

Efforts To Prevent *Money Politic*, Bribery Crimes To Realize Dignified Simultaneous Elections In 2024 In Indonesia

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ABSTRACT

The largest democratic party in Indonesia will win simultaneous elections in 2024. The Indonesian people have a right to elect a leader who is willing to serve them and does not engage in corruption. To produce a dignified general election, this simultaneous election must be performed in accordance with the law. The goal of this study is to examine and outline initiatives in Indonesia to avoid voter bribery and ensure fair elections. The normative research method was employed. To reach deductive conclusions, researchers use qualitative study of legal materials. Bribery is a criminal crime, according to the study's findings. Bribery, in addition to other criminal behaviors, might jeopardize the goal of peaceful elections. A dignified general election is one in which citizens can live in peace before, during, and after voting. Various parties use mass socialization through various media to carry out prevention activities. The socialization that can be done is about the criminal threat of bribery; second, about the people's involvement in creating dignified elections by refusing to accept bribes and choosing the best leadership candidates.

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PRELIMINARY

The constitutional basis for general elections (elections) in Indonesia, namely the Constitution of the Republic of Indonesia in 1945 and the implementation of simultaneous elections in 2019, is Law No. 42 of 2008 on General Elections for President and Vice President. The Constitution of the Republic of Indonesia of 1945 strictly mandated elections. Based on Article 22E of the Constitution of the Republic of Indonesia of 1945,

- 1) Elections are held directly, publicly, freely, confidentially, honestly, and fairly every five years.
- 2) Elections are held to elect members of the House of Representatives, the Regional Representative Council, the President and Vice President, and the Regional People's Representative Council.

- 3) Participants in the general election to elect members of the House of Representatives and members of the Regional People's Representative Council are political parties;
- 4) Participants in the general election to elect members of the Regional Representative Council are individuals;
- 5) Elections are organized by an election commission that is national, permanent, and independent.
- 6) Furthermore, provisions on elections are regulated by law.

Simultaneous General Elections (hereinafter referred to as General Elections) will occur again in 2024. In 2024, it will be a simultaneous general election. The legal basis for The Continued Simultaneous Elections in Indonesia is First: Law No. 7 of 2017 concerning General Elections (hereinafter referred to as the Second General Election Law); Law No. 1 of 2015 concerning The Determination of Government Regulation in Lieu of Law No. 1 of 2014 concerning the Election of Governors, Regents and Mayors into Law as amended several times, most recently with Government Regulation in Lieu of Law No. 2 of 2020 concerning the Third Amendment to Law No. 1 of 2015 concerning The Determination of Government Regulations in Lieu of Law No. 1 of 2014 concerning Gubernurial Elections, Regents and Mayors become Law (hereinafter referred to as Law 1/2015); Third, the Regulation of the Election Commission of the Republic of Indonesia Number 6 of 2020 concerning the Implementation of the Election of Governors and Deputy Governors, Regents, and Deputy Regents, and/or Mayors and Deputy Mayors Simultaneously Continued in The Conditions of Non-Natural Disaster Corona Virus Disease (Covid-19), hereinafter referred to as ELECTORAL COMMISSION Regulation 6/2020.

The juridical definition of "Continuous Simultaneous Elections in Non-Natural Disaster Conditions of Corona Virus Disease (Covid-19) based on Article 1 Number 2 of ELECTORAL COMMISSION Regulation 6/2020 is the election of governors and deputy governors, and/or mayors and deputy mayors, held if in some electoral areas, all electoral regions, most regions, or all regions there is a non-natural disaster of corona virus disease 2019 (COVID-19) which results in several stages of simultaneous elections cannot be carried out normally."

The legal basis for determining simultaneous elections in 2024 is the Decree of the General Election Commission Number 21 of 2022 concerning the Day and Date of Voting in the Presidential and Vice Presidential Elections, Members of the House of Representatives, Members of the Regional Representative Council, Members of the Provincial People's Representative Council, and Members of the Regional Representative Council of Districts/Cities Simultaneously in 2024 (hereinafter referred to as "ELECTORAL COMMISSION Decree 21/2022), which was established on January 31, 2022.

ELECTORAL COMMISSION Decree 21/2022 stipulates that on Wednesday, February 14 (fourteen) of 2024 as the day and date of voting in the 2024 Simultaneous General Election. The Simultaneous General Election is to choose: President and Vice President, Members of the House of Representatives, Members of the Regional Representative Council, Members of the Provincial People's Representative Council, and Members of the District / City Regional People's Representative Council.

Indonesians who meet the requirements have the right to vote in simultaneous elections in 2024. The legal basis of elections in Indonesia is Law No. 7 of 2017 concerning General Elections (Indonesia Law 7/2017). Based on Article 348 paragraph (1) of Indonesia Law 7/2017 that voters who are eligible to vote at the polling station are: a. the owner of an electronic identity card registered on the permanent voter register at the polling station in question; b. the owner of an electronic identity card registered on the additional voter list; c. the owner of an electronic identity card that is not

registered on the permanent voter list and voter list additional; and d. residents who already have the right to vote.

The technical regulations on the election requirements are further regulated in the Regulation of the Election Commission of the Republic of Indonesia No. 17 of 2020 concerning the Second Amendment to the General Election Commission Regulation No. 2 of 2017 concerning Updating Data and Preparing voter lists in the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors (Indonesia General Elections Commission 17/2020). Based on Article 4 of the Indonesia General Elections Commission 17/2020, Indonesian citizens who on the day of voting in the election are even 17 (seventeen) years old or older or have been/have married have the right to vote.

Based on Article 5 paragraph (2) of the Indonesian General Elections Commission 17/2020, the requirements for voters in the general election are: a. even 17 (seventeen) years of age or more on the day of voting or have been/have been married; b. not being disturbed by their soul/memory; c. not being disenfranchised based on court decisions that already have permanent legal force; d. domiciled in the constituency as evidenced by electronic identity cards; e. in the case of voters who do not have an electronic identity card as intended in letter d, they can use a certificate issued by the office that conducts population affairs and local civil records; and f. not currently a member of the Indonesian National Army or the National Police of the Republic of Indonesia.

Young voters in the general election are a new generation of voters who have traits and characters, backgrounds, experiences and challenges that are different from the voters in the previous generation. Most of them come from among students, have good economic status, and generally live in urban areas or surrounding areas. This group is very touched by the advancement of information technology, they use advanced technological tools well, ranging from mobile phones, laptops, tablets and various other gadgets. They are also very well versed in the use of social media facilities and networks, such as, twitter, facebook, linked in, and so on. They are very open to learning new, critical and independent things. The influence of important and significant young voters on the general election has been realized by the Political Parties of the general election participants and their candidates. Even the hunt for young voters has started since the general election that has been held for the past two years, namely many have begun to take into account the votes of young voters in the campaign process so it is not uncommon for various ways to be able to gather the votes of these young voters.¹

The reforms have brought changes to the holding of elections, where elections are understood to be an arena of open competition between election participants to mobilize voters' support. As a result, there is a relatively intense interaction between citizens or voters with election participants, the government, organizers, election supervisory agencies and also monitors. In this interaction, the voter is in a position that is equal or equivalent to other elements, otherwise it has to say on the lucky position. Election participants need voter support, as do election organizers who seek to increase voter engagement in elections.²

Simultaneous national elections have a number of hypothetical advantages in terms of political institutionalization and democratic consolidation in Indonesia, including: (1) Simultaneous national elections aimed at creating congruent general election results ; (2) This simultaneous national election encourages the creation of a policy-based coalition; (3) Simultaneous national elections encourage the quality of more democratic political parties; (4) Simultaneous national elections have the potential

¹ Wardhani, Primandha Sukma Nur. "Partisipasi Politik Pemilih Pemula dalam Pemilihan Umum." *Jupii: Jurnal Pendidikan Ilmu-Ilmu Sosial* 10, no. 1 (2018): 57-62.

² AA GN Ari Dwipayana, dkk. *Menuju Pemilihan Umum Transformatif*. (Yogyakarta: IRE Press, 2004), p.9-10.

to minimize conflicts between parties or party supporters. Conflict is no longer prolonged throughout the year, so in terms of conflict management it becomes easier to handle.³

A potential downside of the 2024 simultaneous parliamentary elections is that the tight schedule can exhaust the human resources of both election organizers and voters. Conducting elections will cost a lot of money, especially if the Indonesian government continues to declare her Covid-19 a pandemic in his 2024. According to her Alfitra Sallam, a member of the honorary committee of election organizers in December 2019, the weakness of simultaneous elections is finding competent election organizers with integrity at an ad hoc level. is very difficult. According to the president of the Indonesian Institute of Political Sciences (AIPI), the problems with the simultaneous parliamentary elections in 2019 are the following problems related to political dualism, too long election period, centralized logistics and financial policies that hinder the elections. High political cost as each candidate's own work is not endorsed by a political party⁴.

Elections in Indonesia are currently conducted directly. The People of Indonesia directly choose the candidates for Regional Head to The President / Vice President. According to Satya Arinanto in Abdul Latif, there are 4 (four) reasons for direct presidential elections, namely: a. The president-elect will have a very strong mandate and legitimacy because it is supported by the votes of the people who cast their votes directly; b. The president-elect is not related to the concessions of the parties or political factions that have voted for him. This means that the President-elect is above all interests and can bridge these various interests; c. This system becomes more "accountable" because the people do not have to vote through the People's Consultative Assembly whose members are not entirely elected through elections; d. Presidential candidate criteria can also be assessed directly by the people⁵.

The term money politics is often used to describe political phenomena relating to the use of money or goods in the conduct of elections. Voters are expected to prefer a particular candidate by giving money or goods, as opposed to looking at other indicators such as the credibility, personality, and experience of the candidate's candidate in politics. According to Ward, there are 3 (three) reasons money politics should be considered illegal practices in political practice⁶. First: the most basic vote purchase is considered to reduce the application of the principle of fairness in elections. The rationality of voters in assessing the quality of candidates (individuals or political parties) can be disrupted. Participants offer the lure of money or other materials. Injustice occurs because voters have different economic abilities from each other; Second, money politics is considered to pollute the electoral process so that it affects the overall quality of democracy. Bargaining power of money can make voters ignore the evaluation of objective indicators; Third, the third reason is more practical, the use of money that is not legal can encourage corruption and abuse of power.⁷

One form of corruption in Indonesia stipulated in the Anti-Corruption Crimes Act is the criminal act of bribery. A bribery offense that was very widespread and spread significantly through government agencies.. Rarely are people or institutions clean of this

³ Prasetyoningsih, Nanik. "Dampak Pemilihan Umum serentak bagi pembangunan demokrasi Indonesia." *Jurnal Media Hukum* 21, no. 2 (2014): 23.

⁴ DKPP RI "Alfitra Sallam: Kelemahan Pemilu 2019 Adalah Keserentakannya". Artikel tanggal 5-12-2019. Diakses dari <https://dkpp.go.id/alfitra-sallam-kelemahan-pemilu-2019-adalah-keserentakannya/> diakses tanggal 27 Oktober 2022

⁵ Abdul Latif. (2009). Pilpres dalam Perspektif Koalisi Multipartai. *Jurnal Konstitusi* Volume 6, Nomor 3, September 2009

⁶Robi Cahyadi Kurniawan; Dedy Hermawan. "Social Strategy for The Prevention of Money Politics in Indonesia". *Journal of Anticorruption Integrity*, 5 (1) 2019, 29-41

⁷ Ward, Gene, etc. *Money in Politics Handbook: A Guide to Increasing Transparency in Emerging Democracies. Technical Publicaton Series. (Washington: USAID, 2003). P.5-6.*

act. Bribery is a term set forth in law as a gift or promise (*8giften / beloften*) given or received including active bribery and passive bribery. There are 3 essential elements of the bribery delik, namely (1) receiving gifts or promises, (2) relating to the power attached to the office, (3) contrary to their obligations or duties. According to Ade Irawan, et al that three forms of electoral corruption are: a. Manipulation of the collection and recording of campaign funds, political parties or parties receiving donations from sources prohibited by the rules such as exceeding the maximum limit, sourced from the proceeds of corruption or crime, and unclear contributors; b. Misuse of state funds and resources Political parties or candidates use state / public funds and resources for the benefit of their winners; c. Money politics Party, candidates, successful teams, give / sell money or goods to voters or election organizers in order to win ⁹the General Election¹⁰.

Polytic money will undermine healthy competition. The Election Law has arranged in such a way that the General Election takes place honestly, fairly and sportsmanship. One way to make this happen is for candidates to promise something in the form of goods, services or money to get votes or constituent support. Therefore, those who violate this provision have damaged a healthy competition climate because the candidates are not in a balanced position, namely some use ways that are actually prohibited. The general election, which is a mechanism in establishing a contractual relationship between voters and candidate pairs, must be carried out by upholding existing ethics and rules including not doing money politics. People's choice of a particular candidate must be based on consideration of beliefs based on ethical and moral values.¹¹.

The act of bribery is not in contact with voters, but with the officers who organize the General Election starting from the village / village level to the officials of the central Election Commission. The act of bribery here is close to the factor of the criminal act of political money crime, as well as criminal threats and very heavy fines. In the general election, kada simultaneously will drag many officials or officers implementing the election and candidates for regional heads who will be dragged into the legal case. This can happen due to not being mentally prepared for the executing officers.¹².

Based on the above problems, the formulation of the problem raised by researchers is how to prevent money politic to realize dignified simultaneous elections in Indonesia?

METHOD

Researchers use normative law research. This research is used to generate arguments, or new concepts in solving the problem at hand.¹³. The data in this study is secondary data. Researchers use secondary data in the form of primary legal materials in the form of laws and regulations related to the researcher's hat; second, using secondary legal materials in the form of articles, scientific papers related to the topic; third, tertiary law materials in the

⁸ Hidayat, Hidayat. "Criminal Liability of Perpetrators of Bribery in Corruption Crimes." *EduTech: Journal of Educational and Social Sciences*, vol. 3, no. 2, 2017.

⁹ Durahman, Dani. "Application of Sanctions for Law Enforcement of Bribe Recipients in Criminal Justice Proceedings." *Lex Specialist*, no. 24, 2016, pp. 51-69.

¹⁰ Ade Irawan, dkk, *Panduan Pemantauan Korupsi Pemilihan Umum*, (Jakarta: Indonesia Corruption Warch, 2014), hlm.6.

¹¹ Chandra, M. Jeffri Arlinandes, and Jamaludin Ghafur. "Peranan Hukum dalam Mencegah Praktik Politik Uang (Money Politics) dalam Pemilihan Umum di Indonesia: Upaya Mewujudkan Pemilihan Umum yang Berintegritas." *Wajah Hukum* 4, no. 1 (2020): 52-66.

¹² Indiantoro, Alfalachu, Ida Yeni Rahmawati, and Muridah Isnawati. "Potensi Tindak Pidana Pemilihan Umum Dalam Pelaksanaan Pemilihan Umumkada Serentak Tahun 2018." In *SEMINAR NASIONAL DAN CALL FOR PAPER FAKULTAS HUKUM*, pp. 194-201. 2019.

¹³ Marzuki, Peter Mahmud. 2005. *Penelitian Hukum*. Bandung: Kencana

form of the Indonesian Great Dictionary, Black's Law Dictionary. normative legal research fully uses secondary data (literature), the preparation of tentative theoretical frameworks (schemes) can be abandoned, but the preparation of conceptual frameworks is necessary. In compiling the conceptual framework, formulations contained in the statutory regulations which form the basis of research can be used¹⁴.

Researchers use legal approaches. A Conceptual Approach to Legal Principles Related to the Conduct of Elections and the Eradication of Monetary Policy. Data analysis used in research is qualitative descriptive, namely processing data obtained through documentation, and literature studies so that information in the form of speech and writing can be described in words or sentences.¹⁵. This method allows the writer to explain the rules that govern the situations at hand comprehensively¹⁶.

RESULT AND DISCUSSION

1. The Nature of Dignified Simultaneous Elections in Indonesia

Dignified elections according to Teguh Prasetyo, a means of people's sovereignty to democracy (governing and state) properly and correctly. A good General Election is a general election that complies with the laws governing the General Election itself; A God-fearing election. Good elections that comply with the law are ideal because that is where respect for human rights is ensured, clean and integrity elections, a small part of the philosophy of Dignified Justice and also Elections that unite and bring people closer to prosperity and peace in Indonesia.¹⁷.

The election of president and vice president is one of the agenda items for the 2024 simultaneous general election. Discrimination in elections is prohibited by election law. All Indonesian citizens who meet the criteria to become electors are required to exercise their right to elect candidates for president, vice president and regional leaders. As the organizer of elections, the Election Commission must ensure that voters are able to cast their ballots appropriately and fearlessly. Well, we have to go to voters with the principle of honesty. fair.

Elections in a democratic system of government have a system of well-established political mechanisms in carrying out the circulation of power in an orderly, safe, and peaceful manner. Without an established and politically recognized electoral system, it is certainly very difficult to realize a conducive transfer of power governance. That is because contestation for power always demands a fierce fight so that in the process of power struggle to form a new government is not right from the practice that leads to fraud. The electoral system with a normative proportional representation approach will better enable the creation of a healthy competition climate for every candidate for the House of Representatives, provincial people's representative council, and municipal district representative council. This system is also in a more democratic practice because each candidate is given the same opportunity to be more creative both individually and institutionally political parties in seizing public sympathy.¹⁸.

In **the opinion of researchers**, elections are activities mandated by the Constitution. Elections in Indonesia are held every 5 (five) years to obtain leaders who are ready to serve the community. Elections should not be ruined. Participants of the general election, Political Party, Victory Team are obliged to hold elections cleanly, without bribes, *money politic* to the

¹⁴ Budianto, Agus. "Legal Research Methodology Reposition in Research on Social Science." *International Journal of Criminology and Sociology* 9 (2020): 1339-1346.

¹⁵ Azwar, Saifudin. 2004. *Metode Penelitian*, Yogyakarta: Pustaka Pelajar.

¹⁶ Faizal Kurniawan, Julienna Hartono, Xavier Nugraha, and Annida Aqiila Putri. 2022. "ANALYSIS ON THE TERMINATION OF FOREIGN PUBLIC-PRIVATE PARTNERSHIP BY THE GOVERNMENT". *IJUM Law Journal* 30 (S1):181-206. <https://doi.org/10.31436/iiumlj.v30iS1.703>.

¹⁷ Teguh Prasetyo. *Filsafat Pemilihan Umum*. (Bandung: Nusa Media, 2018). P. Vii-viii.

¹⁸ Rahman Yasin. *Etika Politik Dalam Pemilihan umum: Peran DEWAN KEHORMATAN PENYELENGGARA PEMILU Dalam Mewujudkan Pemilihan umum Berintegritas*. *Jurnal Etika&Pemilihan umum* Vol. 5, No. 1 (2019) Hlm. 49-50.

people as voters. The people are not the object of elections, the people are not the object of political parties. The People of Indonesia are the subject of elections.

Simultaneous and dignified elections in Indonesia are non-discriminatory between women and men. Women or men can be participants in the general election.. connection with the access in the Parliament Law, the guarantee has been illustrated in the weighing section, which states that to exercise people's sovereignty on a widespread basis led by wisdom in representation, it is necessary realizing people's consultative institutions, people's representative institutions and regional representative institutions that can embody democratic values and absorb and fight for the aspirations of the people and regions following the demands of the development of the life of the nation and state. The sound of the considering part can be said to be a form of the seriousness of the government that there is a guarantee for everyone regardless of gender, that whoever has the right to have their needs met during the life of the nation and state through aspirations conveyed through the intermediary of representative institutions¹⁹. The number of female voters registered in the Permanent Voters List is 3,178,446 female voters and 2,994,754 male voters (KOMISI PEMILIHAN UMUM 2019). The difference between female voters and male voters is around 183,692 people. If it is idealized that female voters are directly proportional to the level of female candidates' electability, then the proportionality of the quota for women in the DPRD of South Sulawesi can be fulfilled. Unfortunately, the maximum results of the 2019 election cannot be fulfilled; the electability of women legislators still does not meet the gender quota in parliament. However, the 2019 election results have increased from the 2014 election results, which initially numbered 16 people (18%) to 24 people (29%) (Republika.co.id 2019)²⁰.

In the opinion of researchers, dignified elections are the success of cooperation between the roles of all Indonesian people, the role of the organizers of the general election. Indonesia consists of many tribes, religions, races, cultures. This diversity must be maintained by all parties. A dignified general election is a general election that maintains this harmony until the results of the general election have been legitimately announced by the Election Commission of the Republic of Indonesia.

The politics of election law with integrity is intended as a basic policy taken by the Government regarding the vision, mission, and direction of legal policy regarding the goals to be realized by elections with integrity. The political law of integrity is in line with the vision of elections with integrity specified in the Constitution of the Republic of Indonesia of 1945 as a constitution and written basic law.²¹.

In the opinion of researchers, dignified simultaneous elections aim to get regional leaders, Members of the House of Representatives, Members of the Regional Representative Council and even the President / Vice President who comply with the constitution. Leaders who are ready to serve the people, leaders who have a vision and mission to prosper the people. **In the opinion of researchers**, the parties who lost the 2024 simultaneous general election have the legal right to sue in the Constitutional Court of the Republic of Indonesia, to file a lawsuit against disputes over the results of simultaneous elections. The Constitutional Court is one of the perpetrators of judicial power mandated by the Constitution of the Republic of Indonesia of 1945. One of the authorities of the Constitutional Court of the Republic of Indonesia is to decide disputes about the results of elections.

¹⁹ Erlina & Nika Normadilla. "Gender Analysis in Indonesia's Legislation Regarding Political Laws" (2020) 7:3 *Lentera Hukum* 337-354, P. 349.

²⁰ Asmar, A. R., Nurdin, R., Arbani, T. S., Syam, F., Fuady, M. I. N., & Lukita, F. H. (2021). The Patterns and Influences of Women's Legislative in Simultaneously General Elections in Indonesia. *International Journal of Criminology and Sociology*, 10, 912-920.

²¹ Jimly Asshidiqie. *Pengantar Hukum Tata Negara* (Jakarta: RajaGrafindo Persada, 2009). P.159-160.

According to Bisariyadi, 6 (six) standards to realize democratic elections, namely: a. The implementation of elections must provide full opportunities for all political parties to compete freely, honestly, and fairly. b. The implementation of general elections is really intended to choose qualified representatives of the people, have moral integrity and most importantly these representatives really reflect the will of the people. c. Elections must involve all citizens without discrimination in the slightest, so that the people really have confidence that they are the embodiment of the sovereignty of the people; Elections are carried out with a set of regulations that support freedom and honesty, so that with the existence of laws that provide more opportunities for freedom to citizens, opportunities in the direction of democratic Elections can be achieved; e. The implementation of elections should consider the instruments of the organizers, because it is very likely that the interests of the organizers will interfere with the purity of the General Election. f. On more philosophical issues, elections should be more emphasized on the manifestation of people's rights, in order to create participation in government²².

2. Legal Basis for Bribery in Elections in Indonesia

The legal basis that applies in Indonesia for the eradication of bribery in Indonesia for civil servants or state organizers is the Law of the Republic of Indonesia Number. 20 of 2001 as a Amendment to the Law of the Republic of Indonesia Number. 31 of 1999 concerning the Eradication of Corruption (Indonesia Law No. 20/2021). Based on Article 5 paragraph (1) letter a and letter b of Indonesia Law No. 20/2021.

Article 5 paragraph (1) shall be punished with a minimum imprisonment of 1 (one) year and a maximum of 5 (five) years and or a fine of at least Rp 50,000,000.00 (fifty million rupiah) and a maximum of Rp 250,000,000.00 (two hundred and fifty million rupiah) per person who:

1. giving or promising something to a civil servant or state organizer with the intention that the civil servant or organizer of the state does or does not do something in his office, which is contrary to his obligations; or
2. give something to a civil servant or state organizer because or relate to something that is contrary to obligations, done or not done in his position.

Meanwhile, based on Article 5 paragraph (2) of Indonesia Law No. 20/2001, it is stipulated that for civil servants or state organizers who receive gifts or promises as intended in paragraph (1) a or letter b, punishable by the same criminal as intended in paragraph (1).

The author will explain the legal basis for the provision of bribes or other materials in the Election Law.

No	Elements of Corruption	Punishments
1	Article 519 "Intentionally commits fraudulent acts to mislead a person, by coercing, by promising or by providing assistance or other material"	Imprisonment for a maximum of 3 (three) years and a maximum fine of Rp. 36,000,000.00 (thirty-six million rupiah)
2	Article 523 paragraph (1) "Intentionally giving or giving money or other materials in return to participants of the General Election Campaign directly or indirectly"	Imprisonment for a maximum of 2 (two) years and a maximum fine of Rp. 24,000,000.00 (twenty-four million rupiah)

²² Bisariyadi, et.al. (2012). Komparasi Mekanisme Penyelesaian Sengketa Pemilihan Umum di Beberapa Negara Penganut Paham Demokrasi Konstitusional. Jurnal Konstitusi Volume 9, Nomor 3, September 2012.

3	Article 523 paragraph (2) "Intentionally in quiet times promises or rewards money or other materials to voters directly or indirectly"	Imprisonment for a maximum of 4 (four) years and a maximum fine of Rp. 48,000,000.00 (forty-eight million rupiah)
4	Article 523 paragraph (3) "Intentionally on the day of voting promises or gives money or other matter to the voter not to exercise his right to vote or vote for a Certain General Election Participant"	Imprisonment for a maximum of 3 (three) years and a maximum fine of Rp. 36,00,000.00 (thirty-six million rupiah)
5	Article 527 "Proven to receive donations of Election Campaign funds as intended by Article 339 paragraph (1) ²³ "	Imprisonment for a maximum of 3 (three) years and a maximum fine of Rp. 36,000,000.00 (thirty-six million rupiah)
6	Article 528 paragraph (1) Accept donations as intended in article 339 paragraph (2) ²⁴ and do not report to the Election Commission and/or do not deposit into the state treasury	Imprisonment for a maximum of 4 (four) years and a fine of 3 (three) times from the charges received
7	Article 528 paragraph (2) "Using funds from donations that are made and/ or do not report and / or do not deposit into the state treasury in accordance with the specified time limit as intended in Article 339 paragraph (2) ²⁵ "	Imprisonment for a maximum of 4 (four) years and a fine of 3 (three) times from the amount of donation received
8	Article 548 "Using the budget of the government, local government, state-owned enterprises, locally owned enterprises (BUMD), village governments or other designations and village-owned business entities to subvert or be given to campaign implementers as intended in Article 339 paragraph (4)"	Imprisonment for a maximum of 3 (three) years and a lot of fines Rp. 1.000.000.000,00

The conviction is a last resort for perpetrators convicted of bribery, money politic in elections. According to Budianto, the trial is aimed at restoring or reuniting the convict with his community.²⁶

²³ Article 339 paragraph (1) of the General Election Law "Election Participants, campaign organizers, and campaign teams it is prohibited to accept donations of Election Campaign funds originating from: a. foreign parties; b. contributors whose identity is not clear; c. the results of criminal acts that have been proven based on court decisions that have obtained permanent legal force and/or aimed at concealing or disguising the results of criminal acts; d. Government, local government, state-owned enterprises, and locally owned enterprises; or e. village government and village-owned enterprises.

²⁴ Article 339 paragraph (2) of the General Election Law "Election Participants, campaign organizers, and campaign teams who receive donations as intended in paragraph (1) are prohibited from using the funds and must report them to the ELECTORAL COMMISSION and submit the donation to the state treasury no later than 14 (fourteen) days after the end of the General Election Campaign period."

²⁵ Article 339 paragraph (2) of the General Election Law "Election Participants, campaign organizers, and campaign teams who receive donations as intended in paragraph (1) are prohibited from using the funds and are obliged to report them to the ELECTORAL COMMISSION and submit the donations to the state treasury no later than 14 (fourteen) days after the end of the General Election Campaign period ."

²⁶ Budianto, Agus. "Pembaharuan Hukum Terhadap Kebijakan Pengelolaan Lembaga Pemasyarakatan." *Law Review Volume XXI*, 3: 389-407

In the opinion of researchers, the practice of bribery is against the law, and violates ethics. If the voters justify the practice of bribery or buying and selling votes, by taking the money, but not choosing the giver, then the impact of bur uk is that the candidates or participants of the general election will continue to familiarize themselves with the practice of bribery and buying and selling votes. The practice of fraud will not only occur between candidates or participants of the general election with voters, but if the climate is already stuck with bad habits becomes something that is considered right. The institution authorized to prosecute violations of election ethics is the Honorary Board of Election Organizers of the Republic of Indonesia. THE HONORARY BOARD OF ELECTION ORGANIZERS is independent and impartial in adjudicating election organizers and supervisors. On the other hand, when the HONORARY BOARD OF ELECTION ORGANIZERS issued a ruling, it became the authority of the Election Supervisory Board to supervise the implementation of the decision of the Honorary Board of Election Organizers and it became the obligation of the ELECTION ORGANIZING HONORARY BOARD to carry out the decision of the HONORARY BOARD OF ELECTION ORGANIZERS.²⁷ According to Abdullah, Money Politics or better known as bribery for ordinary people is to give money and so on to officers (employees), in the hope of getting ease in an affair, while in Islamic law included in the risywah category. Risywah is defined as giving an improper way that a person gives to a judge or another to get the desired thing in an improper way. It is in this way that a provision changes, thus hurting many people. So it is natural that scholars agree to ban risywah related to the termination of the law even this act includes major sins. Because bribes will make the law unfair, besides that the system of life becomes unclear.²⁸

Indicators of electoral success can be measured from the people participating in the general election. The high level of political participation of citizens shows the high level of their responsibility and concern for politics, meaning the high quality of democracy. The low number of voters in the general election automatically indicates the low quality of democracy in the country. Even in the most extreme conditions, citizens are apathetic to politics, they are indifferent to everything that happens in politics. This can happen due to their loss of trust in the country. The people choose leaders, but in reality their political aspirations and expectations are never realized by their chosen leader.²⁹

A legal basis for punishing the elimination of bribery criminal activity, the aforementioned monetary policy is effective when residents report suspected criminal activity to the police, electoral commissions, or regional integrated law enforcement centers (*Gakkumdu*). It may become. A possible vulnerability for law enforcement agencies is that they must retain evidence of conversations or evidence of money transfers if citizens cannot provide evidence of monetary policy.

3. Efforts to Prevent Bribery In Indonesia

The existence of money politics, often predicted because in many ways give birth to the catastrophe of life together. On the other hand, modern humans practice it on the basis of consciousness and his philosophical beliefs in order to win the competition. Modern human philosophy has several characteristics Including, first, modern humans live based on high rationality. Second, human needs are focused on material material. Among the material that is considered to have the highest value is money. Money politics arises because of the relationship of mutualism between the perpetrator (party, politician, or intermediary) and the victim (the people). The two benefit each other with the money politics mechanism. For

²⁷ Pusat Studi Hukum dan Kebijakan. *Legislasi: Aspirasi Atau Transaksi Catatan Kinerja DPR 2011*. (Jakarta: PSHK, 2012).

²⁸ Abdullah bin Abd. Muhsin. *Suap Dalam Pandangan Hukum Islam*. (Jakarta: Gema Insana, 2001) p. 9-10.

²⁹ Ahmad Dawam Pratiknyo. *Partisipasi Masyarakat Digital Sebagai Tantangan Baru Untuk Pemilihan umum Indonesia*. *Jurnal Etika&Pemilihan umum* Vol. 5, No. 1 (2019) .Hlm. 60-61.

politicians, money politics is an instant medium in which by constituent votes can be bought. Conversely, for the people, money politics is like a regular bonus during the General Election which is more real than the promised programs.³⁰

In a General Election filled with money politics practices will cause political parties then only busy building relationships with financiers to get financial assistance. The risk faced by the party in this case is that the leadership of the political party must pay attention to the interests of financiers and their desires politically. The easily estimated result is that politicians who have managed to achieve political positions, whether legislative positions or executive positions, should think about "repaying the merits" of these financiers, while attention to the interests of the people who are their constituents, is easily shifted. The greater danger is that the interests of the financiers cause an executive to make policies that benefit financiers who have financed his political campaigns, and even make political concessions that are not transparent and difficult to account for according to the principle of accountability. If most of the group members sell their votes, the long-term interests of the members of this group are less likely to be promoted by the government.³¹

According to Sasongko, the conditions that support the emergence of corruption are as follows: a. Concentration of power in decision-makers who are not directly responsible to the people, as is often seen in non-democratic regimes; b. Lack of transparency in government decision-making; c. Expensive political campaigns, with expenditures greater than normal political funding; d. Projects involving large amounts of public money; e. Environment self-centered cover and; its network. f. Weak law order; g. lack of freedom of opinion or freedom of mass media; h. Lemahnya legal profession; I; Very small government employee salaries³². In the opinion of researchers, the provision of understanding votes for the wider democratic interests among the people has a significant influence on the nation's political change. One indicator of the running of politics democratically is the political participation of the community, to observe it we can see it through forms of political participation of the community.

According to Wantjik, the act of bribery is essentially contrary to social, religious and moral norms. In addition, it is also contrary to the public interest and causes public harm and endangers the safety of the country³³. According to Wahyudi, Bribery is a term set forth in the Law as one of the gifts or promises (giften / beloften) given or received including active bribery and passive bribery there are 3 (three) essential elements of the Criminal Act of bribery, namely receiving gifts or promises, related to the power attached to the position and contrary to their obligations or duties.³⁴

Prevention of money politic must be done in various ways. Prevention against crime is divided into general prevention and special prevention. Prevention is generally intended so that everyone no longer commits crimes.³⁵. In the opinion of researchers, efforts to prevent bribery in Indonesia are carried out starting from yourself. The people must dare to reject the plan to give money so that the people choose a certain candidate pair. In addition, the people reject the gift, the people should also report this criminal act to the Election Organizer. This report will be kept confidential for the purposes of the investigation, and the

³⁰ Susanto, Is. "Analisis Hukum Islam Dan Hukum Positif Terhadap Money Politics Pada Pemilihan Umum." *Istinbath: Jurnal Hukum* 15, no. 2 (2018): 157-186.

³¹ Chandra, M. Jeffri Arlinandes, and Jamaludin Ghafur. "Peranan Hukum dalam Mencegah Praktik Politik Uang (Money Politics) dalam Pemilihan Umum di Indonesia: Upaya Mewujudkan Pemilihan Umum yang Berintegritas." *Wajah Hukum* 4, no. 1 (2020): 52-66.

³² Warso Sasongko. *Korupsi*. (Yogyakarta: Relasi Inti Media: 2015), hlm. 5-6

³³ K. Wantjik. *Tindak Pidana*. (Jakarta: Ghalia Indonesia, 2022), hlm. 28-29.

³⁴ Ginanjar Wahyudi. *Kajian Tentang Penyuapan Sebagai Salah Satu Tindak Pidana Korupsi*. Skripsi. (Surakarta: Fakultas Hukum Universitas Surakarta, 2011), hlm. 23-25.

³⁵ Ginting, Jamin. "Sanksi Kerja Sosial Sebagai Alternatif Bentuk Pemidanaan Dalam Sistem Hukum Di Indonesia." *Law Review* 19.3 (2020): 246-267.

investigation. In the opinion of researchers, the perpetrators of bribery should have shame, guilt. The People of Indonesia cannot be bought, the voices of the Indonesian people cannot be exchanged for money.

According to Husin, etc, in order to minimize electoral malpractice that leads to political corruption, there may be some recommendations for improvement in the future from this study. First, election supervision needs to be evaluated in terms of its capabilities and systems, given the limited human resources with the lack of the number of supervisory committee personnel both in the Voting Establishment and in the sub-district. This strengthening is assumed to strengthen the tiered supervision system that is the focus of the Election Supervisory Board in performing its duties. Second, institutionally, institutions in the enforcement of election law also need to be evaluated. In this aspect, the design of electoral justice must be responsive, effective, and efficiently able to enforce the law against vote manipulation in elections.³⁶

In **the opinion of researchers**, the criminal act of bribery during the campaign until the day of the election has the potential to occur. The criminals will persuade prospective voters to vote by promising a certain amount of rewards, or have given rewards in advance. These rewards are generally in the form of money. During the *Covid-19* pandemic, money is needed to make ends meet. In April 2022, the price of basic goods, fuel prices in Indonesia increased in price, although the Government of Indonesia will provide assistance to people who have low incomes, but the assistance is only temporary..

In the opinion of researchers, the people must dare to refuse, do not want to receive rewards in the form of money and others from individuals. Givers or individuals who have rewarded the people to vote for themselves in the 2024 simultaneous general election cannot ask for back in the form of money or whatever. This could potentially happen if the candidate loses the 2024 general election.

In addition to campaigns, prevention of bribery crimes in Indonesia can be done through anti-bribery education, anti-corruption education. Education on the importance of elections to the community must be carried out by all elements of the nation who are competent in their fields, including academics. Because with the emergence of clean political awareness, money politics in the implementation of campaigns can be suppressed as low as possible. People come to understand that if they are wrong in choosing a leader, for five years they will live in distress and misery.³⁷

In the opinion of researchers, corruption is a disease that affects many countries including Indonesia, and it is difficult to prevent it. The efforts made always do not have the maximum impact and can control corruption behavior, because the perpetrators are mostly officials who have power, finances, education that can also be fostered since they were in school. Because the perpetrator is a person who has a position and is educated so corruption is very difficult to eradicate because every perpetrator has greed and a sense of dissatisfaction with what he has obtained. So as to achieve his wishes the perpetrators of corruption benefit the existing abilities even though it is contrary to morals.

In the opinion of researchers, prevention efforts that can be done are:

- a) Prevention through campaigns. Campaign to choose a candidate for leader who has a vision and mission to build Indonesia. Campaigns to reject potential leaders who give certain rewards/ gifts. This campaign can be done through various media, print media,

³⁶ Luthi Hamzah Husin; Heroik Mutaqin Pratama; Wegik Prasetyo; Hendra; Wawan Budi Darmawan; Firman Manan; Feri Amsari. Malpraktik dan Korupsi Pemilihan umum di Indonesia Analisis Terhadap Proses Penghitungan dan Rekapitulasi Pada Pemilihan umum 2019. *INTEGRITAS: Jurnal Antikorupsi*, 7 (1), 2021.

³⁷ Pardede, Marulak. "Implikasi Sistem Pemilihan Umum Indonesia." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 3, no. 1 (2014): 85-99.

or social media. Social media, internet technology facilities can reach the community with more massive and more cepat³⁸;

- b) Strengthening through legal education. A good legal education is to create a qualified Bachelor of Law. Legal education can prevent prospective voters who have an educational background in the Faculty of Law, can prevent voters who have a background as Students / Students. For example, one of the Faculty of Law in Indonesia, Faculty of Law, Universitas Pelita Harapan which has one of its missions to prepare and empower students to become holistic professionals and servant leaders who are ready to serve and glorify God.
1. Moral education or religious awareness. Moral education and religious awareness during simultaneous elections must be carried out by religious leaders, religious leaders. The speech or teachings of religious leaders will certainly be followed, of course they will be heard by their people. Religious leaders are obliged to teach that the criminal act of bribery is an act against ethics, and an act against the law. People are obliged to say no, people are obliged to refuse if there are people who want to buy people's votes;

In addition, to avoid corrupt practices in the corporate system, corporations / companies must empower and implement compliance programs, such as: 1. Understand regulations, business characteristics and related parties; 2. Commitment and support from the leadership and management to implement the anti-corruption program; 3. Risk assessment is carried out to compile an appropriate disruption program; 4. Implementation of compliance procedures and programs, including training and communication, due diligence, reporting of violations and monitoring of implementation; 5. Continuous evaluation and improvement³⁹

Campaigning, and socialization by election organizers, universities must be implemented more and more frequently. Socialization of mechanics reported alleged criminal acts of bribery in the conduct of elections. Socialization to residents where residents can complain if offered money or in any form to choose a prospective spouse. Socialization can take place through face-to-face seminars, socialization via social media.

CLOSING

Based on the discussion above, the conclusion obtained that simultaneous elections in Indonesia in 2024 is the largest general election, a general election that costs a lot of money, involving a high security role. Dignified elections have the goal of getting leaders who are ready to serve the community, and become a party of democracy that can still maintain harmony between citizens. Efforts to prevent bribery (*money politic*) must be carried out by the Election Organizer, by political parties, and by the people themselves. Pemilihan umum serentak tahun 2024 memiliki tantangan dalam pelaksanaannya. Politik uang masih dapat terjadi dalam bentuk apapun, apakah dalam bentuk pemberian uang tunai, bahan Pokok makanan dan sebagainya. Prevention efforts are carried out through socialization both through mass media, electronic media. Socialization that can be done, first, Socialization about criminal threats against people who give bribes, money *laundering*; second, socialization about the mechanism of reporting against the criminal act; third is the socialization of religious leaders, indigenous leaders that the people are obliged to vote according to conscience, must vote at a predetermined time while still complying with health protocols, and citizens do not incite other citizens not to vote.

³⁸ Karo Karo, Rizky. "Penegakan Hukum Kejahatan Dunia Maya (Cybercrime) Melalui Hukum Pidana." *Karawaci: Penerbit Fakultas Hukum, Universitas Pelita Harapan* (2019).

³⁹ Sarah, Nadia, and Nurindah Hilimi. "Korporasi Indonesia Melawan Korupsi: Strategi Pencegahan." *Integritas: Jurnal Antikorupsi* 4, no. 2 (2018): 207-232.

Recomendations

From the above discussion and conclusions, suggestions are made for:

1. Election organizers need to socialize more often through face-to-face meetings with election attendees. Socialization in the form of a deeper understanding of all organizing tools about regulations, especially in candidate pairs in the implementation of regional head elections, legislative members; President and Vice President, specifically to reject money politics. The cooperation of election organizers can make elections a success well, although there are obstacles faced in the process of holding elections, both in the process of holding Legislative and Presidential elections at the sub-district level, issues in the implementation process, namely the involvement of the State Civil Apparatus, Political Money and the campaign stage, problems of the role of the community in providing good and correct suffrage,
2. Election participants should reject any form of monetary policy and dare to report suspected criminal acts to the police, including supporting evidence.

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