



The effectiveness of money political policies based on legal regulations in the implementation of general elections

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Abstract

Money politics is an action or effort to influence someone by providing a reward. Some people interpret money politics as an act of buying and selling power in the political process. These actions can occur in a wide range, starting from the village head election process to the general election of a country. There is a problem that is no longer a public secret, namely the practice of money politics during the election season. This research aims to determine the effectiveness of Law Number 7 of 2017's effectiveness concerning General Elections on money politics practices. This research can be categorized as normative juridical research or library legal research. The research approach used is conceptual. The method for collecting legal materials was documentation, where this research does not require direct involvement in the research object but only through written documents. The types of legal material sources used in this research consist of primary, secondary, and tertiary data sources. The research results showed that Law Number 7 of 2017 has not been implemented effectively. There are still many money politics practices that occur in Indonesia and are considered normal.

Keywords: Effectiveness, general election, money politics

Introduction

The 1945 Constitution of the Republic of Indonesia is the Constitution and the highest source of law in force in Indonesia. The 1945 Constitution embodies the foundation of the Indonesian state, namely Pancasila. This is stated clearly in the preamble to the 1945 Constitution. The 1945 Constitution has the highest legal position in the government system in Indonesia, so all regulations must follow the provisions and comply with the 1945 Law.

Article 1, paragraph (3) of the 1945 Law confirms that Indonesia is a legal state. So, in this concept, law must be used as a spearhead in dealing with various state dynamics, not economic or political. This is the case in state activities in general elections. General Elections are a form of manifestation of democracy as popular sovereignty as a result of amendments to the 1945 Constitution, which clearly states that position is in the hands of the people. This means that the people have sovereignty, rights and obligations, responsibility, and freedom to choose their own leaders to serve, manage, and supervise the running of the government.

The idea of the rule of law was built by developing the legal instrument itself as a functional and just system, developed with an orderly and orderly political, economic, and social institutional supra-structure and infrastructure, and fostered by building a rational and impersonal legal culture and awareness within life in society, nation, and state. For this reason, the legal system needs to be built (law-making) and enforced (law enforcing) as it should be, starting with the Constitution as the law with the highest position. To ensure the upholding of the Constitution as a basic law of high standing (the supreme law of the land), a Constitutional Court was also established, which functions as "the guardian" and also "the interpreter of the Constitution" (Jimly, 2017) ^[20]

In Law Number 7 of 2017, General Elections are a means of popular sovereignty to elect members of the House of Representatives, members of the Regional Representative

Board, President and Vice President, and to elect members of the Regional House of Representatives. Which is carried out directly, publicly, freely, confidentially, honestly, and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Article 3 states that General election organizers must carry out elections based on the principles of independence, honesty, fair, legally certain, orderly, open, proportional, professional, accountable, effective and efficient.

General elections have enormous benefits for the country, namely that they are the implementation of the realization of people's sovereignty. General Elections are a means for the people to elect their representatives in channeling people's politics, carrying out supervision, making laws that serve as a reference for all parties in the Indonesian State, and formulating expenditure and income budgets to carry out these functions. From the explanation above, it can be concluded that law is the main aspect that must be considered in organizing elections. Successful elections are carried out with commitment that produces legitimacy and legality.

The holding of elections in Indonesia cannot be separated from problems that can damage the concept of elections themselves, one of which is the problem of money politics, which is often encountered when the general election season approaches. In essence, money politics is fraudulent and can be indicated as an act of corruption (Estlund, 2012) ^[6]. The problem of money politics in Indonesia is not new; history records that the best general election occurred in 1955. This election was held honestly, democratically, and fairly. In the 1955 general election, the participating parties fought objectively and fairly, not relying solely on power or money, but instead fought with ideas concerning Indonesia (Ellis, 2016) ^[2].

The problem of money politics is fraud committed by political parties or legislative candidates by giving money or in other forms. This usually happens during a campaign that

aims to gain sympathy from the public, and there is competition between one political party and another. Political parties or legislative candidates use all means to gain support and trust from the public. These actions include actions that damage the ongoing democratic system and also the rules of law in Indonesia.

Article 284 of Law Number 7 of 2017 concerning general elections states that if it is proven that the implementing team and the general election campaign team promised or provided money or other materials in exchange for participants in the general election campaign, directly or indirectly, they will be subject to sanctions. The things that are categorized as direct and indirect rewards above include objectives:

1. Not using the right to vote.
2. Exercising the right to vote by selecting General Election Participants in a certain way so that their ballot papers are invalid.
3. Choose a certain pair of candidates.
4. Selecting certain General Election participating political parties and/or
5. Select certain candidates for Regional Representative Board members

Constitutionally good general elections are prerequisites for creating an ideal democratic life in a country. Implementing a good general election process requires commitment from all stakeholders involved, such as election organizers (Regional General Elections Commission, Election Supervisory Committee), regional election candidates or participants, and all parties involved in it. A good selection process is based on the principle of *lumber juridical* (direct, general, free, honest, and fair). This political principle is expected to provide good, responsible leaders with high legitimacy to run the government. In the Schumpeterian (procedural) model, the only legitimate source is the electoral process's results (Aspinall & Sukmajati, 2015) ^[3].

However, implementing good elections based on judicial overflow is very difficult in practice. This happened because it was influenced by the lack of involvement of stakeholders in organizing elections, which resulted in violations committed by prospective participants and their success teams. This will negatively impact and affect the course of political and governmental life. The order of political life will change and give a different color to public decision-making. A good and dedicated leader will always put the people's interests first. All existing decisions and policies will be based on the community's needs, not the leader's wants. For this reason, in the election process, the people should choose based on the legitimacy of the prospective participants, not on material gifts or promises made. Apart from having an impact on future hopes for the country's progress, this money political action will also threaten the existence of the existing democratic system.

Money politics has a bad influence because it will have an impact and can lower the dignity of the people. Money politics is also a trap that can result in people being trapped in their lives during a period of leadership. This is because leaders who do not have dedication to the people will not be able to provide service to the people, will not be able to carry out the change agenda that has been proclaimed, and may not be able to carry out the vision and mission that have been expressed during the election or campaign process. So you can imagine that for five years, the people

will be under the shadow of political blindness, triggering unlawful acts due to a low understanding of ongoing politics. The reality is that many people still do not understand the democratic principles that exist in Indonesia. In politics, sometimes, people tend to be influenced by invitations and orders from parties who do not have the legal authority to direct people in elections (Hertanto, 2006) ^[23].

Money politics is a serious problem and has become commonplace in society. Many people expect money politics because they will be rewarded in the form of money. This shows that apart from the weakness of the democratic system in Indonesia, public awareness of the importance of honest and fair democracy is very low. The political elite exploits this situation as a strategy to win politics. Regulations regarding general elections already exist, but in practice, many parties still deviate from these regulations. From the background of the problems described above, the problem can be identified: how is the effectiveness of the General Election Law on the practice of money politics in Indonesia?

Research Methods

The research method is the method used to collect research data and compare it with the standard measurements that have been used. Research methods are important factors in research because whether the method used is appropriate or not determines the success or failure of the research.

This research is included in the normative research type because the analysis technique uses legal materials in the form of primary data or library materials (Susanti & Efendi, 2014) ^[16]. This research uses library materials that contain new and up-to-date scientific knowledge or new understandings of known facts or ideas, in this case, including books, journals, dissertations or theses, and other legal materials. (Amiruddin & Asikin, 2006) ^[1].

This research uses two approaches: the legislative approach, which examines all statutory regulations related to the problem under study, and the conceptual approach, which studies concepts from perspectives and doctrines developed in legal science.

This research uses two data collection techniques, namely primary and secondary. The analysis method used is qualitative analysis because, in this research, the author describes the phenomenon that is occurring and can then be obtained after the data is collected, sorted, organized, managed, and then connected so that it can be new or existing information is obtained (Ishaq, 2017) ^[10]. If a researcher finds a theme to be researched, the next step must be to collect all information related to the relevant and essential theme and then determine the legal issue. Sometimes, in determining legal issues, general information is needed. This information is intended to help orient the situation by examining secondary legal materials. Through this secondary data, legal issues can be formulated precisely. Apart from this, secondary data can also be used to identify required legal data (Nasution, 2008) ^[13].

First, the primary data source is legal material directly obtained from the main source of research, namely Law Number 7 of 2017 concerning General Elections. Second, secondary data sources in this research are legal journals, legal dictionaries, scripts, theses, and legal dissertations. Third, tertiary data sources in this research are Indonesian dictionaries, internet media, and encyclopedias.

To process all the data obtained, it is necessary to have data processing and analysis procedures appropriate to the approach used. So, the analysis model used by the author is descriptive qualitative (Setiawan, 2010) ^[4]. The author uses data analysis through editing, classifying, verifying, and analyzing).

Results and Discussion

Democracy means that the people have the highest position to determine choices in the election process. Good government is by the people, of the people, and for the people. This indicates that when society can carry out selective elections, the government will run well and in accordance with a clean political life order. In the election process, this is the key to whether a democratic system will work. The democratic principles in a general election activity are based on the Luber Jurdil principles, namely honest, free, confidential, direct, and fair. Therefore, influencing voters to choose a particular candidate is contrary to existing laws and regulations (Wayan Febrianto *et al.*, 2020) ^[21].

Elections are specifically regulated in Law Number 7 of 2017 concerning Elections. Law Number 7 of 2017 is an amendment to Law Number 15 of 2011 concerning implementing General Elections. In its development, Law Number 7 of 2017 has undergone various changes since the first election held in 1955 until the most recent Law Number 7 of 2017, which President Joko Widodo ratified on August 15, 2017, which consists of 573 articles, explanations, and four appendices. This law was promulgated by the Minister of Law and Human Rights, Yasonna H. Laoly, on August 16, 2017 (PR RI Secretariat, 2019).

The definition of General Election, according to Article 1 Paragraph 1 of Law Number 7 of 2017, is a means of popular sovereignty to elect members of the House of Representatives, members of the Regional Representative Board, President and Vice President, and to elect members of the Regional House of Representatives, which is carried out directly, general, free, secret, honest and fair in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Article 2 states that general elections must be based on five principles: direct, general, free, secret, honest, and fair

General elections are the most important mechanism in maintaining people's sovereignty. Through the general election mechanism, the process of selecting leaders can be carried out for legislative and executive seats. The voters are the people directly (Gaffar & Affan, 2006) ^[8]. The Constitution regulates the principle of popular sovereignty. Article 1, paragraph (2) of the Constitution of the Republic of Indonesia states that sovereignty is in the hands of the people and is implemented according to the Constitution. The basis of this article then regulates general elections and regional head elections (Tripa *et al.* 2019) ^[15]. The purpose of holding elections is regulated in Article 4 of Law Number 7 of 2017, among others, namely:

1. Strengthening the democratic constitutional system.
2. Realizing elections that are fair and have integrity.
3. Guarantee the consistency of election system arrangements.
4. Provide legal certainty and prevent duplication in election arrangements.
5. Realizing effective and efficient elections.

General elections are held by an independent and impartial state institution so that elections truly produce a democratic government. Therefore, as the Election Organizing Institution in Indonesia, the General Elections Commission must always adhere to existing laws and regulations, the code of ethics, and the General Elections Commission's rules of conduct. The duties and authority of the General Elections Commission in holding elections are not solely related to the parties participating in the election but also to the community as voters. The General Elections Commission is a national, permanent, and independent election organizing institution contained in Article 22E paragraph (5) of the 1945 Constitution. The General Elections Commission is the only institution with the authority to organize general legislative elections, elections for president, and regional head elections in Indonesia. Article 9, paragraph (3) states that in carrying out its duties, the General Elections Commission is assisted by the Secretariat General, the Provincial General Elections Commission, and the Regency/City General Elections Commission are each assisted by the Secretariat.

Before voting, political parties participating in the general election are allowed to campaign. During an election campaign, the people can attend the campaign. The general election campaign is carried out from 3 days after the candidate participant is determined as a general election participant until the start of the quiet period. The cooling-off period in question lasts three days before voting day. General election campaign materials contain election participant programs. When delivering campaign material, it should be done in a polite, orderly, and educational manner. In the fifth section, which contains sanctions for violating campaign prohibitions, Article 284 of Law Number 7 of 2017 concerning Elections states that if it is proven that the implementing team and the general election campaign team promised or gave money or other materials as compensation for participating in the general election campaign directly or indirectly will be immediately punished. What is meant by other materials does not include gift items, which are election campaign attributes, including t-shirts, flags, hats, and other attributes, as well as costs/money for food and drink for campaign participants, transportation costs/money for campaign participants, costs/money for procuring campaign materials at limited meetings and/or face-to-face meetings and dialogue, and other prizes based on the reasonableness and cost value of an area as determined by General Elections Commission regulations.

The things that are categorized as direct and indirect rewards above include objectives:

1. Not using the right to vote.
2. Exercising the right to vote by choosing participants in the general election in a certain way so that their ballot papers are invalid.
3. Choosing a certain candidate pair.
4. Choosing a political party participating in certain general elections and/or
5. Select certain candidates for Regional Representative Board members.

General election activities are an activity that teaches the public to be involved in the political decision-making process by voting for a particular political party of their choice. General elections are a very important activity in the democratic process to form a democratic government.

Elections establish the legitimacy of the rulers and government, the formation of people's representatives, the circulation of the ruling elite, and political education. General election activities are not free from various problems. One of the existing problems is the practice of money politics.

During the New Order period, there was a paradigm shift; money politics was rarely heard of and recorded because general elections were always decorated by using power to win over the government party. All the forces of Bersatu are involved in winning the Golongan Karya Party. So, elections seem like just a mere democratic ceremony. General elections were held, but campaigning was severely restricted, many candidates were disqualified, and various regulations were applied disproportionately against political opponents of the government (Ellis, 2016) ^[2].

After the general election in the New Order era, namely in the Reformation Era, the general election was heavily spiced up by money politics. It is not uncommon for this practice to be carried out massively in society. As a result, money politics becomes a cheap spectacle that damages the quality of democracy. In this context, general elections lose their orientation toward creating a democratic, just, and prosperous country. Lately, it's not just general elections peppered with money politics. Simultaneous regional head elections and village head elections are also not free from the stinging aroma of money politics. Whether in general, regional, or village head elections, money politics always comes to the fore, defeating the vision and mission or programs of candidates and political parties.

Money Politics is an action or effort carried out to influence someone by providing something in return. Some people interpret money politics as an act of buying and selling power in the political process. These actions can occur in a wide range, from the village head election process to the general election of a country (Isnawan, 1999). Another term used to refer to money politics is bribery. Bribery money means an amount of money given to certain officers to bribe them so that a matter can run smoothly (Umar, 2015) ^[24]. The general public understands money politics as the practice of giving money or goods or offering the promise of something to someone or the masses in groups or individually to gain political advantage. This means that the money politics action was carried out consciously by the perpetrator (Isnawan, 2008) ^[12].

Politics always concerns the goals of the whole society and not one person's personal goals. In politics, money has a dual function, both as a tool and a goal. As a tool, money is a political resource that effectively attracts public sympathy and gains power. It works by exchanging money owned by political parties for people's votes. This money can be given to other people, including family, success teams, friends, etc. The goal is that after a political actor succeeds in obtaining the desired power, he will try to optimize his interests, including gathering economic prosperity for himself and maintaining the power he has for the future. Thornton Laura stated that money is recognized as a strategic political weapon to achieve power at all levels of society, including religious communities. (Ar-Rasyid, 2016).

People who are entrusted with being leaders should be able to carry out their duties and obligations correctly and well, be able, to be honest and fair and have the skills and abilities to carry out their duties. Money politics has many negative

impacts, so this must be prevented. In Islam, there is a formula to overcome this. People who give and give money in politics are condemned as haram. People who give money to be elected mean they really want a position, which is prohibited in Islam (Qardhawi, 1997) ^[18].

Efforts we can make to overcome money politics during elections include law enforcement, including the effectiveness of Law Number 7 of 2017 concerning General Elections. Money politics is an action that is prohibited because it is cheating. Many money politics practices still occur during the election season, even though most people consider them normal. The political party that carries the candidate will get votes, and the people will get rewards in the form of money; even though the money given is relatively small, quite a few people are also looking forward to this money politics. When related to effectiveness theory, of course, this is the opposite. The rules regarding the requirements for what can and cannot be done are regulated in the law, but in practice, these regulations are not adhered to.

Effectiveness comes from the word effective. Effectiveness is the achievement of success in achieving a predetermined goal. Effectiveness is the ability to carry out tasks, functions of an organization, or similar things without any pressure on the implementation. Legal effectiveness will be achieved when the targets or objectives determined as targets are in accordance with what was planned (Usman, 2009) ^[17]. According to Soejono Soekanto, there are five factors of legal effectiveness, including: (Soejono Soekanto, 1988) ^[14].

1. Factors originating from the law.
2. Law enforcement factors, namely, every party that implements or forms the law.
3. Facility factors that support law enforcement.
4. Community factors, namely the area where the law is enforced.
5. Cultural factors, namely creativity, results, work, and feelings based on social and humanitarian intentions.

First, based on factors originating from the law. The law in question is Law Number 7 of 2017 concerning General Elections. Law Number 7 of 2017 states in Article 284 that if it is proven that the implementing team and the general election campaign team promised or provided money or other materials as compensation for general election campaign participants, directly or indirectly, they will be subject to sanctions. Things that are categorized as direct and indirect compensation above include, among other things, the aim of not using their right to vote, using their right to vote by selecting general election participants in a certain way so that their ballot papers are invalid, choosing certain pairs of candidates, choosing political parties participating in certain general elections. And/or elect certain candidates for Regional Representatives Council members. In this case, the law on general elections is ineffective because many or almost all political parties still use money politics in their campaign systems, aiming for political parties to get votes in elections. Democracy in Indonesia is becoming increasingly dull due to money politics, but this is also considered normal because public awareness of the importance of democracy is low.

Second is the law enforcement factor. Whether a law is effective or not can also be seen from the performance of law enforcement. Legal officers are expected to carry out

their duties well. Regarding money politics cases, the General Elections Commission has not been effective in its supervision. The practice of money politics is mysterious because it is difficult to find data to prove the source of this practice because those who receive prospective voters are waiting for gifts from legislative candidates or their campaign teams, let alone reporting it to the supervisory authorities, but ironically the practice of money politics has become a common habit and secret in society. The criminal sanctions obtained from money politics are contained in Article 523 of Law Number 7 of 2017. To be more concrete, the researcher will quote these provisions in full, namely as follows:

1. Every election campaign organizer, participant, and/or team who deliberately promises or provides money or other materials as compensation to campaign participants directly or indirectly as intended in Article 280 paragraph (1) letter j shall be punished with a maximum imprisonment of 2 (two) years and a maximum fine of IDR 24,000,000.00 (twenty-four million rupiah).
2. Every participant, participant, and/or election campaign team who deliberately, during the quiet period, promises or provides monetary or other material rewards to voters directly or indirectly as intended in Article 278 paragraph (2) shall be punished with a maximum imprisonment of 4 (four) year and a maximum fine of IDR 48,000,000.00 (forty-eight million rupiah).
3. Any person who deliberately on voting day, promises or gives money or other materials to voters not to exercise their right to vote or elect certain election participants shall be punished with imprisonment for a maximum of 3 (three) years and a fine of a maximum of IDR 36,000,000.00 (three twenty-six million rupiah).

From the explanation of Article 532 above, in the author's opinion, paragraph (1) of money politics is carried out during the campaign period, paragraph (2) is carried out during the quiet period, and paragraph (3) is carried out on the day the votes are counted. Several factors cause election criminal violations. First, the lack of unprofessional supervision in law enforcement during the campaign resulted in money politics everywhere. Second, coordination between general election supervisors and the police has not gone well. Third, there is a need for better law enforcement, providing political education awareness to legislative candidates so that they do not use money politics, so there is a need for the role of law enforcers who are brave, honest, fair, and professional to enforce the law so that democracy runs well as a form of people's sovereignty (Asnawi, 2016)^[19].

In Article 285, it is stated that the Court Decision has obtained permanent legal force regarding the violations referred to in Article 284, which are imposed on election campaign organizers of members of the House of Representatives, Regional Representatives Council, provincial Regional Legislative Council, and regency/city Regional Legislative Council who have the status of Candidates for members of the House of Representatives, Regional Representatives Council, provincial Regional Legislative Council, and district/city Regional Legislative Council are used as a basis for the General Election Commission, provincial General Election Commission, and

district/city General Election Commission to take action in the form of:

- a. Cancellation of names of candidates for members of the House of Representatives, Regional Representatives Council, provincial Regional Legislative Council, and district/city Regional Legislative Council from the list of permanent candidates, or
- b. Cancellation of the appointment of candidates for members of the House of Representatives, Regional Representatives Council, provincial Regional Legislative Council, and district/city Regional Legislative Council as elected candidates.

Meanwhile, in Chapter V of the Criminal Code concerning the inclusion of criminal acts, precisely in Article 55, it is explained that (1) Convicted as perpetrators of criminal acts: (a) those who commit, who order to commit, and who participate in committing the act, (b) those who, by giving or promising something by abusing power or dignity, using violence, threats or misdirection, or providing opportunities, methods or information, deliberately encourage others to take action. (2) for the proponent, only actions that are deliberately recommended are taken into account, along with their consequences. Article 149 paragraph (1) Whoever, during a general election based on general regulations, by giving or promising something, bribes someone not to exercise their right to vote or to exercise their right in a certain way, is threatened with imprisonment for a maximum of nine months or a fine of up to 100 thousand five hundred rupiah (2) The same penalty is applied to voters who by accepting gifts or promises they want to bribe.

Third, namely, facilities that support law enforcement. Supporting facilities can simply be formulated as a means to achieve a goal. The scope includes physical facilities that function as supporting factors. Money politics can be reported to Bawaslu. In addition to election violations discovered by Bawaslu, reports can also be submitted by people who have the right to vote, election participants and election observers to the General Election Supervisory Body, Provincial General Election Supervisory Body, Regency/City General Election Supervisory Body, Sub-district Election Supervisory Committee, Committee Subdistrict/Village Election Supervisor, Overseas Election Supervisory Committee and/or polling station supervisor. As a supervisory institution, Bawaslu has the authority to follow up on violations reported by the public or election observers. The reporter's identity will be protected based on Article 5 of the Sanctions and Victim Protection Act. In this way, the public does not need to worry when reporting suspected election violations.

Fourth, namely, community factors. Law enforcement aims to ensure public peace. The effectiveness of the law also depends on people's self-awareness. Low public awareness will make it difficult to enforce the law. In this case, the community factor regarding the importance of honest and fair politics is still low, and the large number of money politics practices in society proves this. Democracy in Indonesia is becoming increasingly dull due to money politics, but this is also considered normal because public awareness of the importance of democracy is low. In his writing, Matthew Carlson states that money politics is not caused by one cause, but rather is an accumulation of complex social problems. Economic problems are the main

factor, followed by tight competition between candidates, policy factors that do not side with the people, low communication between candidates and voters, weak monitoring factors, and low political knowledge and education level (Ar-Rasyid, 2016). Explanations of these factors include:

a. Economy

The large number of underprivileged people in Indonesia is an easy target for money politics. Money politics will also happen to those who are not poor and include first-time voters. However, targets who are easily influenced are less well-off people. It is these underprivileged residents who will be fought over during elections with various methods used to attract public sympathy.

b. Competition

One of the reasons why these candidates do politics is because they are afraid of losing the competition to other candidates. The strategies used to win the competition are very diverse. In order to win the very tight competition, practical and instant methods were used to win votes using money politics.

c. Policy

Policies that are not one-sided with the people give rise to distrust. So the opinion emerged "Whoever is elected, we will still be poor". Then the opinion was born rather than not getting any money at all. We'd better choose candidates who are willing to give money.

d. Communication

The low level of communication between selected and consistent candidates after the election means that the next campaign is an opportunity for candidates to increase their electability. Post-traditional society uses various approaches to capture this as a "business opportunity." In the end, campaign events that involve money politics from candidates become a new area for people to be able to get money from the candidates.

e. Low political knowledge

If voters know that their votes determine the fate of the government and the future development of the nation, then, of course, most of them will reject money politics. However, on the contrary, some voters are not aware of this. As stated by Grill Troy, "The factor of voters' low political knowledge will be very influential in determining their attitude whether they will accept money politics or reject money politics." (Ar-Rasyid, 2016)

f. Education Level

A person's level of education also greatly influences people's involvement in financial politics. Because the higher a person's intelligence level, the smarter they will be in choosing leaders.

g. Supervision and law enforcement

This happens because those who serve as supervisors participate in implementing money politics. Weak law enforcement against perpetrators and recipients of money politics. The supervising institution, namely the General Election Supervisory Agency, has not worked optimally and is often powerless to carry out supervision due to the supervisory component's weak integrity. This happens

because the community seems to protect and does not participate enough to report and reject money politics (Ar-Rasyid, 2016).

Fifth, cultural factors. Cultural factors describe people's behavior or attitudes towards regulations, and all the factors that determine whether a law finds a place and is accepted by the surrounding community. This includes community opinion, community habits, ways of behaving and thinking, legal behavior, whether it leads to social difficulties towards the law or vice versa (Dayanto, 2014) ^[5]. The cultural factor in this problem is the people's low level of democracy, making them easy targets for political elites. There is a culture of giving to each other, which is not good if you have good fortune but it is rejected. That seems inherent in the Indonesian people, including money and all forms of money politics from election participants. Often giving is no longer for the truth but for something considered fraudulent. Based on the description above, it can be concluded that the effectiveness of Law Number 7 of 2017 concerning general elections in overcoming money politics has not been effectively implemented. This happens because of people's low self-awareness, long-standing culture, and lack of law enforcement regarding money politics. The law must be enforced to create a higher quality democracy. Quality democracy will produce quality people's representatives too. Talking about crime prevention is the domain of criminology. Likewise, with preventing money politics crimes, the approach that can be used is a criminological approach so that the root of the problem can be identified, including how to eradicate it. This is one of the advantages of criminology when compared to criminal law. Criminology can be used before a crime is committed, while criminal law is only used if a criminal act has already occurred (Adler, 2010) ^[7].

According to Dennis Cahapman, there are 2 ways to prevent criminal acts, namely, looking for the driving factors that cause criminal acts to occur. For this reason, two things must be considered, (1) through an abolitionistic system, namely eliminating the factors that drive crime. (2) through a moralistic system, namely prevention through religious spiritual infusion. This system will strengthen moral values so that it is hoped that it will be able to suppress human evil instincts. Second, optimize law enforcement. Walter C. Reckless expressed a similar opinion, that there are 5 things needed to prevent crime, namely (1) a good police system and organization, (1) effective implementation of justice, (3) coordinated supervision and prevention of crime, (5) community participation in crime prevention efforts (Satria, 2012) ^[22]

Conclusions

General elections are specifically regulated in Law Number 7 of 2017 concerning Elections. Law Number 7 of 2017. The definition of General Election, according to Article 1 Paragraph 1 of Law Number 7 of 2017, is a means of popular sovereignty to elect members of the People's Representative Council, members of the Regional Representative Council, President and Vice President, and elect members of the Representative Council Regional People, which is carried out directly, publicly, freely, confidentially, honestly and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Article 2 states

that elections must be based on six principles: direct, public, free, confidential, honest and fair.

The holding of general elections in Indonesia cannot be separated from problems that can damage the concept of elections themselves, one of which is the problem of money politics often encountered when the election season approaches. In essence, money politics is fraudulent and can be indicated as an act of corruption. The problem of money politics is fraud committed by political parties or legislative candidates by giving money or in other forms. This usually happens during a campaign that aims to gain sympathy from the public, and there is competition between one political party and another. Political parties or legislative candidates use all means to gain support and trust from the public. These actions include actions that damage the ongoing democratic system and also the rules of law in Indonesia.

Efforts we can make to overcome money politics during elections include law enforcement, including the effectiveness of Law Number 7 of 2017 concerning General Elections. According to Soejono Soekanto, there are five factors of legal effectiveness, among others (Soejono Soekanto, 1988) ^[14]:

1. Factors originating from the law.
2. Law enforcement factors, namely, every party that implements or forms the law.
3. Facility factors that support law enforcement.
4. Community factors, namely the area where the law is enforced.
5. Cultural factors, namely creativity, results, work and feelings based on social and humanitarian intentions.

The effectiveness of Law Number 7 of 2017 concerning General Elections in overcoming money politics has yet to be effectively implemented. This happens because of people's low self-awareness, long-standing culture, and lack of law enforcement regarding money politics. The law must be enforced in order to create a higher-quality democracy. A good and dedicated leader will always put the people's interests first. All existing decisions and policies will be based on the community's needs, rather than the leader's wants. For this reason, in the election process, the people should choose based on the legitimacy of the prospective participants, not on material gifts or promises made. Apart from having an impact on future hopes for the country's progress, this money political action will also threaten the existence of the existing democratic system.

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