Indonesian Journal *of* Pancasila
and Global Constitutionalism
ISSN: 2746-0371 (Online) 2746-2110 (Print)
Vol. 5 Issue 1 (2026) 178-207
DOI: https://doi.org/10.15294/ijpgc.v5i1.48035
Available online since: 05 July 2026

Indonesian Journal *of*
PANCASILA&
Global Constitutionalism

https://journal.unnes.ac.id/journals/ijpgc

The Practice of Money Politics in General Elections from The Perspective of Pancasila Democracy Principles

Jayanda Agung Ramadhan
Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia

Corresponding email : jayandaramadhan97@students.unnes.ac.id

Abstract

The practice of money politics in general elections remains a serious problem that affects the quality of democracy and the effectiveness of election law enforcement in Indonesia. This study aims to analyze the legal provisions for the crime of money politics in Law Number 7 of 2017 concerning General Elections, particularly regarding the interpretation of Article 523 paragraph (1) and paragraph (2) in the Constitutional Court Decision Number 59/PUU-XXII/2024, and to examine the obstacles to law enforcement by the Integrated Law Enforcement Center (Gakkumdu). This study uses a normative legal research method with a statutory approach, a conceptual approach, and a case approach. The results of the study indicate that the provisions for the subject of the crime of money politics in Article 523 paragraph (1) and paragraph (2) are still limited to campaign implementers, election participants, and campaign teams, thus creating legal loopholes that are exploited by certain parties, such as candidate sympathizers, to carry out money politics practices without being subject to criminal penalties. In Decision Number 59/PUU-XXII/2024, the Constitutional Court emphasized that expanding the legal scope of money politics falls within the authority of lawmakers as part of criminal policy. Furthermore, law enforcement regarding money politics faces obstacles in the form of

Copyrights © Author(s). This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License (CC BY-NC 4.0). All writings published in this journal are personal views of the author and do not represent the views of this journal and the author's affiliated institutions.

differing interpretations among elements of the Gakkumdu (National Law Enforcement Agency), weak evidence, and a lack of commitment from law enforcement. Therefore, regulatory reform and strengthening of election law enforcement institutions are needed to ensure more effective handling of money politics and provide legal certainty.

Keywords: *Money Politics, Elections, Gakkumdu, Constitutional Court, law enforcement.*

A. Introduction

The practice of money politics in political recruitment is a phenomenon that is inextricably linked to general elections in Indonesia. This practice frequently occurs in various political contests, including regional head elections, legislative elections, and presidential and vice-presidential elections. In political sociology studies, this practice is often associated with the term venality.[1] According to Ignas Kleden, this term refers to a situation where money is used to acquire something that is essentially non-merchantable, such as political support and votes. This phenomenon indicates a deviation in the democratic process because people's political choices are influenced by material rewards, rather than by rational considerations of the quality and capacity of prospective leaders.[2]

In practice, money politics is often considered a difficult phenomenon to avoid, and even tolerated by some. This occurs due to the reciprocal relationship between candidates and voters, who

[1] Febriadinata, Fenomena Politik Uang Pada Pemilu Indonesia : Tantangan Dalam Mewujudkan Demokrasi Pancasila, *Jurnal Bawaslu Provinsi Kepulauan Riau Volume 7, Nomor 1, Juni 2025*, hlm.45.
[2] Ignas Kleden, 2004, Masyarakat Dan Negara: Sebuah Persoalan, Magelang: Indonesiatera, hlm. 12 .

both have specific interests. As long as the practice is not accompanied by elements of coercion, intimidation, or political violence, enforcement is often difficult, especially in the absence of strong evidence or when caught red-handed. Furthermore, there is a perception that the acceptance of money by voters does not necessarily determine their political choice, as voters formally retain the freedom to make their choice at the voting booth. This situation ultimately creates a space for compromise that indirectly allows the practice of money politics to persist in the dynamics of elections. The impact of money politics cannot be considered a simple matter. Experience with elections in Indonesia shows that money politics has the potential to undermine the quality of democracy by eliminating opportunities for prospective leaders with integrity and competence but lacking substantial financial resources. Furthermore, this practice also has the potential to trigger social conflict, both in the form of unhealthy competition between candidates and friction between support groups within society. In some cases, money politics can even trigger horizontal conflicts that disrupt social and political stability[3].

Based on Article 1 paragraph (1) of Law Number 7 of 2017 concerning General Elections, General Elections, hereinafter referred to as Elections, are a means of the People's Sovereignty to elect members of the People's Representative Council, members of

[3] Arta Uli Lcp Situmorang, Dkk. Larangan Tentang Politik Uang Dan Biaya (Cost) Politik Oleh Pasangan Calon/Partai Politik Dalammasa Kampanye Pemilihankepala Daerahdi Kabupaten Samosir, Sibatik Journal | Volume 5no.2(2026) ,hlm. 684.

the Regional Representative Council, President and Vice President, and to elect members of the Regional People's Representative Council, which are carried out directly, generally, freely, secretly, honestly and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.[4] This law regulates all matters related to elections. Election administration is inseparable from the electoral institutions, namely the General Elections Commission (KPU) and the Elections Supervisory Body (Bawaslu), in accordance with the Elections Law. One of the duties of the Elections Supervisory Body (Bawaslu), as stipulated in Article 93E of Law Number 7 of 2017 concerning General Elections, is to prevent the practice of money politics[5].

In the implementation of General Elections, the electoral process is expected to be conducted in accordance with the prevailing laws and regulations. To ensure the realization of elections that are honest and fair, the Election Supervisory Body (Badan Pengawas Pemilu/Bawaslu) was established as an independent state institution. Bawaslu is authorized to supervise every stage of the election process, receive reports of alleged electoral violations, and undertake preventive measures against money politics practices as

[4]M.S Dharma, Syamsir, And Bustanuddin, 2022, Analisis Kewenangan Bawaslu Kabupaten/Kota Dalam Penyelesaian Sengketa Proses Pemilihan Umum Berdasarkan Peraturan Perundangundangan, *Limbago Journal Of Constitutional Law, Vol. 2, No. 3 (2022).*

[5] Ansorullah, Iswandi, And Putra Firmansyah, Efektivitas Penegakan Hukum Pemilu (Peranbawaslu Kota Sungai Penuh Dalam Pemilihan Kepala Daerah Tahun 2020), Jurnal Magister Hukum Udayana *(Udayana Master Law Journal). Vol. 12, No. 01 (2023).*

regulated under Law Number 7 of 2017 concerning General Elections.

Bawaslu plays an important role in preventing the occurrence of money politics in Indonesia, including in every electoral process. However, the analysis indicates that the implementation of this preventive function has not yet operated optimally. The effectiveness of Bawaslu is still influenced by various obstacles, such as institutional structural constraints, low public participation in election supervision, and inadequate regulatory frameworks. In addition, the applicable legal provisions also constitute one of the inhibiting factors in efforts to prevent and prosecute money politics. Several studies indicate that the lack of clarity in legal norms and procedures causes actions against perpetrators of money politics to be difficult to implement effectively. This condition has resulted in a weak deterrent effect against perpetrators of money politics crimes, particularly in relation to the provisions contained in Article 523 paragraphs (1) and (2) of Law Number 7 of 2017 concerning General Elections. In the judicial review petition of Law Number 7 of 2017 concerning General Elections through Case Number 59/PUU-XXII/2024, the petitioners challenged the phrase "every campaign organizer, election participant, or campaign team" as stipulated in Article 523 paragraphs (1) and (2). According to the petitioners, the phrase has an excessively limited scope, thereby creating legal loopholes that may exempt perpetrators of money politics crimes from criminal liability. Such circumstances were considered to create legal uncertainty and to be contrary to the principle of the rule of law.

As a consequence of the limitation on legal subjects, certain election participants have exploited these legal loopholes by carrying out money politics practices through third parties who do not fall within the categories of campaign organizers, election participants, or campaign teams. Consequently, the element of the criminal subject as regulated in the provision is not fulfilled, rendering the perpetrators immune from criminal prosecution. In its legal considerations regarding Case Number 59/PUU-XXII/2024, the Constitutional Court emphasized that the Court could not enter the domain of criminal policy or criminalization policy (criminal policy) related to the formulation of criminal norms. Furthermore, the Court applied the doctrine of judicial restraint as a form of respect for the principle of separation of powers, whereby the judiciary must refrain from creating new legal norms in judicial review proceedings unless a norm is clearly found to contradict the 1945 Constitution of the Republic of Indonesia. The Court also considered that expanding the subject of money politics crimes to "every person" without clear limitations could potentially lead to excessive criminalization and open opportunities for arbitrary law enforcement actions.

Basically, the practice of money politics, namely the act of promising or distributing money or other materials by campaign teams to the public in order to persuade them to vote for certain candidate pairs, constitutes one of the electoral crimes prohibited under Law Number 7 of 2017. Article 280 paragraph (1) letter j stipulates that: "Election campaign organizers, participants, and campaign teams are prohibited from promising or giving money or

other materials to election campaign participants." This provision is further elaborated in Article 523, which provides as follows:

1. Every election campaign organizer, participant, and/or campaign team that intentionally promises or gives money or other materials as compensation to election campaign participants, either directly or indirectly, as referred to in Article 280 paragraph (1) letter j, shall be punished with imprisonment for a maximum of 2 (two) years and a fine of up to Rp24,000,000.00 (twenty-four million rupiah).
2. Every election campaign organizer, participant, and/or campaign team that intentionally, during the quiet period, promises or gives money or other materials to voters, either directly or indirectly, as referred to in Article 278 paragraph (2), shall be punished with imprisonment for a maximum of 4 (four) years and a fine of up to Rp48,000,000.00 (forty-eight million rupiah).
3. Every person who intentionally, on voting day, promises or gives money or other materials to voters in order not to exercise their voting rights or to vote for a particular election participant shall be punished with imprisonment for a maximum of 3 (three) years and a fine of up to Rp36,000,000.00 (thirty-six million rupiah).

Article 523 consists of three paragraphs, each regulating the offense of money politics at different stages of the election process. Paragraph (1) regulates money politics during the campaign period, paragraph (2) regulates money politics during the quiet period, and paragraph (3) regulates money politics on voting day. The provisions

of Article 523 of Law Number 7 of 2017 concerning General Elections only limit the liability of the giver or the person making the promise, while the recipient has not been explicitly regulated.

The limitation in regulating the targeted subjects as referred to in Article 523 of Law Number 7 of 2017 concerning General Elections may give rise to legal injustice, considering that recipients are also involved in the practice of money politics. If this practice continues to occur in Indonesia, it will create various negative impacts, both in the short term and in the long term. In the short term, it creates inequality in political competition, where candidates or political parties with greater financial resources gain an unfair advantage over others. Meanwhile, in the long term, money politics may erode the values and principles of Pancasila democracy, worsen the quality of elected leaders, and hinder sustainable development because the resulting policies tend to prioritize the interests of financiers rather than the interests of the people[6].

In essence, money politics is a harmful practice that tarnishes the image of democracy in our country. If this practice is not promptly addressed and is allowed to grow, it will lead to complex problems and will certainly affect the accountability and quality of elections in our country. In addition, elected politicians tend to prioritize their own interests, which may create chaos in national and state life. Therefore, the author considers this topic to be an important issue to be studied and understood, as it encompasses

[6]Dede Kania, 2023, Problematika Penegakan Hukum Terhadap Tindak Pidana Politik Uang Dalam Pemilihan Umum Di Indonesia, *Jurnal Keadilan Pemilu , Vol. 1 (2023).*

every aspect of public life and requires attention from society, particularly students, in order to stop and change the public perception that this practice is a normal part of democratic principles. Instead, it is a practice that violates democratic values and the law in Indonesia.

Based on these conditions, money politics is a serious issue that needs to be examined in depth, particularly from the perspective of Pancasila democratic principles. This study is important to understand how legal regulations concerning money politics are formulated in the prevailing laws and regulations, as well as how effective law enforcement is against such practices in realizing honest, fair, and integrity-based elections in Indonesia. Based on this background, this research examines two main problems, namely: (1) how the legal regulation of money politics practices is governed under Law Number 7 of 2017 concerning General Elections; and (2) how law enforcement against money politics practices is viewed from the perspective of Pancasila democratic principles.

B. Literature Review

This study attempts to identify and analyze the ambiguity of norms regarding the practice of money politics in general elections from the perspective of the principles of Pancasila democracy. The methods used in this study are a legislative approach, a historical approach, and a conceptual approach. The conceptual approach examines legal definitions, legal concepts, and legal principles related to money politics in relation to the principles of Pancasila democracy. The theories used are the theory of state institutions and

the theory of the purpose of law. Legal materials were collected using primary, secondary, and tertiary legal materials, including those proposed by Bahder Johan Nasution: "Legal materials are not data or social facts, because in normative legal research, what is studied is legal materials containing normative rules."

C. Research Method

The research method used in this study is normative juridical research. The type of research employed by the author is normative juridical research. According to Bahder Johan Nasution, a normative juridical approach is legal research conducted by examining library materials or secondary data as the basis of analysis, through the study of relevant regulations and literature related to the issues being investigated. This study also uses a qualitative approach with a descriptive research type to deeply examine the impact of vote-buying on the quality of democracy in Indonesia. The qualitative approach is chosen because this research aims to comprehensively understand the phenomenon of vote-buying and to explore various perspectives found in related reports and publications. The data used in this study are secondary data obtained from academic articles, research reports, case studies, media reports, and other relevant sources discussing the practice of vote-buying in Indonesian elections. Data collection is conducted through the identification, search, and review of various published articles and reports, both from academic journals and mass media, in order to obtain a comprehensive understanding of vote-buying practices. The object of this research focuses on documented vote-buying practices in

various publications related to elections in Indonesia, particularly those concerning their impact on voter participation, electoral transparency, and the overall quality of democracy. The data analysis techniques used include content analysis and thematic analysis. Content analysis is used to identify main themes emerging from the analyzed sources, such as patterns of vote-buying, its impact on the electoral process, and responses from society and the government toward the phenomenon. Meanwhile, thematic analysis is used to interpret and derive meaning from the findings by connecting them with relevant theories, in order to provide a deeper understanding of the impact of vote-buying on electoral integrity and the quality of democracy in Indonesia. This research is expected to provide clearer insights into the impact of vote-buying on the implementation of democracy and the electoral process in Indonesia.

Results and Discussion

1. Regulation of Money Politics in Law Number 7 of 2017 concerning General Elections

Pancasila Democracy in Indonesia is based on the values of Pancasila, which upholds the values of divinity, humanity, unity, democracy, and justice. In this system, political power rests with the people, and they have the right to choose their leaders through a democratic election process. Decision-making is carried out through deliberation and consensus, which ensures sound decisions for the common good. In the development of Indonesia's political system, Pancasila Democracy has several advantages. First, this democracy upholds human rights, thus reducing human crime.

Second, applicable legal regulations are upheld and are fair, preventing any member of society from acting arbitrarily. Third, the political process is conducted through deliberation and consensus, resulting in sound decisions for the common good. However, Pancasila Democracy also faces several challenges. One challenge is how to integrate Pancasila values into everyday political practice. Furthermore, government interference in various aspects can also hamper freedom of speech and the press. In this regard, the author will further discuss the foundational values and principles of Pancasila Democracy in building Indonesia's ethical and political system, particularly regarding the practice of money politics in elections.[7] Considering the current political situation in Indonesia, many have strayed far from the values of justice in Pancasila democracy. According to Purnadi Purbacaraka, justice is the harmony between legal certainty and legal comparability[8].

The obstacle in handling the crime of money politics lies in the weakness of the regulations regarding the perpetrators in Law Number 7 of 2017 concerning General Elections. Based on Article 523 paragraph (1) and paragraph (2), perpetrators of money politics are limited to only three categories, namely campaign implementers, election participants, and campaign teams. Thus, other parties outside of these three subjects, such as candidate sympathizers, cannot be charged with criminal offenses even if proven to have committed money politics in the field. As

[7] Topo Santoso & Ida Budhiati, 2019, *Pemilu Di Indonesia: Kelembagaan, Pelaksanaan, Dan Pengawasan,* Jakarta: Sinar Grafika,Hlm. 283
[8] A. Ridwan Halim, 2005, Pengantar Ilmu Hukum, Ghalia Indonesia,Bogor.

a result of these limitations, law enforcement officials often experience difficulties in taking firm action against perpetrators of money politics. In practice, money politics is often carried out by sympathizers or parties who are not officially registered as campaign implementers, election participants, or campaign teams. Because the subject elements as regulated in Article 523 are not fulfilled, the perpetrators cannot be processed criminally even though their actions actually occurred. In fact, Law Number 7 of 2017 also contains a provision prohibiting "any person" from engaging in money politics, namely in Article 523 paragraph (3). However, this provision only applies during the voting period. This means that outside the voting period, the prohibition on money politics remains limited to three subjects as regulated in Article 523 paragraph (1) and paragraph (2), namely election participants, campaign teams and campaign implementers.

This demonstrates that Article 523 divides the subjects of money politics crimes based on election stages. During the campaign and cooling-off periods, the only subjects subject to criminal penalties are campaign organizers, election participants, and campaign teams. Meanwhile, during the voting and vote counting period, the scope of subjects is expanded to "every person." This situation is then exploited by certain individuals to engage in money politics through parties not included in the categories of subjects prohibited by law. By using sympathizers or other parties outside the official campaign structure, the elements of the crime become difficult to prove, thus preventing perpetrators from being held accountable. Substantively, the

prohibition on money politics should apply to everyone, regardless of their status or position in the election. Any party found guilty of money politics should be subject to criminal sanctions as long as the act is carried out to influence the election process. Furthermore, theprohibition on money politics should also apply throughout all stages of the election, from the determination of election participants by the General Elections Commission (KPU) to the conclusion of the entire process and the determination of the election results. Strengthening these regulations is crucial because money politics can occur not only between election participants and voters, but also potentially between election participants and election organizers in an attempt to influence the election results. Therefore, anyone who is proven to have distributed political money, whether a sympathizer or a legal subject as regulated in Article 523 paragraph (1) and paragraph (2), should still be held criminally responsible.

These efforts are crucial given the detrimental impact of money politics on democracy and election integrity. As L. Sumartini points out in her book, "Money Politics in Elections," money politics can undermine the democratic system because leaders elected through transactional means tend to be influenced by vested interests rather than prioritizing the interests of the people. Several impacts of money politics include: First, voter manipulation through money politics practices, such as distributing cash or goods to voters, significantly impacts their choice. This results in elections that do not reflect the true desires

of voters. Second, candidates or political parties that receive substantial funding from interested parties can become dependent on these contributions. This can limit their ability to act independently and fairly represent the interests of the community. Furthermore, money politics involving illegal or unethical transactions can lead to corruption in elections. Key contributing factors include power ambitions, economic vulnerability and low education, as well as weak oversight and a transactional political culture. Candidates or elected officials may feel obligated to repay those who have provided substantial funds that can influence their political decisions. This undermines the principles of Pancasila democracy, violates the principles of honest and fair elections, demeans the dignity of the people, erodes the sovereignty of the people, and is the root of political corruption.[9]

2. Law Enforcement Against Money Politics Practices in General Elections from the Perspective of Pancasila Democracy Principles

Law enforcement activities are efforts made to make the law a guideline for behavior in every legal act, both by legal subjects and law enforcement officials. Law enforcement officials are official institutions tasked and authorized by law to ensure the functioning of legal norms applicable in society and the state.[10]

[9] Moh. Maliki, Politik Uang Di Pemilihan Kepala Daerah Kabupaten Pelalawan Tahun 2020, *Jurnal Niara Vol. 18, No. 2 September 2025,* Hlm. 645-661.

[10]Usman. Marwan Mas, Ruslan Renggong, 2021, Penegakan Hukum Tindak Pidana Politik Uang Dalam Pemilihan Umumtahun 2019 Di Kabupaten

The existence of law enforcement officers is inseparable from the law enforcement process. Law enforcement officers are the ones who ultimately uphold the rule of law. A poor mentality among law enforcement officers can lead to poor law enforcement. Conversely, a positive mentality among law enforcement officers can lead to effective and responsive law enforcement.

Law enforcement in the context of money politics is a complex issue and often faces numerous obstacles and barriers. Money politics refers to corrupt practices in a political context, where an individual or group uses money or financial resources to influence election results or government policies. Therefore, law enforcement is carried out by the Elections Supervisory Agency (Bawaslu) as a form of election oversight. Election oversight is the activity of observing, reviewing, examining, and evaluating the election process in accordance with statutory regulations, as stipulated in Article 2 of the Elections Supervisory Agency Regulation Number 7 of 2018 concerning Election Supervision Procedures.[11]

In its oversight, the Elections Supervisory Agency (Bawaslu) employs a prevention and enforcement strategy. Prevention is achieved through optimal measures and early prevention efforts. One way to prevent political crimes is by educating the public. Public education can be provided by election organizers such as

Polewali, *Indonesian Journal Of Legality Olaw, Program Studi Ilmu Hukumprogram Pascasarjanauniversitas Bosowa*, Kabupaten Polewali, Hlm.114 .

[11] Riko Daniel Pandapotan Simatupang Dkk, Politik Uang Dalam Pemilihan Umum : Studi Fenomenologi Praktik Politik Uang Pada Pemilu Tahun 2024, Communnity Development Journal Vol.5 No. 6 Tahun 2024.

the General Elections Commission (KPU), Bawaslu, and the Elections Supervisory Board (DKPP), non-governmental organizations concerned with democracy, such as NGOs or even political parties, community leaders who also have a responsibility to educate the public, and anyone else. Bawaslu and the KPU must also educate each candidate to comply with existing regulations. The public must understand that money politics can undermine democracy and undermine national morale. This can have long-term impacts on regions where candidates engage in money politics. Candidates will easily win votes in elections, increasing the potential for corruption when in office or managing a region. Many people, once elected, forget or neglect the people in their elected regions because all they initially sought was votes in exchange for money[12].

Legal Challenges: Laws related to the crime of money politics are often complex, and there are differing interpretations of how they should be applied. This can complicate the law enforcement process and cause confusion in cases of money politics. Political tendencies: Law enforcement of money politics crimes is often influenced by political factors. Legal decisions can be influenced by political considerations, especially in situations where the officials involved are part of the ruling political party. To overcome these obstacles and barriers, a joint effort is required

[12] Muhtar Dahri Dkk, Penerapan Kitab Undang Hukum Pidana Dan Kitab Undang Hukum Acara Pidana Dalam Penyelesaian Perkara Pidana Pemilu,Wajah Hukum Volume 7 Edisi Ke-2: 2023, Hal. 3

from civil society, law enforcement agencies, and the government.[13]

Legal reform and increased political transparency can also help reduce the crime of vote buying and facilitate more effective law enforcement. Implementing a good, proper, and clean democracy requires support from all parties. Good officials will have a positive impact on their regions. Conversely, corrupt officials who use vote buying to gain power will have negative impacts on their regions, such as self-enrichment, corruption, and the potential to forget the people who elected them.

The discovery of vote buying practices in every election makes this behavior a regular feature of political contests, resulting in high political costs for contestants. Election supervisors also acknowledge that the cases they have uncovered are only the tip of the iceberg. Law enforcement in the area of vote buying is not an easy task, as it involves a close reciprocal relationship with the community. The complexity of the structure of law enforcement agencies increases as their interactions with the community become more complex. Therefore, in law enforcement, the social environment in which law enforcement is carried out cannot be ignored.[14]

In Constitutional Court Decision No. 59/PUU-XXII/2024 concerning the judicial review of Article 523 paragraphs (1) and

[13] Abdurrohman, 2021, Dampak Fenomena Politik Uang Dalam Pemilu Dan Pemilihan, *Jurnal Pemilu Dan Demokrasi Vol. 1, No. 2,* (2021), Hlm.144.
[14] Robi Cahyadi Kurniawan, Dedy Hermawan, 2019, "Strategi Sosial Pencegahan Politik Uang Di Indonesia", *Jurnal Antikorupsi Integritas,5(1).* Vol. 5 No. 1 (2019).

(2) of Law No. 7 of 2017 concerning General Elections, the Court emphasized that its authority does not extend to criminal policy or criminal policy related to the formulation of criminal penalties. The Court is of the view that the creation or expansion of criminal penalties falls within the authority of lawmakers, not constitutional courts. Furthermore, the Court also based its considerations on the doctrine of judicial restraint as an implementation of the principle of separation of powers. Through this doctrine, courts are required to limit themselves to not creating new legal norms in the judicial review process, unless they find provisions that clearly contradict the principles of the 1945 Constitution of the Republic of Indonesia. According to the Court, expanding the legal subject of the crime of money politics to "every person" without clear boundaries has the potential to lead to excessive criminalization and open up opportunities for arbitrary action in law enforcement. Therefore, restrictions on legal subjects remain necessary and fall within the authority of the legislators, as stipulated in Article 28J paragraph (2) of the 1945 Constitution.

The Court also considered that the provisions regarding "campaign implementers" in the Election Law actually encompass a broad range of legal subjects. Based on Article 269 paragraph (1) of Law No. 7 of 2017, presidential and vice-presidential election campaign implementers include administrators of political parties or coalitions of nominating political parties, individuals, and event organizing organizations appointed by election participants. Furthermore, Article 270

paragraphs (1), (2), and (3) stipulate that campaign implementers for DPR and DPRD elections consist of administrators of political parties participating in the election, legislative candidates, campaigners, individuals, and organizations appointed by election participants. Article 271 stipulates that campaign implementers for DPD elections include DPD candidates, individuals, and organizations appointed by DPD election participants. Thus, according to the Court, the phrase "every person" requested by the petitioners is actually included in the provisions regarding "individuals" who are part of the campaign implementing elements as stipulated in the aforementioned articles. Therefore, the Court is of the opinion that the issues raised by the petitioners are more related to the implementation of the norm in the field, rather than the constitutionality of the norm, which falls within the Constitutional Court's jurisdiction to review.

Regarding the Constitutional Court's considerations, there are significant issues in the enforcement of election law, particularly regarding the effectiveness of law enforcement officials. Good law enforcement requires officials capable of implementing legal norms professionally and consistently. Law enforcement officials play a crucial role in ensuring the upholding of the law as a guideline for behavior in society and the state. However, in practice, the public often views the law based on the behavior of law enforcement officials. Problems arise when law enforcement officials are perceived to have acted beyond their authority or engaged in actions that undermine the integrity of the law enforcement agency. This situation demonstrates that the

quality of law enforcement is greatly influenced by the integrity and professionalism of the law enforcement officials themselves.[15]

According to Totok Hariyono, the Coordinator for Violation Handling and Information Data at the Indonesian Elections Supervisory Agency (Bawaslu), the Integrated Law Enforcement Center (Gakkumdu), comprising elements from Bawaslu, the Police, and the Prosecutor's Office, is authorized to handle election crimes, including vote buying. However, weak public awareness of Gakkumdu's existence and function has led to a lack of public understanding of the reporting mechanism for vote buying crimes. As a result, many vote buying practices that occur in the field do not reach the law enforcement process. Furthermore, law enforcement officers within Gakkumdu also face internal challenges in the form of differing legal interpretations between institutions. These differences in perspective often arise because not all Gakkumdu personnel have legal education backgrounds, making it difficult to achieve a common understanding in the application of election criminal provisions, including those related to the use of articles in the Criminal Code (KUHP) and the Criminal Procedure Code (KUHAP). Although Bawaslu, through the Gakkumdu Center, has provided various technical guidance and coordination to align perceptions between institutions, in practice, some Gakkumdu

[15] Lilo Imaduddin, Money Politik dalam Pilkada Serentak: Studi Persepsi Masyarakat Terhadap Praktik Transaksional Politik di Indonesia, Triwikrama: Jurnal Multidisiplin Ilmu SosialVolume 11, Number 1, 2025.

members are still found to lack a strong commitment to processing vote buying cases. In some cases, even though the elements of a crime and the evidence have been met, cases are still not proceeded to the next stage for various reasons. In fact, institutions affiliated with Gakkumdu (the Indonesian Law Enforcement Agency) are supposed to carry out their duties professionally, neutrally, honestly, and with integrity in handling election crimes, particularly money politics. This attitude is the main foundation for effective and just law enforcement.

Based on these conditions, it can be concluded that law enforcement against money politics cannot be optimal as long as there are differences in legal interpretations among law enforcement agencies and a weak commitment to prosecuting perpetrators. The unclear formulation of norms in the law also contributes to multiple interpretations in its application. Furthermore, handling election crimes will be difficult to implement effectively if election supervisory bodies are not granted full and independent authority to enforce the law. Therefore, improvements are needed to the election law enforcement system in Indonesia, including the possibility of establishing an election law enforcement agency with comprehensive authority, from investigation to prosecution, without having to rely on coordination with other institutions. This institution is expected to have independence and institutional strength like the Police, the Prosecutor's Office, and the Corruption Eradication Commission (KPK), so that law enforcement against election crimes can be carried out more

effectively, professionally, and free from intervention by any party.

According to Totok Hariyono, many cases of vote buying during elections cannot proceed to trial due to differing legal interpretations by law enforcement officials regarding the provisions of the election law. Each article in the election criminal provisions has specific elements that must be proven. If the elements in these articles are easy to understand and interpret, the case process can proceed more quickly. Conversely, if these elements have complex or multiple interpretations, the discussion will take longer. For example, the element of "intentionally" in the crime of vote buying must be proven through mens rea, or malicious intent, on the part of the perpetrator. The interpretation of this element of intent often generates debate during the case process because it requires proof of the perpetrator's intent and purpose. Furthermore, the element of "giving" is also often problematic in the proof process because it must be supported by evidence, money, or a specific form of invitation indicating an attempt to influence voters to vote for a particular candidate in the election. The process of handling election crimes also often encounters obstacles due to various factors, such as differences in understanding among elements within the Integrated Law Enforcement Center (Gakkumdu), limited evidence, and the absence of the accused during investigations. In practice, many election crime cases ultimately stall at the second stage of deliberation at Gakkumdu.

One example occurred on Tuesday, February 13, 2024, at approximately 9:00 PM WIB, during the 2024 Election quiet period. In this case, Yuli Hendra Irawan allegedly distributed Rp 500,000 in cash, accompanied by business cards and stickers bearing the images of the presidential and legislative candidates of Batu City. Although the findings were processed through the Gakkumdu mechanism, the case was ultimately stopped at the second stage of deliberation. The reason for the stoppage was because the perpetrator was deemed not to fall into the category of legal subjects as referred to in Article 523 paragraph (2) of Law Number 7 of 2017 concerning General Elections, namely not a campaign organizer, election participant, or campaign team. Therefore, the elements of a crime were not fulfilled and the perpetrator could not be prosecuted.[16]

Regarding the highly structured, systematic, and massive problem of money politics, which has plagued every election, the Elections Supervisory Agency (Bawaslu), the police, the prosecutor's office, and court judges must take progressive steps to free the perpetrators from the legal constraints that have so far been based solely on the textual and literal meaning of election law. A recommendation for a concept for improving regulations or criminal law is needed that can complement and perfect the existing Election Law, in order to narrow the scope for perpetrators of money politics. The life of the law lies in the

[16] A. Muh Alif Ranggong, Zainal Abidin, Arifuddin Uksan, Politik Uang Dan Risiko Korupsi Yang Mengancam Pertahanan Nirmiliter,Jurnal Education And Development. Vol.11 No.2 Edisi Mei 2023

practice of its use or enforcement, and the effectiveness of the law that works with the realities that occur in society.

D. Conclusion

1. The regulation of the crime of money politics in Law Number 7 of 2017 concerning General Elections, specifically Article 523 paragraphs (1) and (2), still has normative weaknesses because it limits the perpetrators to campaign implementers, election participants, and campaign teams. This limitation creates a legal loophole that is exploited by other parties, such as sympathizers or parties outside the official campaign structure, to engage in money politics without being subject to criminal sanctions. In Constitutional Court Decision Number 59/PUU-XXII/2024, the Court emphasized that expanding the legal subject of the crime of money politics is the authority of the legislator as part of criminal policy, so the Court cannot create new norms through judicial review decisions. The Court also views that the phrase "campaign implementer" in the Election Law already includes the element of "individual person" so that the substance questioned by the applicants is actually accommodated in other provisions of the Election Law. Thus, the main problem that occurs lies more in the implementation and enforcement of the norm in the field rather than the constitutionality of the norm itself.
2. Law enforcement against the crime of vote buying in elections remains ineffective due to various obstacles, both in terms of legal substance, law enforcement structure, and community legal culture. From a legal substance perspective, the formulation of

norms in Article 523 of the Election Law gives rise to multiple interpretations, making it difficult for authorities to determine whether the elements of a crime have been fulfilled. From a legal structure perspective, there are differences in interpretation among elements of the Integrated Law Enforcement Center (Gakkumdu), consisting of Bawaslu, the Police, and the Prosecutor's Office, particularly in understanding criminal elements such as "intentionally" and "giving." Furthermore, weak coordination, limited evidence, and a lack of commitment on the part of some law enforcement officials have led to many vote buying cases being halted at the initial discussion stage and not proceeding to trial. On the other hand, the public's low understanding of the mechanism for reporting election crimes and a transactional political culture also weaken the effectiveness of law enforcement. Therefore, regulatory reforms are needed that provide clarity on norms, strengthen the authority of election law enforcement agencies, increase the professionalism and integrity of Gakkumdu officers, and provide political education to the public so that law enforcement against money politics practices can be carried out effectively, fairly, and provide legal certainty in the implementation of democratic elections.

Recommendations

1. Lawmakers are expected to revise the provisions of Law Number 7 of 2017 concerning General Elections, particularly those relating to the regulation of perpetrators of money politics. These regulations should not only focus on the giver

but also explicitly regulate the recipient, to ensure legal certainty and effectiveness in law enforcement against money politics practices. Furthermore, harmonization and the formulation of clearer norms are needed to avoid ambiguity in their implementation in the field.

2. Election Organizers and Law Enforcement Officials, along with law enforcement officials, need to improve oversight and coordination in handling money politics crimes. Strengthening the function of the Integrated Law Enforcement Center (Gakkumdu) is also necessary to ensure effective, transparent, and accountable handling of election violations. Furthermore, increasing human resource capacity and supporting supervisory facilities and infrastructure are crucial factors in preventing and prosecuting money politics practices. The public is expected to increase legal awareness and active participation in monitoring election processes. Public participation is crucial in reporting and preventing vote-buying practices, ensuring honest, fair, and democratic elections. Public political education also needs to be continuously improved to prevent the public from being easily influenced by transactional political practices.

E. References

A. Ridwan Halim, 2005, Pengantar Ilmu Hukum, Ghalia Indonesia, Bogor.

A. Muh Alif Ranggong, Zainal Abidin, Arifuddin Uksan, Politik Uang dan Risiko Korupsi yang Mengancam Pertahanan Nirmiliter,Jurnal Education and Development. Vol.11 No.2 Edisi Mei 2023.

Abdurrohman, 2021, Dampak Fenomena Politik Uang dalam Pemilu dan Pemilihan, Jurnal Pemilu dan Demokrasi Vol. 1, NO. 2, (2021).

Ansorullah, Iswandi, and Putra Firmansyah, Efektivitas Penegakan Hukum Pemilu (Peran Bawaslu Kota Sungai Penuh Dalam Pemilihan Kepala Daerah Tahun 2020),*Jurnal Magister Hukum Udayana (Udayana Master Law Journal). Vol. 12, No. 01 (2023)* .

Arta Uli LCP Situmorang, Dkk. Larangan tentang politik uang dan biaya (cost) politik oleh pasangan calon/partai politik dalam masa kampanye pemilihankepala daerahdi kabupaten samosir, sibatik journal | volume 5 no.2 (2026).

Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, Mandar Maju, Bandung.

Dede Kania, 2023, Problematika Penegakan Hukum Terhadap Tindak Pidana Politik Uang Dalam Pemilihan Umum Di Indonesia, *Jurnal Keadilan Pemilu , Vol. 1 (2023).*

Dewi Asri Puannandini dkk, Strategi Pencegahan Dan Penanganan politik Uang Dalam Penyelenggaraan Pemiluserentakdi Indonesia, unes law review Volume 5, Issue 4, Juni 2023.

Febriadinata, Fenomena Politik Uang Pada Pemilu Indonesia : Tantangan Dalam Mewujudkan Demokrasi Pancasila, *Jurnal*

Bawaslu Provinsi Kepulauan Riau Volume 7, Nomor 1, Juni 2025.

Ignas Kleden, 2004, Masyarakat dan Negara: Sebuah Persoalan, Magelang: Indonesiatera.

Imawan Sugiharto,2016, Rekonstruksi Penegakan Hukum Politik Uang dalam pemilihan Kepala Daerah Berbasis Hukum Progresif, *Jurnal Pembaharuan Hukum, Volume III No. 1 Januari-April 2016*.

Istiqomah, N. P., & Harisudin, 2020, *Praktik Money Politic dalam Pemilu di Indonesia Perspektif Fiqih Siyasah dan Hukum Positif.* Rechtenstudent, 2 (1).

Lilo Imaduddin, Money Politik dalam Pilkada Serentak: Studi Persepsi Masyarakat Terhadap Praktik Transaksional Politik di Indonesia, Triwikrama: Jurnal Multi disiplin Ilmu Sosial Volume 11, Number 1, 2025.

M.S Dharma, Syamsir, and Bustanuddin, 2022, Analisis Kewenangan Bawaslu Kabupaten/Kota Dalam Penyelesaian Sengketa Proses Pemilihan Umum BerdasarkanPeraturanPerundangUndangan, *Limbago Journal of Constitutional Law,Vol. 2, No. 3 (2022).*

Moh. Maliki, 2020, Politik Uang Di Pemilihan Kepala Daerah Kabupaten Pelalawan Tahun 2020*, Jurnal Niara Vol. 18, No. 2 September2025.*

Muhtar Dahri dkk, Penerapan Kitab Undang Hukum Pidana Dan Kitab Undang Hukum Acara Pidana Dalam Penyelesaian Perkara Pidana Pemilu,Wajah Hukum volume 7 edisi ke-2: 2023.

Ramon Azmi Pratama; Dheny Wahyudi, 2020, Problematika Penyelesaian Perkara Tindak Pidana Politik Uang (Money Politic) dalam Pemilihan Umum, *PAMPAS: Journal Of Criminal Volume 1 Nomor 2,* 2020.

Rendra Syah Putra dkk, Dampak Politik Uang Dalam Kesadaran Memilih Masyarakat Pada Pemilihan Kepala Daerah (Studi Kasus Desa Prabumulih Ii, Kecamatan Muara Lakitan, Kabupaten Musi Rawas Tahun 2024), Al-Zayn: Jurnal Ilmu Sosial Volume 3 Nomor 5,2025.

Riko Daniel Pandapotan Simatupang Dkk, Politik Uang Dalam Pemilihan Umum : Studi Fenomenologi Praktik Politik Uang Pada Pemilu Tahun 2024, Communnity Development Journal vol.5 No. 6 Tahun 2024.

Robi Cahyadi Kurniawan, Dedy Hermawan, 2019, "Strategi Sosial Pencegahan Politik Uang Di Indonesia", *Jurnal Antikorupsi INTEGRITAS,5(1). Vol. 5 No. 1 2019.*

Sri Hastuti Puspitasari, 2014, *Pengawasan Pemilu Problem dan Tantangan, Bawaslu Provinsi DIY, Yogyakarta.*

Topo Santoso & Ida Budhiati, 2019, *Pemilu di Indonesia: Kelembagaan, Pelaksanaan, dan Pengawasan,* Jakarta: Sinar Grafika.

Usman. Marwan Mas, Ruslan Renggong, 2021, Penegakan Hukum Tindak Pidana Politik Uang Dalam Pemilihan Umumtahun 2019 Di Kabupaten Polewali, *Indonesian Journal of Legality Law, Program Studi Ilmu HukumProgram PascasarjanaUniversitas Bosowa, Kabupaten Polewali*.

Wiwif Afifah, 2014, Tindak Pidana Pemilu Legislatif Di Indonesia, Fakultas Hukum Untag Surabaya.

Acknowledgment
None.

Funding Information
None.

Conflicting Interest Statement
None.

Publishing Ethical and Originality Statement
All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

Generative AI Statement
Authors must acknowledge the use of AI in their work to ensure transparency and maintain trust with their audience. As generative AI becomes an integral tool for content creation, it is crucial to disclose its involvement in the process. This helps clarify the role AI played in generating ideas, drafting text, or enhancing creativity. Acknowledging AI usage also supports ethical standards, ensuring that authorship remains clear and that credit is properly attributed. Such transparency fosters responsible AI integration and upholds the integrity of both the creative process and the final work.