

# REFORMULATION OF THE MONEY POLITICS PROHIBITION NORM TO ACHIEVE DEMOCRATIC REGIONAL HEAD ELECTIONS IN INDONESIA

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## **Keywords**

*Regional Head Election, Money  
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## **ABSTRACT**

This study is aimed at determining whether the implementation of the norm prohibiting money politics in Indonesia has been enforced in accordance with existing laws and regulations, and why they have not succeeded in curbing the practice of money politics. This study uses a normative legal research method or doctrinal legal research, supported by empirical research, with a statutory approach and case studies. The study uses secondary data obtained from the literature, including official documents, books, research results in the form of reports, and other forms of data. The results of this study reveal that the very limited time limit, namely 5 working days at Bawaslu to obtain two pieces of evidence and 14 days for the police to conduct an investigation, is the main factor in the low performance of law enforcement for money politics, and the failure of the application of administrative sanctions against candidates who are proven guilty of violating the prohibition on political money in a TSM manner.

## **INTRODUCTION**

The direct regional head elections in Indonesia which have been implemented since 2005 have not run according to the principles of democratic elections. Initially, the five-year political agenda was expected to produce regional heads who were clean, had integrity, were professional, pro-people's interests, and democratic.

According to government theory experts, there are at least five important functions of direct regional head elections in the implementation of government, namely: As an instrument of democratization, where local residents elect their regional heads according to their common will; Opening up deliberation space for the community, namely electing regional heads based on the suitability of the vision, mission, and programs offered by candidates with the interests of the community (MD, 2012); Producing aspirational, quality, and legitimate leaders, with accountability that is truly directed to the people (Thaib, 2009); Becoming a means of accountability as well as a means of evaluation and political control of the public towards regional heads and the political forces that support them (Djohermansyah, 2014); and, therefore, becoming one of the significant political breakthroughs in realizing democratization at the local level so that it promises improvements in democracy at the national level.

After being held for around 18 years or each region has held three or four round of regional elections, the five-yearly local political agenda has always been tainted by money politics; almost all candidates use an electoral mobilization strategy by giving money or goods to voters in exchange for votes. According to a survey conducted by the Indonesian Survey Institute after the 2020 Pilkada voting, it was found that 17 percent of voters, productive-aged men, admitted to being offered money or goods

to vote for certain candidates. A survey conducted by Indikator Politik Indonesia in South Tangerang showed that 56.8% of respondents considered money politics in the Pilkada as a normal matters.

Based on an analysis of aggregate data from regional election surveys in the period 2006-2015, Burhanuddin Muhtadi concluded that voter acceptability of offers of money or goods from candidates in exchange for votes was very high. Using 200,000 survey respondents from the beginning of the regional elections to 2015, Muhtadi found that 4 out of 10 voters considered that giving out money and gifts to voters as an effort to win the regional elections to be very reasonable (Muhtadi, 2021). The electoral mobilization strategy by buying voters' votes is not new, and has occurred in almost all democratic countries. The target or target of vote buying is generally poor voters, because the price of poor voters' votes is cheaper. By spending relatively little money, you can get relatively more votes. For poor voters, it is better to get a gift or money that is smaller but certain now, rather than expecting a bigger but uncertain one (Stokes, 2022). Candidates of course also try to get support from wealthy voters. To gain support from this group, candidates or political parties do not give money, but rather use programmatic campaign strategies (Stokes, 2022).

Theorists consider electoral mobilization by buying voters' votes to be an electoral manipulation strategy (Schaffer, 2022). Stokes (2022) said that vote buying has an essential conflict with democracy, especially in the "equality aspect." The problem is, vote sellers no longer use the opportunity, because of their votes have been given in exchange for the money or materials they receive, regardless of the candidate's or party's program that has bought their votes. In addition to violating broad democratic principles, vote buying also damages the quality of democracy in more specific ways: election results are not legitimate because they are produced by fraudulent actions; elected officials are likely not qualified to run a democratic government (Anthony et al., 2021; Jang & Chang, 2016; Piazza, 2022; Selepe & Mehlape, 2023); elected officials tend to be indifferent to policy formulation, programmed development, and accountability practices and tend to ignore the interests of vote sellers, namely the poor; The need to fund vote buying can provide perverse incentives for criminality and the criminalization of politics (Schaffer, 2022).

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In addition to damaging the integrity of elections, particularly in Indonesia, vote buying has further given rise to post-election political corruption. Given that they have to fund vote buying, candidates are forced to spend very large costs. It is estimated that to become a regent, a candidate has spent around IDR 20-30 billion in the election and as much as IDR 50-100 billion to become a governor. To cover these costs, according to the Indonesia Corruption Eradication Commission (KPK) study, 82 percent was funded by third parties, where the candidates then have to return the funds by buying and selling policies and other acts of corruption (MD, 2012).

In the last few decades, quite a lot of theorists have conducted research on vote buying in elections, but not many have cared to find ways to prevent it. Researchers who are sensitive to vote buying in elections and the damage it causes, propose four forms of solutions, namely (1) socialization and political education about anti-vote buying; (2) institutional reform of political parties, which is intended to carry out ideology-based work; (3) strengthening the bargaining position of civil society in electoral

politics, and (4) making vote buying a criminal act (Ardianto, 2021). Many democratic countries have tried to implement some or all of the four forms of solutions, including Indonesia, but the problem of vote buying in general elections has not been resolved.

To respond to these various problems, this study was conducted to determine whether the implementation of the norm prohibiting money politics in Indonesia. It was carried out in accordance with applicable laws and regulations and why the norm has not succeeded in preventing this illegal practice in the implementation of regional head elections. The research contribution of this study lies in its examination of the implementation and effectiveness of norms prohibiting money politics in Indonesia, specifically in the context of regional head elections. The study provides valuable insights into whether these norms have been enforced in accordance with existing laws and regulations, and why they have not succeeded in curbing the practice of money politics. By identifying gaps in the implementation of these norms, the research contributes to a better understanding of the challenges in electoral governance and offers potential areas for legal and policy reform to strengthen the integrity of elections in Indonesia.

## METHODS

This study uses a normative legal research method or doctrinal legal research, supported by empirical research, with a statutory approach and case studies. Through the statutory approach, the study focuses on analyzing the substance of the legal norm prohibiting money politics regulated in the Regional Election Law and its consistency with other laws and regulations and applicable legal principles. Meanwhile, the case approach is carried out by analyzing the judge's decision that has legal and binding force (*in kracht van gewijsde*) in handling violations of the prohibition on money politics in the Regional Election. This study uses secondary data obtained from the literature, including official documents, books, research results in the form of reports and other forms. In addition, this research uses primary, secondary and tertiary legal materials, which are the most important parts of legal research.

## RESULTS

To prevent money politics in regional head elections, the Regional Election Law prohibits anyone from giving or promising money or other materials to influence voters in making their choice. However, in every regional election, candidates always distribute money or goods to voters as one of their winning strategies. The provision of money or goods is usually done by candidates through their intermediaries, commonly referred to as campaign teams.

Many parties, such as Election Supervisory Board and civil society groups, have tried to develop public awareness of the negative impact of money politics to the political life and democratic values. However, these efforts seem to have evaporated. Public perception of vote buying is increasingly permissive, as shown in table 1 below.

**Table 1.** Survey Results on Public Perception of Money Politics in the 2006-2020 Elections

Survey Institution	Year	Public Perception of Money Politics	
		<i>Accept as something natural</i>	<i>Reject as something natural</i>
Lembaga Survei Indonesia (LSI)	2006 - 2015	39,4 %	60,2 %
Badan Pusat Statistik (BPS)	2015	40,71 %	59,29 %
Badan Pusat Statistik (BPS)	2017	33,73 %	65,27 %
Sindikasi Pemilu dan Demokrasi (SPD)	2020	Sumatera: 62,95 %, Jawa: 60%, Kalimantan: 64,77%	-

*Source: Compiled from Various Sources*

Dewi Pettalolo, Member of Bawaslu for the 2017-2022 Period, also acknowledged a shift in values in society regarding money politics. Voters, especially those from low-income communities, tend to choose candidates who give money or other materials, regardless of the quality of the candidate. On the other hand, most regional head candidates try to win voter support like that by offering or giving money or goods.

According to the results of a survey conducted by the Indonesian Survey Institute after the 2020 simultaneous regional elections, it was found that 21.9% of voters in the regional elections admitted that they had been offered money or goods once or twice to vote for a particular regional head candidate. If this percentage is compared to the number of voters in the 2020 simultaneous regional elections which reached 100,359,152 people, it is estimated that around 22 million voters have been offered money by the campaign team (as intermediary of) regional head candidates.

There are no reports on whether voters who were offered money or goods accepted it or not. However, logically, the group of voters who consider giving money to be normal are more likely to accept it when they are offered the money or goods. If so, using data from the Democratic Election Syndicate survey, which found that around 62% of voters in the 2020 simultaneous regional elections considered giving money or materials from candidates to be normal, it is estimated that more than 10 million voters in the 2020 regional elections were exposed to money politics.

According to Law Number 10 of 2016, voters who receive money or goods from candidates or their intermediaries are committing a criminal act, the punishment of which is the same as that threatened against the giver. This means that from the perspective of the number of legal subjects who received it, in the 2020 regional elections there were at least 10 million cases of money politics, which should have been handled by the election law enforcement officers. This number does not include the cases carried out by the giver who has not been counted. If it is assumed that to distribute money or goods to 200 voters is needed one intermediary person, then to distribute money or goods to 10 million voters is needed around 50,000 person. This means that from the side of the giver there will be at least 50,000 cases of criminal acts of money politics in the 2020 Pilkada. Thus, in the implementation of the 2020 Pilkada, there will most likely be around 10,050,000 cases of criminal violations of money politics.

The rampant practice of money politics as seen through the figures above shows that the legal norm prohibiting money politics is not effective in achieving its goals. The effectiveness of the law is the ability of the law to create or give birth to conditions or situations as desired or expected, which can be measured by the extent to which the legal rule is obeyed: If a legal rule is obeyed by most of the targets who are the target of its obedience, then it can be said that the legal rule in question is effective or has succeeded in achieving its goals (Ali, 2013).

By using Friedman's legal system theory, it can be analyzed what causes the norm prohibiting money politics to be unable to achieve its goals, namely realizing a Pilkada that is free from money politics. According to Friedman (1984), the purpose of law will be achieved if it works effectively in the legal system, consisting of three elements (subsystems), namely legal structure, legal content, and legal culture. In the context of the prohibition of money politics in the regional head elections, the legal system is related to how the legal structure consisting of election law enforcers, namely the Election Supervisory Body, General Election Commission, Police Investigators, Public Prosecutors, District Courts and High Courts, and the Supreme Court carry out their duties and authorities; How is the law content, namely the formulation of the norm prohibiting money politics and all regulations related, including court decisions: Whether it is in accordance with the law required or expected to create a regional election free from money politics; and How is the legal culture of society towards the issue of money politics: does society support efforts to create a regional election free from money politics?

The purpose of the law prohibiting money politics is to prevent the practice of vote buying by candidates in regional head elections. The next purpose is as a legal basis, as well as an order, for state officials - namely Bawaslu, Police Investigators, Prosecutors, and judicial institutions - to impose legal sanctions on people who violate the prohibition. The imposition of legal sanctions will have a deterrent effect on people who violate so that they do not repeat their actions (as a special prevention) in the future, as well as a general prevention (as a general prevention) for other citizens so that they do not commit similar acts.

The elements of the legal structure, legal content, and legal culture are a unity that influences each other as a unity in the legal system. Therefore, the discussion on the effectiveness of the law must touch on these three elements of the legal system. However, considering the methods and approaches in this study, the discussion is more focused on the substance or content of the law prohibiting money politics. The discussion on the substance of this law also serves as an anchor for describing findings related to other legal subsystems.

Based on this perspective, the discussion will be divided into two: first, the discussion of the substance of the legal norm prohibiting money politics with criminal sanctions, and second, the prohibition of money politics with administrative sanctions.

## **Prohibition of Money Politics with Criminal Sanctions**

### ***Problem of Material Legal Norms***

The material legal norm prohibiting money politics or vote buying with criminal sanctions is regulated in Article 73 paragraph (1), paragraph (3), paragraph (4) in conjunction with Article 187A of Law Number 10 of 2016. Article 73 paragraph (1), paragraph (3) and paragraph (4) as the primary legal norm, namely regarding addresses and prohibited acts, reads in full:

“Paragraph (1): Candidates and/or Campaign teams are prohibited from promising and/or giving money or other materials to influence the Election organizers and/or Voters.

Paragraph (3): Campaign teams proven to have committed violations as referred to in paragraph (1) based on a court decision that has permanent legal force shall be subject to criminal sanctions in accordance with the provisions of laws and regulations.

Article (4): In addition to Candidates or Candidate Pairs, members of Political Parties, campaign teams, and volunteers, or other parties are also prohibited from intentionally committing unlawful acts of promising or giving money or other materials as compensation to Indonesian citizens either directly or indirectly to: a. influence Voters not to exercise their right to vote.”

In terms of grammar, the formulation of these norms is unsystematic, haphazard and inconsistent. The formulation of these norms really does not fulfill the principles of forming laws and regulations, which among other things require clarity in the formulation of legal norms. The meaning of the concept of the prohibition of legal norms in Article 73 a quo can still be understood and comprehended. The addressee is the addressee of the norm is the candidate, campaign team, members of Political Parties, and volunteers, or other parties. Meanwhile, the prohibited act is “promising and/or giving money or other materials to influence voters or election administrators.” The imperfection of the formulation of the prohibition norm is indeed not that disturbing, but it shows that the lawmakers are not too concerned about the problem of money politics.

The legal problem in the material legal norm prohibiting money politics is also contained in the formulation of its secondary norms or criminal sanction provisions, as regulated in Article 187A paragraph (1) of Law Number 10 of 2016, which reads: "Any person who intentionally commits an unlawful act of promising or giving money or other material as compensation to Indonesian citizens either directly or indirectly to influence voters not to exercise their right to vote, to exercise their right to vote in a certain way so that the vote becomes invalid, to vote for a certain candidate, or not to vote for a certain candidate as referred to in Article 73 paragraph (4) shall be punished with imprisonment for a minimum of 36 (thirty-six) months and a maximum of 72 (seventy-two) months and a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah)."

Etymologically, the formulation of the norm of Article 187A paragraph (1) a quo is too long so that it has the potential to cause debate for law enforcement officers –namely Bawaslu, police investigators, and prosecutors– in determining the elements of election crime that must be proven in the offense. In criminal law enforcement, the formulation of the offense is the embodiment of the principle of legality and functions as evidence in the context of criminal procedure law (Hiarej, 2016). In Article 187A paragraph (1) a quo there are subjective elements of the offense: (1) the element of every person and (2) the element of intentionally, as well as objective elements (1) the element of being against the law, (2) the element of promising or giving money or other materials to Indonesian citizens as compensation, (3) Indonesian citizens influencing voters, (4) voters choosing in a certain way. To determine whether the addressee (every person) can be sentenced to a criminal penalty, all elements of the offense must be proven.

Judging from the formulation of the crime, there are three acts committed by three different actors in Article 187A a quo, namely: (1) acts committed by "any person" (as norm addressee) in the form of "intentionally unlawfully promising or giving money or other materials as compensation to Indonesian citizens either directly or indirectly to influence Voters so that..."; (2) acts by "Indonesian citizens" as recipients of money or materials from "any person to "influence Voters so that..."; and (3) actions of Voters, namely one or more of the four forms of action in exercising their voting rights, where this is done as a result of the actions of "Indonesian citizens as referred to in number (2).

The purpose of the norm of Article 187A paragraph (1) a quo is so that in the election of regional heads no person gives or promises money or goods to voters with the intention of gaining electoral support. The phrase "as compensation to Indonesian citizens, either directly or indirectly, to influence voters to...", results in an increase in the elements of the crime that must be proven in the criminal

provisions. There is a problem, is the crime regulated in Article 187A paragraph (1) still fulfilled, if there is no element of "Indonesian citizens..."? This can be an endless debate in the process of enforcing the crime of money politics by law enforcement officers consisting of Bawaslu, Police Investigators, and Public Prosecutors. The problem of the formulation of the norm has legal consequences in the framework of enforcing the prohibition of money politics considering the principle of legality in criminal law, namely *nullum crimen, nulla puna sine lege certa* (no crime, no punishment without a certain law). The consequence of this principle is that the formulation of the criminal act must be clear and not open to multiple interpretations.

### ***Problems of Formal Legal Provisions***

The procedure for handling election crimes is guided by the Criminal Procedure Code (KUHAP), unless regulated in the Regional Election Law and its implementing regulations. In this case the principle of *lex specialis derogate legi generali* applies. Chronologically, handling of political money crimes in the Regional Election begins with a report from the public about an alleged political money crime due to alleged violations found by election supervisors. Reports can be submitted by voters, election observers, or election participants to the election supervisory body in each region holding the Regional Election. Formally, reports must be submitted no later than 7 (seven) days after the election violation is discovered and/or discovered. Furthermore, the report will be handled in stages by the Election Supervisory Body, Police Investigators, and Public Prosecutors, who then appeal the case to the District Court.

To align the understanding and pattern of handling election crimes, the Head Election Supervisory Board (Bawaslu), the National Police, and the Prosecutor's Office have formed an integrated law enforcement center (Sentra Gakumdu), which is structurally located at the provincial and district/city levels that hold regional elections. The pattern of handling cases in the Sentra Gakumdu scheme is carried out based on Joint Regulations between the Chief of the Indonesian National Police, the Attorney General of the Republic of Indonesia, and the Chairperson of Bawaslu.

As the first door to receive reports, the Election Supervisor checks the completeness of the material and formal requirements of the report. If the Election Supervisor assesses that the requirements have been met, then within 1 x 24 hours it will submit it to the Sentra Gakumdu for further discussion (SG I). If in the discussion it is agreed that the report contains elements of money politics, then the Election Supervisor will clarify and ask for information from the reporter, witnesses, and the reported party. At the same time, the police will conduct an investigation to ensure that the reported incident does not contain election crimes, in this case money politics. Furthermore, a second discussion (SG2) will be held within a maximum of 5 working days to discuss the results of the clarification and investigation conducted by Bawaslu and Police Investigators. This discussion aims to ensure that the reported offence is a violation of criminal money politics that supported by at least two pieces of preliminary evidence.

In the implementation of the 2020 Pilkada, out of 272 reports and findings of alleged violations of criminal money politics, only 41 reports were agreed to be worthy of being forwarded to the investigation level. Regarding this, the author interviewed Dewi Pettalolo, a member of Bawaslu for the 2017-2022 period. She said that the second discussion was a "battle" between election supervisors on the one hand vis a vis investigators and public prosecutors on the other. Bawaslu is trying to ensure that reports of alleged reports and findings of criminal money politics can be continued to the investigation level. However, the police and prosecutors always insist that reports that can be upgraded to the investigation process are those that already have at least two pieces of evidence.

Finding at least two pieces of evidence within five days is very difficult for election supervisors. The police and prosecutors' firm stance is not in line with the function of the investigation which aims to collect evidence and determine suspects, as it's regulate in KUHAP. The police and prosecutors' stance is understandable because they do not want to be considered to have failed to carry out the investigation which by law is only given 14 working days. Although supported by two pieces of evidence, it turns out that in handling the crime of money politics in the 2020 Pilkada, 29 of the 41 reports that were completed were successfully investigated. The rest had to be stopped because the investigation process could not be carried out completely.

Of the 29 criminal cases of money politics, the investigation was considered complete, but only 27 cases were then referred by the prosecutor to the district court. Two cases were stopped because the suspect could not be presented by the investigator in the process of submitting the files and the suspect

to the public prosecutor. Furthermore, after going through the examination process at the District Court, all 27 cases that were referred were decided and found guilty of committing money politics.

Based on the results of this study, it is known that the very limited time limit, namely 5 working days at Bawaslu to obtain two pieces of evidence and 14 days for the police to conduct an investigation, is the main factor in the low performance of law enforcement for money politics. The time limit is often misused by perpetrators of money politics to avoid legal action by running away until the time limit specified in the law has passed. This is also one of the causes of public non-compliance with the legal norm prohibiting money politics.

According to this study, the very low performance of law enforcement officers in handling reports of money politics crimes has resulted in residents rarely wanting to report even though they know that the violation has occurred. This was also revealed from statements of several residents in Toba Regency in an interviews in September 2023. In addition, residents are reluctant to report because the vote buying is done by community leaders representing the candidates who want to buy the votes. To ensure that the money or goods given to voters generate vote support, candidates usually use the services of local community leaders as intermediaries, as well as being part of the campaign team (Aspinal, 2014: 545-570).

### **Prohibition of Money Politics with Administrative Sanctions**

The application of administrative sanctions, in the form of cancellation as election participants, against candidates who are proven to have violated the prohibition of money politics is one of the legal strategies to prevent the occurrence of "vote buying" in the Regional Election. This is based on the logic that a regional head candidate will not take the risk of being canceled as a Pilkada contestant as a consequence of violating vote buying prohibition. However, after being enacted since 2016, the provisions of administrative sanctions regulated in Article 73 paragraph (2) in conjunction with Article 135A of Law Number 10 of 2016 have been almost completely useless. Although there have been several cases that have been reported, none of them have resulted in the cancellation of the candidate pair as Pilkada participants.

The failure of the application of administrative sanctions to prevent money politics in the Regional Election, according to the results of this study, lies primarily on the very broad qualification of violations, that is occurs in a structural, systematic and massive manner, as stipulated in Article 135A paragraph (1). In its explanation, it is stated: structured is fraud committed by structural officials, both government officials and election organizers collectively or together; systematic is that the violation is planned carefully, structured, and even very neat; and massive is that the impact of the violation is very broad in its influence on the election results not just in part. Bawaslu calls this violation as TSM administrative offences.

The qualification of the TSM offences has a implications for the burden of proof being very heavy. Moreover, the Bawaslu Regulation - which regulates the procedures for resolving the violation - places the burden of proof on the complainant. In fact, when submitting a report of a violation to Bawaslu, the complainant have to attach the evidences showing that the violation occurred in at least 50% of the districts/cities in 1 province for the gubernatorial election. Meanwhile, for the election of the Regent or Mayor, the complainant is required to attach evidence showing that the violation occurred in at least 50% of the sub-districts in 1 district/city.

With the heavy burden of proof, it is difficult to imagine an ordinary citizen being able to report a TSM political money violation. Therefore, it is understandable that since the provision was enacted in 2016, the number of reports of TSM political money violations that reached the examination stage at the Provincial Bawaslu was only two reports. Coincidentally, both reports of violations were handled by the Lampung Provincial Bawaslu: 1 case occurred in the 2018 Lampung Gubernatorial Election which was declared unproven, and 1 case occurred in the 2020 Bandar Lampung Mayoral Election. After conducting an open examination for approximately 14 working days, according to the time limit determined by law, on January 5, 2021, the Lampung Provincial Bawaslu stated that the Reported Party, namely Candidate Pair Eva Dwiana and Deddy Amarullah were proven guilty of violating the prohibition on political money in a TSM manner.

Three days later, the Bandar Lampung KPU followed up on the Lampung Province Bawaslu Decision by issuing Decree Number 007/HK.03.I-KPU/1871/KPU-Kot/I/2021 canceling the Candidate Pair Eva Dwiana and Deddy Amarullah as participants in the Bandar Lampung Mayoral and Deputy Mayoral Election. However, three days later, the Candidate Pair Eva Dwiana and Deddy Amarullah filed

a legal action with the Supreme Court, which then ordered the Bandar Lampung City KPU to restore the candidate's status as a participant in the 2020 Bandar Lampung Mayoral and Deputy Mayoral Election.

One of the legal reasons that the Supreme Court took into consideration in canceling the Bandar Lampung KPU Decree was that the decision was taken outside the time of authority (*onbevoegdheid ratione temporis*). According to KPU Regulation Number 5 of 2020, the deadline for the administrative dispute process in the implementation of the 2020 simultaneous Pilkada is November 9, 2020, which is 30 days before the voting day as stipulated in Article 154 paragraph (12) of Law Number 10 of 2006. Meanwhile, the Decision to Cancel Candidate Pair 03 was issued on January 5, 2021.

In handling the TSM money politics violation in the Lampung Pilkada, the author assesses that the Supreme Court has made a mistake in applying the law because it categorized the case of the cancellation of Candidate Pair 03 as a "state administrative dispute in the Election" whose settlement is bound to be limited to no later than 30 days before the voting day. In fact, the case of the cancellation of the candidate pair that occurred in the 2020 Lampung City Pilkada was a case of TSM money politics violation, where the sanction is an administrative sanction.

The object of the case, both in the appeal to the Supreme Court in the case of violation of the prohibition of money politics and in the state administrative dispute of the Election, is the same KPU Decision relating to the determination of candidates. However, the handling of both cases is carried out in different legal procedures because the context of the case is different. The handling of the "appeal" case is based on Article 135A while the handling of the state administrative dispute of the Election is based on Article 154 of Law Number 10 of 2016. In handling the Bandar Lampung Pilkada case, the Supreme Court applied Article 154 paragraph (12) of Law Number 10 of 2016.

Usually the provision of money or materials to voters is done several days before the voting. Therefore, if the Supreme Court applies the provisions of Article 154 paragraph (12) as described above, then it can be ascertained that all legal efforts requested by the Candidate Pair to the Supreme Court related to the case of violation of money politics will be granted. Thus, the norm of the prohibition of money politics with TSM sanctions is completely useless.

## **CONCLUSION**

The legal norm prohibiting money politics is ineffective due to its broad scope and multi-interpretable meaning. Many reports of violations expire and their handling is stopped due to limited handling time. Few citizens report violations, as they are often recipients of money and face criminal penalties. Some reject money politics, believing law enforcers are not serious about their duties. To improve the legal norms, lawmakers should focus on clarity and harmony between legal norms and regulations. Laws should also encourage public participation in preventing money politics by encouraging reporting. Future research should evaluate the impact of recent legal reforms and explore strategies to increase public participation in reporting violations. Comparative studies of anti-money politics measures in other countries could provide insights for improving enforcement in Indonesia. Examining the role and effectiveness of law enforcement in deterring money politics and assessing public perception and awareness could help develop stronger preventive measures and public education campaigns.

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