

***LEGAL REVIEW OF MONEY POLITICS IN INDONESIA
BASED ON LAW NUMBER 7 OF 2017 CONCERNING
GENERAL ELECTIONS***

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ABSTRACT

Legal certainty in reviewing election laws often results in failure to crack down on electoral political mafia crimes. In Law Number 7 of 2017 concerning General Elections, it is emphasized that elections are held openly, freely and secretly so that if there is a mafia in a legitimate election then problems will arise. This research aims to analyze the review of election criminal law in the aspect of money politics in terms of Law Number 7 of 2017 concerning General Elections. This research uses a normative type of research using a statutory approach and a conceptual approach. The implementation of the election law has not been effective because from year to year these problems continue to occur so this research can conclude logical evidentiary arguments in providing a deterrent to perpetrators of the criminal act of dawn attacks which will open up this problem through theories and logic to conclude the problem with cause and effect. With this research, it will be useful for the public to be careful of all suspicious aspects of the election so that it runs well.

Keywords: *Legal, Review, Elections, Political,*

1. INTRODUCTION

The electoral system is a decision that is bound to an institution that is very important for democracy. In some cases almost all of the problems of a particular electoral system have a profound influence on the future of political life in a country concerned.¹ Although deliberate design has become more common in recent years, traditionally it has been rare for an electoral system to be chosen consciously and deliberately. Often the choice is essentially a coincidence of an unusual combination of circumstances, a fleeting trend that can have very serious consequences.² Thus the electoral system is equally important in the choice. The choice of an electoral system is essentially a political process, not a matter to which independent technical experts can give a precise answer and the electoral menus available are often limited so that short-term political calculations often override the long-term consequences of the electoral system.³

In Law No. 7 of 2017 concerning General Elections, which has been explained, justice will be emphasized even though there is openness, but there are those who use it for loopholes for cheating in elections which are used by political parties as a prevention of voter freedom, thus forcing voters to choose parties in a dirty way or bribery so that the party that is likely to have few votes becomes many, so that there are many indications of bribery in elections.

The public expects fair elections but political parties expect them to be held in a fraudulent manner, resulting in a "contradictory conflict, namely two conflicting decisions."⁴ where the conflicting desires of the community and political parties do not accompany each other, where political parties prioritize their power, so that the elections that the community hopes will be free from money are actually dirty because of money politics, because political parties take advantage of the situation of strong community expectations, especially regarding jobs. Then, politics can be recognized as bribery because it aims to prevent people from choosing leaders with pure thoughts. Money politics wants people to choose leaders based on what is given, not the integrity and competence of the leader.⁵

In the general election law seen from the perspective of criminal law politics, it has been said that political parties are a necessity to revive modern politics. This has a function as an aspiration that the wishes of the people are expressed and realized through the election of a state leader, only political parties often misuse the provisions of democracy of the Indonesian people to control the scope of power that exceeds its limits.

The law is strict regarding election matters, which are not simple matters because they concern the future of who will become future leaders and in carrying out the

¹Andrew Reynolds, *Desain Sistem Pemilu: Buku Panduan Baru Internasional IDEA* (et) (International IDEA, 2016)

²*Ibid*

³*Ibid*

⁴Hidanul Ichwan H, *Logika Keilmuan* (Student Library, 2023)

⁵Putri Damayanty, *Serangan Fajar Jelang 2024: Bagaimana hukumnya dalam m Islam?* <https://www.liputan6.com/islami/read/5527466/serangan-fajar-jelang-pemilu-2024-how-Hukumnya-dalam-islam?page=4/>. Access date February 20, 2024

aspirations of the people which will become a fundamental and credible problem for the country and can also be very dangerous if the wrong leader is chosen because, according to sociologists, a leader is defined as a ruler who has the ability to impose his will on others.⁶

The problem with elections is that it is important to know that we must avoid all forms of fraud if we are actually witnesses. Therefore, it is very important to confirm the forms of fraud, because elections are often rigged, so that it is very possible that there is a danger to the people's voices that are not agreed upon by the consensus of public knowledge policies.

2. RESEARCH METHOD

This study uses normative legal research with a method that focuses on literature studies such as books, documents, legislation, and news. And this study also uses a legislative approach and a conceptual approach in order to obtain in-depth problem solving.⁷

3. DISCUSSION

Money Politics is part of the problem of election corruption and an important issue among other election violations. According to the general definition, money politics may only be associated with the practice of vote buying. Regarding money politics in the sense that the influence of money in elections is not just the act of buying votes, but all actions in every stage of the election that can be influenced by money so that one political party or candidate can benefit and/or not benefit another political party or candidate.⁸

In the authority of general elections, the mechanism for monitoring and resolving election disputes as stated in Law No. 7 of 2017 concerning Elections which summarizes 3 (three) laws at once (Organizer Law, Presidential Election Law, and Election Law) has apparently caused its own complications. Disputes in the Election, the authority to resolve is assigned to the Supervisory Body (Bawaslu), while the Constitutional Court is not fixed at the level of resolving disputes/disputes over election results.⁹

In facing normative obstacles in the practice of elections in Indonesia, the choice for figures who participate in elections without being members of political parties is to become candidates for members of the Regional Representative Council (DPD). The DPD institution is a new institution resulting from the amendment to the 1945 Constitution. According to the system of the 1945 Constitution before the amendment (the original 1945 Constitution) as stated in the provisions of Article 2 paragraph (1) "The People's

⁶Satjipto Rahardjo, *Ilmu Hukum*, (Citra Aditya Bakti, 2010)

⁷Zainuddin Ali, *Metode Penelitian Hukum*, (Sinar Grafika, 2019)

⁸Septa Candra, Money Politics dalam Penyelenggaraan Pemilu, <https://umj.ac.id/opini/money-politics-dalam-penyelenggaraan-pemilu/>. Akses tanggal 31 Oktober 2024

⁹Mohd Effendy, *Hukum Kepemiluan & Format Sistem Kepartaian*, (Thema Publishing, 2021)

Consultative Assembly consists of members of the People's Representative Council plus delegates from regions and groups, according to the rules implemented by law".¹⁰

The system, if imposed on Bawaslu, will create chaos, so that in the responsibility if it is imposed, the consequences will be confusing because Bawaslu is only a supervisor and should be carried out by the Constitutional Court as an enforcer, only confusion has hit them.

The enforcement of election law in its mechanism must regulate and formulate effective legal solutions that have implications for maintaining compliance with election laws. In this case, the right to vote and be elected by every citizen must be guaranteed and violations of the use of the right to vote and be elected will be subject to sanctions. The legal framework ensures that there are prohibitions and sanctions against anyone who violates these prohibitions.¹¹

The legal framework must provide for effective legal mechanisms and remedies for enforcing the right to vote because the right to vote is a human right. The legal framework for elections must establish detailed and adequate provisions to protect the right to vote. The legal framework must provide that every voter, candidate, and party has the right to report to the election management body or the competent court if there are allegations of violations of the right to vote.¹²

The election law requires the election organizing body or the competent court to immediately provide a decision to prevent the loss of the victim's right to vote. The law requires provisions for the right to appeal. Decisions from the highest court must be given as soon as possible.

The legal framework should set out the timeframes required to consider and decide on complaints. The time frame for communicating the decision to the complainant should also be set. Some complaints can be decided immediately, others may take a few hours, and still others may take a few days. Time limits are therefore critical to the continuity of efforts to consider the court and the gravity of the complaint.

In the election act in the law includes: First, Handling of Election Crimes which contains procedures for handling election crimes, and integrated law enforcement centers. Second, explaining the Election Criminal Provisions. While in the previous law, Election Crimes were regulated in articles 260-311 of Law Number 10 of 2008 concerning the General Election of Members of the People's Representative Council, Regional Representative Council and Regional People's Representative Council.¹³

¹⁰*Ibid*

¹¹Topo Santoso et al., Election Law Enforcement, (no publisher, 2006)

¹²*Ibid*

¹³Muridah Isnawi, Review of Criminal Law on Elections and Formulation of Accountability in Criminal Acts of Elections, Journal (no volume), No year, p. 298. Accessed on July 9, 2024, at 21.03 WIB.

4. CONCLUSION

If this situation is known in depth, various activities money politics in the election will be avoided and reach the point of success in running the general election peacefully and successfully. To be successful, it is necessary for a society that is able to allocate and know the problem of dangerous money politics in the general election, so cause and effect are needed to know this very risky problem. So the theory of law must be strengthened through a society that must understand in such detail the development of politics, because politics is used to manipulate certain forms of strategy in order to find patterns that make it successful, but politics is misused and the chaos that will occur in the future is very severe.

REFERENCES

- Ali, Zainuddin, *Metode Penelitian*, Sinar Grafika, 2019.
- Aristoteles, 2020, *Politics (ed. trjmh)*, Indoliterasi, 2020.
- Bachtiar, 2018, *Metode Penelitian Hukum*, Unpam Press, 2018.
- Effendy, Mohd, 2021, *Hukum Kepemiluan & Format Sistem Kepartaian*, Yogyakarta, Thema Publishing
- Ichwan H, Hidanul, *Logika Keilmuan*, Pustaka Pelajar, 2023
- Ishaq, *Pengantar Hukum Indonesia*, Rajawali Pers, 2018
- Jurdi, Fajlurrahman, *Logika Hukum*, Prenadamedia Group, 2019
- Kansil, 2015, *Pengantar Ilmu Hukum Dan Tata Hukum Indonesia*, Balai Pustaka, 2015.
- Ketut Merta, dkk., 2016, *Buku Ajar Hukum Pidana*, tanpa penerbit, Denpasar.