing rules that ban the use of money in politics during elections. This method may entail the involvement of electoral commissions, law enforcement agencies, and election watchdogs to ensure that any violations of the prohibition on money politics are addressed with firmness and impartiality.

Furthermore, it is imperative to exert endeavors in order to avoid and propagate information regarding the prohibition of money-driven politics to the broader populace, encompassing voters as well as candidates or political parties. Efficient educational programs can enhance public understanding of the significance of elections that are devoid of financial influence in politics, along with the legal repercussions for those who violate such regulations.

When implementing these measures, it is crucial for pertinent institutions, such as the legislature and the judiciary, to collaborate with civil society and international organizations in creating legal provisions that adhere to international standards and optimal methods in prohibiting the influence of money in elections.

By implementing robust and efficient legal measures, along with a rigorous system of oversight and enforcement, it is anticipated that transparent and equitable elections can be achieved. Implementing this measure will enhance the democratic process, safeguard the authenticity of elections, and guarantee equal weight to each voter's ballot.

The dilemma at hand is how to establish genuine and equitable elections through the establishment of legal rules that ban the influence of money in politics. Money politics is a concerning phenomena in this setting as it has the potential to impact the integrity and fairness of elections. Hence, it is imperative to enact legislation that forbids the practice of money politics in order to ensure that elections adhere to democratic values.

Challenges in creating legal measures to prevent money politics in elections involve comprehending the boundaries of money politics, identifying the many behaviors that can be classified as money politics, and assessing the efficacy of punishments that can be enforced against offenders.

The objective of this research is to develop legal regulations that explicitly forbid the practice of money politics during general elections. This research is crucial in the pursuit of

⁵ BRIAN LOUGHMAN, RICHARD SIBERY, and ERNST & YOUNG LLP, *Bribery and Corruption* (New Jersey: John Wiley & Sons, Inc, 2012), <https://doi.org/10.1017/cbo9781139178808.025>.

transparent and equitable elections. Genuine and equitable elections entail an electoral procedure that upholds integrity, transparency, and is devoid of the sway of financial politics. The practice of money politics constitutes a grave infringement against the integrity of elections. The primary objective of this study is to develop legal regulations that can efficiently prevent the practice of money politics during elections. The objective of this initiative is to eradicate the practice of money politics, which undermines the integrity and impartiality of elections. Robust and suitable legal measures will establish a firm legal framework to effectively combat the practice of money politics and minimize the likelihood of infractions.

In the context of money politics, research on the formulation of legal provisions prohibiting money politics is very important for several reasons. First, this research will help identify the forms of money politics that are common in elections and their impact on electoral integrity and fairness. Through a better understanding of the practice of money politics, law enforcement and regulators can develop more effective laws and policies to eradicate money politics in elections.

Second, this research will also provide a basis for an in-depth study of the influence of money politics on political representation and democracy. Money politics can generate unfairness in elections, where candidates with larger funds can have a disproportionate advantage in gaining political support and influence. By understanding the impact of money politics on political representation, the formulation of effective legal provisions can be obtained to prevent injustice and ensure that elections reflect the aspirations and interests of the entire society.

In addition, this research can also provide a better understanding of the root causes of money politics in elections. By analyzing the social, political, and economic factors that drive the practice of money politics, this research can help to identify and overcome the root problems behind money politics in elections. This can make for long-term changes in a corrupt political culture and create more conducive conditions for fair and honest elections.

LITERATURE REVIEW

Definition of Money Politics in the Context of Elections

Money politics in the context of elections refers to the practice or phenomenon in which money is used as a tool to influence or win the outcome of an election. This practice involves illegally or unethically giving or receiving money to a candidate or political party with the aim of gaining support or influence in an election⁶.

In elections, money politics can take various forms, ranging from giving cash, gifts, financial assistance, services, or even promises of positions or future benefits to voters, community groups, or political parties⁷. The goal is to create dependence or sympathy for

⁶ Wawan Setiyawan and Anis Mashdurohatur, "The Reforming Of Money Politics Cases In Election Law As Corruption Crime," *Law Development Journal* 3, no. 3 (2021): 621–29.

⁷ Achmad Siddiq and Hariyanto, "Legal and Political Policy in Preventing of Money Politics: Case Study and Recommendations," *International Journal of Social Science and Religion (IJSSR)* 5, no. 2 (May 17, 2024): 187–202, <https://doi.org/10.53639/ijssr.v5i2.242>.

the money giver, so as to influence voters or community groups to vote for candidates or political parties supported by the money giver⁸.

Money politics in elections can threaten the integrity of the democratic process and undermine the principle of equality of votes which is the foundation of fair and free elections⁹. This can provide a disproportionate competitive advantage for candidates or political parties that have access to greater financial resources, while sacrificing political participation based on people's beliefs and aspirations¹⁰.

In addition, money politics can also cause damage to the political system as a whole. Corrupt practices that occur in money politics can lead to abuse of power and a crisis of public trust in political institutions. This threatens political stability and can reduce public participation in the political process¹¹.

Efforts to overcome money politics in elections are very important in maintaining the integrity and fairness of elections. Many countries have adopted strict laws and oversight mechanisms to prevent and punish the practice of money politics. In addition, public awareness and education about the importance of clean and integrity elections are also needed to change unethical political behavior.

It is realized that money politics in elections is difficult to eliminate completely¹². However, with continuous efforts and collaboration between the state, civil society, political parties, and supervisory agencies, we can limit and mitigate the negative impact of money politics, as well as strengthen the democratic principles that underlie the electoral system¹³.

Review of Money Politics Practices in Various Countries

The practice of money politics is a common phenomenon in the political process in various countries around the world. This phenomenon includes the practice of giving, receiving, or using money with the aim of influencing political decisions, such as elections or policy making¹⁴. This practice is also often associated with corruption and the use of public resources for personal or group gains.

In looking at the practice of money politics in different countries, it is important to gain a comprehensive understanding of the social, political, and cultural context in which this phenomenon occurs¹⁵. Despite differences in the size and scale of money politics

⁸ Gene Ward, Michael Pinto-Duschinsky, and Herbert Alexander, *Money in Politics Handbook: A Guide to Increasing Transparency in Emerging Democracies*, 2003.

⁹ Brian M Studniberg, "REPRESENTING PEOPLE AND NOT INTERESTS: A RAWLSIAN CONCEPTUALIZATION OF THE RIGHT TO VOTE" 14, no. 1 (2009).

¹⁰ Sarah Birch et al., "Embodying Democracy: Electoral System Design in Post-Communist Europe," *Palgrave Macmillan*, 2002, 1–255.

¹¹ Mhd Teguh Lubis et al., "Criminal Law Policies in the Electoral System in Indonesia," *Journal of Legal Dynamics* 23, no. 3 (2023), <https://doi.org/10.20884/1.jdh.2023.23.3.3782>.

¹² Siddiq and Hariyanto, "Legal and Political Policy in Preventing of Money Politics: Case Study and Recommendations."

¹³ Hidayat This, *Jurnal Sosial, and Politik* Vol, "Organizing Democracy through General Elections in Indonesia: The Challenge of Law Enforcement and State Stability" 5, no. 2 (2019): 333–44.

¹⁴ Nahitun Naher et al., "Correction to: The Influence of Corruption and Governance in the Delivery of Frontline Health Care Services in the Public Sector: A Scoping Review of Current and Future Prospects in Low and Middle-Income Countries of South and South-East Asia," *BMC Public Health* 20, no. 1 (December 9, 2020): 1082, <https://doi.org/10.1186/s12889-020-09197-0>.

¹⁵ SUSAN C. STOKES et al., *Brokers, Voters, and Clientelism: The Puzzle of Distributive Politics* (New York: Cambridge University Press, 2013).

practices in different countries, this phenomenon remains a significant global challenge to democracy and good governance¹⁶.

Some countries have strict regulations regarding the practice of money politics¹⁷, while other countries may not have an adequate legal framework or there may still be non-compliance with existing rules. In addition, weak oversight and law enforcement and a lack of transparency in the political system can also allow the practice of money politics to flourish¹⁸.

For example, in some countries in Latin America¹⁹, the practice of money politics has become a problem affecting political stability and economic development. In some cases, this practice can involve criminal groups using money for the purpose of influencing elections or securing government contracts. This is detrimental to the democratic process and can create injustice in the use of public resources²⁰.

In Asia, the practice of money politics has also become a concern for the public and authorities²¹. Some countries such as Indonesia, India, and the Philippines have taken steps to limit the practice of money politics through strict regulations and legislation. However, despite these efforts, the practice of money politics can still be found, especially at the local level, where oversight and law enforcement are often weaker²².

In Europe and North America, stricter regulations have been implemented to combat the practice of money politics. Countries such as Germany, Canada, and the United States already have laws regulating the financing of political campaigns and banning the practice of money politics that violates political ethics and integrity. Nevertheless, the practice can still occur in more covert ways or through unnatural methods of directing resources²³.

In addition to stronger regulations and law enforcement, public education and awareness are also important in overcoming the practice of money politics. Through good political education and awareness campaigns, people can know their rights and obligations as voters and build awareness of the dangers and negative impacts posed by the practice of money politics.

Overall, the practice of money politics is a complex and detrimental issue in the political context of various countries. Continuous efforts, including regulatory improvements, effective law enforcement, public awareness building, and strengthening

¹⁶ Diego Abente Brun and Larry Diamond, *Clientelism, Social Policy, and the Quality of Democracy* (Maryland: Johns Hopkins University Press, 2014).

¹⁷ Brian Septiadi Daud, "Law Enforcement and Overcoming Violations of Money Politics in General Election: Indonesia's Case," *Novelty Law Journal* 11, No. 2 (August 17, 2020): 124, [HTTPS://thee.org/10.26555/novelty.v11E2.A15146](https://thee.org/10.26555/novelty.v11E2.A15146).

¹⁸ Adlin Adlin, Husnul Isa Harahap, and Ali Yusri, "INDONESIAN ELECTIONS IN THE SHADOW OF MONEY POLITICS: STRENGTHENING STAKEHOLDERS' COMMITMENT AND CREATING ANTI-MONEY POLITICS VILLAGES," *International Journal of Asia-Pacific Studies* 18, no. 1 (2022): 169 – 196, <https://doi.org/10.21315/ws2021.20.8>.

¹⁹ Carlos Navarro Fierro et al., *Electoral Studies in Compared International Perspective* (Arenal Tepepan: National Electoral Institute, 2016).

²⁰ Maria Hawilo and Laura Nirider, "Past, Prologue, and Constitutional Limits on Criminal Penalties," *Journal of Criminal Law and Criminology* 114, no. 1 (2024), <https://doi.org/0091-4169/24/11401-0051>.

²¹ Max Grömping, "The Integrity of Elections in Asia: Policy Lessons from Expert Evaluations," *Asian Politics and Policy* 10, no. 3 (2018): 527 – 547, <https://doi.org/10.1111/aspp.12416>.

²² George Towar Ikbak Tawakkal et al., "Consistency and Vote Buying: Income, Education, and Attitudes about Vote Buying in Indonesia," *Journal of East Asian Studies* 17, no. 3 (2017): 313–29, <https://doi.org/10.1017/jea.2017.15>.

²³ Liza Abram Benham, *From Winning Elections to Influencing Policy: The Electoral-Policy Link for Minority Voters* (New York: LFB Scholarly Publishing LLC, 2008).

democracy, are needed to reduce negative impacts and build a more transparent and fair political system.

The Influence of Money Politics on Election Integrity

Basically, money politics has a significant negative impact on the integrity of the election. One of the main influences of money politics is to turn the election process into a vote-buying event, where voters who receive money or other material gifts tend to vote for candidates who offer these rewards, not based on ideological considerations or actual candidate²⁴ qualifications. This ignores the human right of every voter to vote freely and harms the integrity of the election²⁵.

In addition, money politics can also cause political inequality between political parties and candidates who participate in elections. Parties or candidates with greater financial resources tend to have easier access to mass media, more organized campaigns, or even their own election efforts. This can create inequality in political competition and harm the fairness of the election²⁶.

Furthermore, money politics can also damage public trust in the election system. When the people see that a candidate wins an election not based on the support and trust given by the voters, but because of the influence of money, this can create dissatisfaction and distrust in the results of the election. Eroded public trust can threaten political stability and weaken the democratic system itself²⁷.

To overcome the influence of money politics on the integrity of the election, it is necessary to make efforts and take decisive steps. First, strict regulations related to campaign funds are needed, including limits on the amount of funds allowed and legitimate sources of funds. In addition, effective supervision and law enforcement need to be carried out to prevent the practice of money politics and provide a deterrent effect for violators²⁸.

In addition, public education and awareness are also important factors in reducing the influence of money politics. Education about the importance of clean and fair elections, as well as teaching voters to vote based on more rational and careful consideration, can help prevent the practice of money politics²⁹.

money politics has a significant negative impact on the integrity of the election. The practice of money politics turns the election process into a vote-buying event, creates political inequality, damages public trust, and can threaten the democratic system. Therefore, there needs to be strict regulations, effective supervision, as well as public education and awareness to reduce the influence of money politics and maintain the integrity of the election.

²⁴ Andryan et al., "Prevention of Money Politics Through Education Politics in Indonesia."

²⁵ I Wayan Febrianto, Ida Ayu Putu Widiati, and Luh Putu Suryani, "Analysis of the Handling of Money Politics Reviewed from the Election Law," *Journal of Legal Interpretation* 1, no. 2 (2020): 110–15, <https://doi.org/10.22225/juinhum.1.2.2446.110-115>.

²⁶ Kris Nugroho, "Electoral Malpractice, Integrity of the Election Management Bodies : A Case of 2015 Simultaneous Elections in East Java," in *Proceedings of the 1st International Conference on Social and Political Development (ICOSOP 2016)*, vol. 81 (Paris, France: Atlantis Press, 2017), 139–45, <https://doi.org/10.2991/icosop-16.2017.20>.

²⁷ Abdul Jabar, "Implementation of Criminal Sanctions against Members of the Electoral Commission of Elections in Indonesia" 5, no. 4 (2020): 487–96.

²⁸ Curt R. Bartol and Anne M. Bartol, *Criminal Behavior - A Psychological Approach*, 11th Editi (London: Pearson, 2017).

²⁹ Siddiq and Hariyanto, "Legal and Political Policy in Preventing of Money Politics: Case Study and Recommendations."

METHOD

The research methodology employs conceptual techniques and a statutory approach to examine perspectives or doctrines that have evolved in legal scholarship with the objective of generating novel ideas, ideas pertaining to legal concepts and principles that are pertinent to legal matters. The methodology employed in this paper involves doing a thorough investigation through document analysis and literature review. This entails gathering a substantial amount of published literature, documents, expert opinions, and legal publications. Procedure. The employed approach involves descriptive analysis, which entails examining a specific issue and correlating it with relevant literature, expert viewpoints, and legislative frameworks.

RESULT AND DISCUSSION

Foundations of International and National Law

The basis of international and national law related to the prohibition of money politics in elections is an important concern in order to ensure the integrity and sustainability of democracy. Efforts to prevent the practice of money politics that undermine the election process depend on the understanding and application of relevant legal provisions³⁰.

Internationally, the ban on money politics in elections is supported by various legal instruments that have been ratified by United Nations member states. For example, Article 25 of the United Nations Convention on International Technical Supplies and Services for Development (UNCITRAL) provides a broad legal framework for combating corruption, including the prevention of money politics in elections. In addition, the United Nations Convention Against Corruption (UNCAC) also provides a strong legal foundation in the fight against corruption, including the practice of money politics³¹.

At the national level, the prohibition of money politics in elections can be found in various election laws and anti-corruption laws that have been implemented in countries that have implemented democracy. For example, in Indonesia, Law Number 10 of 2016 concerning General Elections expressly states a ban on money politics in general elections and provides legal sanctions for money politics actors³².

In addition, the Corruption Eradication Commission (KPK) acts in its capacity as an institution tasked with fighting corruption and crimes related to money politics in elections. The KPK has the authority to carry out investigations, prosecutions, and prosecutions against violations of the law related to money politics in general elections³³.

³⁰ SEBASTIÁN M. SAIEGH, *Ruling by Statute How Uncertainty and Vote Buying Shape Lawmaking* (New York: Cambridge University Press, 2011).

³¹ Tinuk Dwi Cahyani, Muhamad Helmi Md Said, and Muhamad Sayuti Hassan, "A COMPARISON BETWEEN INDONESIAN AND MALAYSIAN ANTI-CORRUPTION LAWS," *PADJADJARAN Journal of Law (Journal of Law)* 10, no. 2 (2023): 275–99, <https://doi.org/10.22304/pjih.v10n2.a7>.

³² "ANNOTATION OF THE LAW BASED ON THE DECISION OF THE CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA LAW NUMBER 1 OF 2015 CONCERNING THE STIPULATION OF GOVERNMENT REGULATIONS IN LIEU OF LAW NUMBER 1 OF 2014 CONCERNING THE ELECTION OF GOVERNORS, REGENTS, AND MAYORS TO BECOME UN" (n.d.).

³³ Lakso Anindito, "The Scope of Corruption Crimes and Proof of Error in the Corporate Criminal Liability System in Indonesia, the United Kingdom, and France," *Integrity of Anti-Corruption Journal* 3, no. 1 (2017): 1–30, <https://acch.kpk.go.id/id/jurnal-integritas>.

So far, the effectiveness of supervision and law enforcement against money politics in elections is still a challenge in many countries. Therefore, cooperation and coordination between countries are needed in terms of information exchange and experience in preventing and cracking down on money politics in general elections³⁴.

In order to create a quality and transparent election system, it is important to continue to improve understanding and application of international and national legal foundations that prohibit money politics in general elections. Increasing public awareness, quality political education, and transparency in political campaign funding also need to be a focus in efforts to prevent the practice of money politics that undermines democracy.

Case Studies of Countries that Are Effective in Prohibiting Money Politics

Case studies of countries that have effectively banned money politics can provide important insights into strategies and legal instruments that have been successful in combating corruption and abuse of political power. We will carefully analyze various factors such as legal regulations, anti-corruption policies, and the effectiveness of the law's implementation to gather information on the countries that are exemplary in this regard.

Singapore is one country that is considered effective in banning money politics. The country has managed to build a robust and transparent legal system and use advanced technology to monitor and expose the practice of money politics. Singapore law strictly regulates the practice of money politics and provides severe penalties for its violations. In addition, the country is also active in international cooperation in efforts to eradicate corruption by becoming a member of the United Nations Convention for the Eradication of Corruption³⁵.

Furthermore, another country that is also effective in banning money politics is Norway. The country has a strict regulatory system to control political campaign funding and limit political donations³⁶. Norway also applies the principle of transparency in political financing by requiring political parties to publicly report their sources of funding. In addition, Norwegian law enforcement agencies also have strong authority in investigating alleged money politics violations.

In addition to Singapore and Norway, there are also other countries such as Canada, Germany, and New Zealand that are considered effective in combating money politics. These countries have strict laws to regulate political financing and transparency in campaign financing. They also actively involve the public in the process of monitoring and reporting political financing³⁷.

Case studies of countries that have been effective in banning money politics show that an approach consisting of strict laws, transparency in political financing, and active public participation can be an effective instrument in combating political corruption. The

³⁴ Eddy Omar Sharif Hiarej, "United Nations Convention Against Corruption in the Indonesian Legal System," *Law Pulpit - Faculty of Law, Gadjah Mada University* 31, no. 1 (2019): 112, <https://doi.org/10.22146/jmh.43968>.

³⁵ Ujang Komarudin and Pitut Pramuji, "Between Clientelism and Patrimonialism: Local Politics of the Philippines and Indonesia," *JWP (Journal of Political Discourse)* 8, no. 1 (2023): 32, <https://doi.org/10.24198/jwp.v8i1.42602>.

³⁶ Hawilo and Nirider, "Past, Prologue, and Constitutional Limits on Criminal Penalties."

³⁷ Yasmin Dawood, *Constructing the Demos: Voter Qualification Laws in Comparative Perspective, Comparative Election Law* (Edward Elgar Publishing Ltd., 2022), <https://doi.org/10.4337/9781788119023.00025>.

importance of building a strong and supportive legal system, as well as conducting international cooperation to prevent and expose the practice of money politics is also a valuable lesson that can be learned from these countries.

Recommendations for the Indonesian Context

Money politics is a troubling phenomenon in the political system in Indonesia. In many cases, money politics often affects the integrity and quality of the democratic process, as well as distorts public choice³⁸. To address this, it is important for the Indonesian government to improve or make effective laws in banning the practice of money politics. In this article, some recommendations on how to achieve this.

First, it is necessary to increase penalties and sanctions for money politics actors. Currently, the sanctions given to the practice of money politics are not sufficient to prevent this practice from happening. Therefore, existing laws need to be revised to strengthen stricter penalties and sanctions, including larger fines, heavier criminal penalties, disqualification from political office, and annulment of election results for those proven to be involved in money politics³⁹.

Second, it is important to increase transparency in political campaigns. One way to do this is to establish regulations that require campaign organizers to publicly and clearly report the origin of funds used for political campaigns. By disclosing the source of funds clearly, the public can monitor and supervise the practice of money politics that occurs⁴⁰.

Third, it is necessary to support the expansion of the authority of the Corruption Eradication Commission in handling money politics. The Corruption Eradication Commission in Indonesia is crucial in combating money politics, and granting broader authority to the KPK could enhance its effectiveness in investigating, prosecuting, and preventing such activities.

Finally, it is important to educate and provide counseling to the public about the dangers and negative impacts of money politics. Through effective public education programs, people can become more familiar with the practice of money politics, identify unlawful actions, and report money politics activities to the appropriate authorities. This counseling can also increase public awareness of the importance of integrity and transparency in the political system.

Evaluation of Implementation in Previous Elections

In an effort to ensure fairness, thoroughness, and integrity in the election process in Indonesia, a prohibition on money politics has been enforced. This is intended to prevent corrupt practices and minimize the influence of money in influencing election results.

³⁸ Mahbub Ainur Rofiq, "Discourse on the Debate of Money Politics Practice in the Perspective of the Istishlahy Method," *Al-Istinbath: Journal of Islamic Law* 6, no. 2 (2021): 179 – 204, <https://doi.org/10.29240/jhi.v6i2.2074>.

³⁹ Dwi Cahyani, Helmi Md Said, and Sayuti Hassan, "A COMPARISON BETWEEN INDONESIAN AND MALAYSIAN ANTI-CORRUPTION LAWS."

⁴⁰ Ibnu Sina Chandranegara, Syaiful Bakhri, and Nanda Sahputra Umara, "Optimizing the Restriction of Campaign Funds for Regional Heads as a Prevention of Corrupt Political Investment," *Law Pulpit - Faculty of Law, Gadjah Mada University* 32, no. 1 (2020): 30, <https://doi.org/10.22146/jmh.47512>.

However, it is important to evaluate the implementation of this provision in previous elections to know its effectiveness.

One of the elections that needs to be evaluated is the 2019 Legislative General Election (Pileg). Even though there are provisions prohibiting money politics that have been enforced, there are still findings of violations that have occurred. The practice of money politics is still ongoing, such as distributing money to voters with the aim of winning certain candidates. These violations show that the implementation of the provisions of the prohibition on money politics is still not optimal.

The presidential election that took place in 2014 is also a concern in this evaluation. Even though there is a ban on money politics that has been enforced, there are still cases of distributing money to voters. In addition, there is also the use of campaign funds that is not transparent and accompanied by abuse of authority to obtain political support. The success in implementing the ban on money politics in the presidential election is still a question.

Violations of the provisions prohibiting money politics were also found in the 2014 Legislative General Election (Pileg). Some cases involve the distribution of money to voters both openly and covertly. In some cases, the misuse of campaign funds has also been exposed, which shows that existing regulations are still not able to properly address the practice of money politics.

One of the important decisions related to the money politics case is the Constitutional Court Decision Number 114/PUU-XX/2022⁴¹. In this decision, the Constitutional Court strengthened the prohibition of money politics in Indonesia's election practice and stated that money politics undermines democracy, threatens election independence, and harms electoral fairness. This decision also states that money politics violates the principles of equality and justice in general elections.

However, despite court rulings related to money politics in previous elections, challenges in implementation and law enforcement remain. The practice of money politics is often difficult to ascertain concretely and openly, and often involves various parties with diverse political interests. Therefore, it is important for law enforcement agencies to continue to increase their capacity and cooperation with relevant parties in identifying, investigating, and adjudicating money politics cases effectively and fairly.

The use of money politics in election practices in Indonesia has become a serious concern in society. Although there are many money crimes involved in elections, many of them are not arrested and brought to justice. Even more ironically, some of them even managed to become winners in the election. This phenomenon raises deep concerns about the integrity and sustainability of the democratic process in Indonesia.

Perpetrators of money politics crimes can include various actors, be it candidates, political parties, or individuals involved in the election process. They carry out corrupt practices such as giving cash, gifts, or promises to voters with the aim of influencing the election results. This practice not only violates democratic principles, but also undermines public trust in the electoral process and democratic institutions.

⁴¹ Constitutional Court of the Republic of Indonesia, "DECISION Number 114/PUU-XX/2022" (2022), www.aging-us.com.

One of the factors contributing to the low rate of arrests and prosecutions of money political crimes is the lack of sufficient evidence to reveal the practice. Involved parties often use sophisticated and hard-to-trace methods to avoid disclosure of their illegal activities. In addition, the limited resources and ability of investigators to collect evidence are also obstacles in effectively uncovering money politics cases.

In addition, there are also political and power factors that affect the handling of money politics cases in elections. In some cases, money politicians who have close ties to the authorities or have great political power can avoid legal prosecution or even get protection from law enforcement officials. This raises public doubts about the independence and fairness of the judicial system in Indonesia.

In overcoming this problem, it is important for law enforcement officials, the General Election Commission, and the Corruption Eradication Commission to work together actively. More intensive investigations must be carried out in exposing the practice of money politics and ensuring that the perpetrators of crimes are given appropriate punishments in accordance with applicable law. In addition, there is also a need for efforts to increase public awareness of the importance of maintaining election integrity as a strong foundation for democracy.

The practice of money politics in Indonesian elections is a serious threat to the integrity of the democratic process. Perpetrators of money politics crimes who are not arrested and prosecuted firmly show weaknesses in the law enforcement system and election governance. To ensure the sustainability of a healthy democracy, there needs to be strong cooperation between the authorities, the General Election Commission, and the Corruption Eradication Commission in overcoming this problem and increasing public awareness of the importance of maintaining the integrity of elections.

Challenges and Obstacles in Implementation

The challenges and obstacles to implementing the provisions prohibiting money politics in Indonesia's election practice are complex and significant issues. Despite the government and related institutions' efforts to address the issue of money politics, numerous challenges remain.

First of all, one of the main challenges in the implementation of the provisions prohibiting money politics is the low awareness and understanding of the public about the importance of limiting the practice of money politics. It is challenging to effect change due to the long-standing political culture in society. Some people may still see money politics as a natural thing and even accept it in the political process.

Additionally, the implementation of the provisions prohibiting money politics is hindered by law enforcement issues. Voters often find it difficult to prove that money politics is happening, and law enforcement officials often struggle to gather evidence strong enough to prosecute money politicians. Limited resources and capacity of law enforcement officials are also obstacles to handling money-politics cases.

Not only that, but the relationship between politics and economics is also an obstacle to the implementation of the prohibition on money politics provisions. Some political actors have strong ties to the business sector and often use economic resources to influence election outcomes. This creates unfairness in political competition and diminishes opportunities for candidates who do not have strong financial support.

Furthermore, technological advancements pose a significant challenge to implementing the provisions that prohibit money politics. The practice of money politics has shifted to digital platforms, where political actors can easily distribute funds in the form of online donations. The technology's wide reach and anonymity can exacerbate the problem of money politics, making it difficult to monitor and handle.

The government, related institutions, political parties, and society as a whole must make comprehensive and sustainable efforts to overcome these challenges and obstacles. We need to prioritize increasing public awareness and education about the negative impact of money politics. Furthermore, increasing law enforcement's capacity and effectiveness, as well as strengthening cooperation between law enforcement officials and other related agencies, is critical to overcoming this challenge.

Furthermore, we must make efforts to separate politics from economics. We need to enforce stricter regulation and transparency in political campaign funding by increasing oversight and reporting on the source of campaign funds. Furthermore, we must strengthen measures to combat the misuse of technology in money politics, including implementing regulations governing the use of social media and online platforms in political campaigns.

These are some of the challenges and obstacles in Indonesia's implementation of the provisions prohibiting money politics in election practice. Despite the complexity, we hope to achieve an increase in justice and integrity in our country's political process through commitment and cooperation across sectors.

Strategies to Ensure Compliance and Law Enforcement

Ensuring compliance and law enforcement related to the provisions prohibiting money politics in election practices in Indonesia is essential in order to maintain integrity and fairness in the general election process. The provisions prohibiting money politics aim to prevent corrupt practices, unfair elections, and manipulation of public opinion that can interfere with a healthy democratic process.

The law must be fair and treat everyone equally⁴². In the context of money politics, this means creating legal provisions that guarantee fair political competition and prevent undue influence from financial resources. Fairness requires that all candidates and political parties have an equal opportunity to participate in the political process without being harmed by financial disparities.

Legal provisions must be clear, precise, and predictable. For laws that oppose money politics, this involves defining what constitutes money politics, defining prohibited acts (e.g., bribery, vote buying), and outlining the legal consequences of violations. Legal certainty

⁴² Leawoods H Radburch, Gustav, "An Extraordinary Legal Philosopher," *Journal of Laws and Policy* 2, no. January (2000): 489.

ensures that individuals and entities understand the boundaries of lawful behavior and the penalties for crossing those boundaries⁴³.

The law must serve a social purpose and contribute to the well-being of society as a whole. In dealing with money politics, legislation should aim to improve the integrity of the electoral process, promote public trust in political institutions, and foster a democratic culture in which political decisions are made based on merit rather than financial influence.

To ensure compliance and law enforcement with the provisions of the prohibition on money politics, several effective and comprehensive strategies are needed. The following are some strategies that can be implemented:

1. **Public awareness and education:** Increasing the general knowledge and understanding of the significance of combating the practice of money politics and its consequences for the democratic process is a crucial initial measure. Through social campaigns, seminars, and public conversations, we must provide the public with a clear understanding of the perils of money politics and the importance of reporting and resisting this practice. Disseminating information to the general public regarding the perils of money-driven politics and fostering a climate of honesty and ethical behavior in the political sphere can diminish both the desire for and availability of corrupt practices during elections. Public awareness campaigns have the ability to empower voters to refuse the influence of money in politics and insist on fair elections.
2. **The mass media plays a crucial role in ensuring adherence to the regulations against money politics.** The media should operate with professionalism and autonomy in order to expose and oversee the financial activities associated with the political process. In addition, it is imperative to allocate adequate resources for law enforcement agencies and affiliated institutions to disclose information regarding instances of political corruption involving monetary transactions.
3. **Enhancing the capacity of law enforcement agencies:** It is imperative to provide the power and resources to the police, the prosecutor's office, and the Corruption Eradication Commission to effectively investigate, prosecute, and bring to justice instances related to money politics. These entities must possess capable and well-trained personnel and possess adequate ability to address infractions related to the misuse of money in politics.
4. **Imposing rigorous oversight:** It is crucial to create autonomous entities to monitor and regulate the enforcement of laws against corrupt political practices. These entities should possess the jurisdiction to examine accusations, bring legal action against offenders, and administer penalties in a fair and unbiased manner. The Supervisory Task Force and the General Election Supervisory Agency should conduct rigorous oversight of potential election participants' campaign finances. Their primary responsibility is to oversee the utilization of campaign cash and detect any signs of corrupt practices by candidates or political parties.

⁴³ Sholahuddin Al Fatih, "The Application of Threshold in Elections," *Audito Comparative Law Journal* 1, no. 2 (2020): 78–84, <http://ejournal.umm.ac.id/index.php/audito/article/view/13973>.

5. Stringent penalties: Strict fines are necessary to ensure compliance with the prohibition on money politics. The relevant legislation should outline strict legal penalties for instances of corruption in political financing. Imposing stringent punishments will discourage individuals involved in money politics and increase awareness among potential election candidates about the legal repercussions they may face. The legislation should establish a precise delineation of the concept of money politics, encompassing explicit activities such as the provision of monetary funds or presents to voters, the use of financial inducements to sway political judgments, and other manifestations of electoral corruption. The legal structure should have appropriate penalties as part of a comprehensive strategy of strong and stringent penalties that act as deterrence. These consequences may encompass legal sanctions, monetary penalties, ineligibility for public office, and further measures that appropriately correspond to the gravity of the wrongdoing. Legislation should enforce transparency in political fundraising, requiring candidates and parties to disclose the origins of their funds and expenditures throughout campaigns. Accountability can be enhanced by the implementation of independent audits and public reporting.
6. Cooperation between different agencies: Effective collaboration among law enforcement agencies, regulatory bodies, and electoral authorities is crucial for ensuring the successful enforcement of laws pertaining to the prohibition of corrupt electoral practices. This collaboration can manifest through the exchange of information, the coordination of activities, and the establishment of cross-agency investigation teams to find instances of corrupt practices involving money in politics.

By implementing the strategies described above, it can be expected that compliance and law enforcement of the provisions prohibiting money politics in election practices in Indonesia can be improved. These efforts are important to ensure the integrity of elections, encourage transparency, and strengthen the foundations of domestic democracy.

Evaluation of More Honest and Fair Elections

One of the crucial aspects of election evaluation is the existence and quality of election organizing institutions. Election organizing institutions, such as the General Election Commission, have a central role in ensuring the implementation of honest and fair elections. Evaluation of the success of the organizing institution in carrying out its duties is the main key to improving the electoral system. We need to create an institution that is independent, transparent, and possesses sufficient expertise in managing the election process.

Furthermore, we must evaluate the rules and regulations that govern the course of the election. Clear and comprehensive legislation will provide an adequate framework for the implementation of honest and fair elections. In this evaluation, it is important to assess whether the regulation accommodates the interests and needs of all parties involved in the election, including political parties, candidates, and voters. The involvement of all parties in

the creation and revision of regulations will increase the legitimacy of the election and reduce the potential for manipulation.

Furthermore, evaluation of political participation and voters is also important in improving honest and fair elections. Active political participation from all elements of society, including political parties, community organizations, and individuals, is crucial to ensuring the sustainability of democracy. We must encourage and improve voter involvement in the election process, as it is a citizen's right. We can conduct this evaluation by analyzing factors that influence voter participation, including the significance of elections, the accessibility of voting facilities, and the availability of accurate information.

Lastly, it's important to evaluate law enforcement and justice in elections. Effective and fair law enforcement will help to control and prevent violations in elections, while also maintaining the honesty and integrity of the election process. All stages of the election, from candidate registration to vote counting, must uphold justice. Independent institutions and political parties can serve as monitors to evaluate the mechanisms for enforcing and applying law and justice in elections.

Overall, we must thoroughly and continuously evaluate more honest and fair elections. Involving all stakeholders and parties involved in the election is the main key to efforts to improve the electoral system. We hope that a comprehensive and objective evaluation will make the electoral system more inclusive, transparent, and capable of producing a more accurate representation of the people's will in the future.

Response of the Community and Related Parties

The public's and related parties' responses to more honest and fair elections and the prohibition of money politics have been varied. Every few years, we celebrate democracy, raising hopes for continuous improvement in honesty and fairness in the election process. In this context, the response of the community and related parties can provide a variety of views, ranging from support to rejection of the idea.

Various factors, such as cultural background, previous experience, level of education, and perception of the country's political process, can influence the public's response to more honest and fair elections or the prohibition of money politics. People who understand the importance of a fair and corruption-free electoral process often support the implementation of the ban on money politics to ensure honest and fair elections.

However, not all people have the same understanding of this issue. Some people may doubt the effectiveness of the ban on money politics, arguing that efforts to prevent the practice would be difficult to implement or risk hindering legitimate political participation. Others contend that the prohibition of money politics not only links to fair and honest elections, but also necessitates broader reforms in the political and legal systems.

Furthermore, the responses from related parties, including political parties, election supervisory agencies, and the government, are also diverse. Political parties involved in the general election process have different interests. Some political parties may support banning

money politics as a way to reduce corruption and strengthen electoral integrity, while others may view it as an unnecessary restriction or detrimental to their political interests.

Election supervisory institutions and the government play an important role in determining the implementation of the ban on money politics and encouraging more honest and fair elections. The response from these institutions could reflect their efforts to realize elections that are transparent and free from fraud.

In order to overcome differences of views and responses to more honest and fair elections and the prohibition of money politics, it is important for all relevant parties to engage in constructive and fair dialogue. The community, political parties, supervisory institutions, and the government must collaborate to enhance the electoral system, ensuring it adheres to the principles of justice, integrity, and transparency.

Effective implementation of more honest and fair elections and the prohibition of money politics requires measures such as strict law enforcement, the eradication of corruption, increased public awareness, and strict supervision from all relevant parties. We can only achieve this goal and increase public trust in the electoral process through strong collaboration and continuous efforts.

Successful Cases of Enforcement of the Money Politics Ban and Challenges in Enforcement

Some nations have successfully enforced a ban on money politics, serving as a model for other nations to combat corruption and uphold the integrity of their political systems. One striking example of this is in Finland. In this case, law enforcement agencies succeeded in handling and exposing the practice of money politics involving politicians. Law enforcement agencies' decisive action sends a strong signal that they will not tolerate violations of the ban on money politics. In this case, the ban on money politics was taken seriously by politicians and businessmen, which ultimately reduced corrupt practices in the Finnish political system⁴⁴.

In addition, cases of successful enforcement of the ban on money politics can also be found in countries such as Singapore and Canada. In Singapore, authorities are actively monitoring and investigating suspicious sources of political funding. They also apply strict penalties for violations of the prohibition on money politics⁴⁵. A similar case also occurred in Canada, where a strict monitoring system and close coordination between law enforcement agencies succeeded in uncovering the practice of money politics involving prominent politicians⁴⁶.

Although there have been several successful cases of enforcing the ban on money politics, efforts to enforce this rule still face challenges. One of the main difficulties is gathering enough evidence to prove the existence of money politics. Political corruption

⁴⁴ Emma-Lotta Mäkeläinen, Sofia Toivonen, and Tiina Räsänen, "Proper, Weighty and Extremely Weighty Cause to End an Employment Contract in Finland," *Udayana Journal of Law and Culture* 2, no. 1 (2018): 1, <https://doi.org/10.24843/ujlc.2018.v02.i01.p01>.

⁴⁵ Komarudin and Pramuji, "Between Clientelism and Patrimonialism: Local Politics of the Philippines and Indonesia."

⁴⁶ M S Shabbir, A K Rehman, and T Akhtar, "The Role of Global Actors in the Liberalization of Indonesian Economy through Its Financial Institutions," *Journal of Internet Banking and Commerce* 21, no. 1 (2016), <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84963720184&partnerID=40&md5=5065750fd393494b64ca91ffe87fdd64>.

typically occurs behind closed doors and in a covert manner, making it challenging to gather evidence strong enough to convict the perpetrators. In addition, political interference is also often an obstacle to enforcing the prohibition of money politics. Politicians who have power or influence often obstruct the investigation and protection of corruption in the political system.

Another problem is the public's lack of awareness and participation in fighting money politics. People are often indifferent to political activities and unaware of the adverse impact of political corruption on the state and government. The lack of active participation from the public makes efforts to enforce the ban on money politics less effective.

The success of enforcing the ban on money politics is an important factor in ensuring integrity and transparency in a country's political system. Successful cases of enforcement of money politics bans in countries such as Finland, Singapore, and Canada show that with strong commitment and decisive action, the practice of money politics can be reduced or eliminated entirely. However, challenges such as difficulty in gathering evidence and political interference are still obstacles in efforts to enforce the ban on money politics. Therefore, greater efforts are needed to increase public awareness and strengthen law enforcement agencies in countering the practice of money politics.

1. Finland

The enforcement of the ban on money politics in Finland is one of the important aspects in maintaining the integrity of democracy and ensuring a fair election process and free from unauthorized financial interference. In an effort to counter money politics and strengthen the existing regulatory system, Finland has adopted a number of specific legislative and policy measures⁴⁷.

First, Finland has strict and clear laws regarding political campaign funding. The law sets limits on donations that can be given to political parties and candidates, and requires them to report with transparency all donations received. This step is important in ensuring that the source of political funding does not come from unauthorized or dubious sources.

In addition, Finland also has a strong surveillance system when it comes to funding political campaigns. The Finance Supervisory Authority is responsible for monitoring and supervising the implementation of political campaign financing laws. They conduct audits and investigations of political parties and candidates to ensure compliance with existing regulations. The existence of this independent supervisory body leads to more effective law enforcement in preventing the practice of money politics that violates the rules.

Furthermore, Finland is active in promoting transparency and accessibility of information related to political financing to the public. Authorities make regular publications about donations received by political parties and candidates and their use. This plays an important role in increasing public awareness of sources of political funding and correcting potential violations of the prohibition of money politics.

⁴⁷ Raimo Lahti, "Towards a More Efficient, Fair and Humane Criminal Justice System: Developments of Criminal Policy and Criminal Sanctions during the Last 50 Years in Finland," *Cogent Social Sciences* 12 (2017), <https://doi.org/10.1080/23311886.2017.1303910>.

In practice, the enforcement of the ban on money politics in Finland is also supported by the awareness and integrity of politicians and voters. The adoption of strong political ethical values and the rejection of corrupt practices and money politics are considered crucial in the fight against money politics in the country.

However, although there have been concrete steps to enforce the ban on money politics in Finland, challenges and loopholes remain in oversight and law enforcement. Technological developments, such as the internet and social media, have allowed for more hidden and difficult to identify practices of money politics. Therefore, constant updates and improvements in the system of supervision and regulation are increasingly important to ensure effective enforcement of the prohibition of money politics.

2. Singapore

First of all, the Singapore government has implemented strict regulations regarding political campaign financing. According to the Parliamentary Elections Act and the Referendum Act, political parties are required to disclose the source and amount of funds used during the campaign. In addition, there is also a ban on the use of funds from foreign sources⁴⁸.

Second, the Singapore Elections Department is responsible for monitoring and enforcing rules related to money politics. They have the authority to investigate alleged violations and can refer the case to court. The commission also has close cooperation with other law enforcement agencies, such as the police and the anti-corruption commission, to ensure the effectiveness of law enforcement and the prevention of the practice of money politics.

Third, Singapore also involves the public in efforts to prevent money politics. The government has launched a public awareness campaign that aims to increase public knowledge and understanding of the practice of money politics that is detrimental to the democratic process. Through this campaign, the public is invited to report alleged violations and provide relevant information to law enforcement agencies.

Fourth, the government has also implemented strict sanctions against violations of the ban on money politics. These sanctions include hefty fines, disqualification of candidates or political parties involved, as well as criminal penalties for those found guilty of money politics practices. This strict punishment aims to provide a deterrent effect to violators and prevent the practice of money politics in the future.

Overall, the enforcement of the ban on money politics in Singapore can be said to be effective and decisive. The steps that have been taken by the Singapore government through regulation, monitoring, community participation, and strict sanctions, provide a strong foundation to counter the practice of money politics. This promotes integrity and fairness in the political process in Singapore, as well as strengthens the country's democratic system.

⁴⁸ Sunarso et al., "Elections as a Means of Citizens Political Education: A Comparative Study between Indonesia and Malaysia," *Educational Horizons* 41, no. 1 (2022): 129 – 141, <https://doi.org/10.21831/cp.v41i1.44305>.

3. Canada

The enforcement of the ban on money politics in Canada is an integral part of the country's legal system. The Canadian government has a strict legal framework to prevent and crack down on money politics. The main purpose of the ban on money politics in Canada is to ensure integrity in the electoral process and maintain a fair democracy⁴⁹.

One of the main steps in enforcing the ban on money politics in Canada is through legislation on political financing. This law regulates the restrictions and requirements that political parties, candidates, and individuals participating in the election process must adhere to. The law addresses a variety of aspects, including campaign contributions, campaign expenses, and political party financial statements.

Under Canadian law, there are clear restrictions related to political donations. Individuals are allowed to make donations within certain limits to ensure that no party has undue influence in the election process. In addition, the prohibition of money politics also prohibits donations from companies and labor unions. This is done to avoid the influence of special interests that may undermine political independence and transparency.

The government and election watchdogs also have an important role to play in enforcing the ban on money politics in Canada. These institutions are responsible for monitoring and examining the financial statements of political parties and candidates. They have the authority to investigate alleged violations, impose sanctions, and take legal action if necessary.

In addition, the active participation of the public is also important in enforcing the ban on money politics in Canada. Aware of the consequences of money politics, the public is expected to report any indications of violations they encounter. In this case, the whistleblower protection act also provides protection for those who report alleged money politics violations.

Nonetheless, it is important to recognize that enforcement of the prohibition of money politics is not always perfect and can still potentially face challenges. Therefore, the government continues to make efforts to improve the existing legal framework and ensure that all parties act in accordance with existing regulations.

Overall, the enforcement of the ban on money politics in Canada is aimed at maintaining integrity in the electoral process and ensuring a fair democracy. This legal framework sets strict limits and requirements for political parties, candidates, and individuals involved in politics. Through the role of the government, supervisory agencies, and community participation, the enforcement of the ban on money politics is taken seriously and is considered very important in maintaining political justice in Canada.

CLOSING

Conclusion

Based on the above analysis, it can be concluded that the importance of honest and fair general elections (Elections) as a pillar of democracy. However, the practice of money

⁴⁹ Dawood, *Constructing the Demos: Voter Qualification Laws in Comparative Perspective*.

politics often undermines the integrity and fairness of elections. Therefore, it is necessary to formulate strict legal provisions to prohibit money politics in elections. Money politics refers to the giving of cash, gifts, or other material rewards by candidates or political parties to voters to influence their votes. This practice gives an unfair advantage to candidates who have abundant financial resources, depriving voters of a sense of justice and independence.

The practice of money politics in Indonesian elections has become a serious concern because it damages the integrity of the democratic process. Despite law enforcement efforts, there are still many challenges that must be overcome to effectively eradicate money politics. Law enforcement against money politics actors is often hampered by a lack of evidence and the capacity of law enforcement officials. Sophisticated methods used by perpetrators to evade detection and strong political connections often hinder fair law enforcement processes. Legal provisions must be clear, precise, and predictable. For laws that oppose money politics, this involves defining what constitutes money politics, defining prohibited acts (e.g., bribery, vote buying), and outlining the legal consequences of violations. Legal certainty ensures that individuals and entities understand the boundaries of lawful behavior and the penalties for crossing those boundaries.

Several court rulings have acknowledged the practice of money politics in elections, but challenges in law enforcement remain due to the complexity and diversity of political interests involved.

The need for legal reform emphasizes the importance of strong legal and enforcement mechanisms to combat money politics. Key points highlight the shortcomings of Election Law No. 7 of 2017 and suggest potential reforms and increased law enforcement to reduce vote buying and corruption in Indonesian elections. The law must be fair and treat everyone equally. In the context of money politics, this means creating legal provisions that guarantee fair political competition and prevent undue influence from financial resources. Fairness requires that all candidates and political parties have an equal opportunity to participate in the political process without being harmed by financial disparities.

Recommendations for Improving the Electoral System in Indonesia

Strengthening the Legal Framework: There needs to be a firmer and more effective formulation of legal provisions to prohibit the practice of money politics. These provisions should include clear limits, the types of actions that are considered money politics, as well as severe sanctions for violators.

Effective Supervision Mechanisms: It is important to ensure that institutions such as the KPU, Bawaslu, and KPK have adequate capacity to oversee and crack down on money politics violations. Cooperation between these institutions is very important in law enforcement efforts.

Increased Public Awareness: Education and socialization campaigns regarding the prohibition of money politics should be improved to change public perceptions of money politics and increase public active participation in reporting violations.

International Collaboration: Adopting international best practices and standards in banning money politics can help strengthen law enforcement efforts in Indonesia. Cooperation with international institutions can also provide additional support and resources.

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