

Money Politics and Electoral Law Enforcement in Indonesia and Malaysia: A Comparative Analysis and Reform Agenda

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Abstract

Money politics is one of the most dominant and recurring forms of election violations in elections in both Indonesia and Malaysia. Money politics damages democratic integrity, undermines fairness and honesty, and is exacerbated by weak law enforcement, procedural disparities between the National Police, and a transactional political culture in society. Departing from these problems, this paper analyses and examines criminal law policies related to money politics crimes and evaluates the implementation of policy reforms, especially related to the disharmonization of investigation time norms between working days and calendar days, which has an impact on the effectiveness of the Integrated Law Enforcement Center in handling money politics cases. This study uses

normative legal research methods, including legislative, conceptual, and normative approaches. The findings show that money politics remains rampant through cash giving, social assistance, and abuse of government programs, while differences in terminology during investigations cause many cases to stop at the research stage because formal-material requirements are not met. In addition, existing criminal sanctions have not deterred offenders because law enforcement is weak and evidence is hard to obtain. This paper recommends reformulating investigation timelines from calendar days to working days, strengthening coordination within the Integrated Law Enforcement Center, increasing transparency of political funds, and expanding public political education to strengthen election integrity and prevent more effective money-politics practices.

KEYWORDS: *Money Politics; Elections; Democracy; Political Crimes*

Introduction

Money politics is a serious problem faced by every democratic party in Indonesia. Overcoming money politics requires a deep understanding of legal culture and local wisdom. Money politics is the act of giving or receiving money or any other form in exchange for influencing political choices. Money politics devastates electoral integrity, democracy, and social justice.¹ Money politics fuels corruption and undermines a clean system of government.² Injustice creates injustice in the electoral process, as only candidates with adequate resources can compete³. The erosion of democracy weakens democracy, because the people's right to vote is bought, and the people's vote no longer reflects their desires.

The rise of money politics in every election cannot be separated from the weak democratic system, law enforcement, transparency of political party funding rules, and the pragmatic culture of the community that views money politics as something ordinary and commonplace. These factors then

¹ Joo-Cheong Tham, "22. Regulating Money in Politics: From Electoral Integrity to Democratic Integrity," *Comparative Election Law*, 2022, 410.

² Maria Silvy E Wangga, Pujiyono Pujiyono, and Barda Nawawi Arief, "Revocation of Political Rights of The Perpetrators of Criminal Acts of Corruption," *JILS* 4 (2019): 277, <https://doi.org/10.15294/jils.v4i2.29689>.

³ Jatmika, Nayaka Wiratama, and Laras Prameswari. "Religious Tolerance and Social Justice in Indonesia: The Role of Interfaith Dialogue in Promoting Peace and Equity". *Indonesian Theological Justice Review* 2, no. 2 (2025). <https://doi.org/10.65815/982w2k84>

interconnect to create an ecosystem that is growing day by day for the practice of money politics. Money politics is one of the serious problems faced in every democratic party in Indonesia. In the implementation of elections in Indonesia, especially in the period of 2019 – 2024, the practice of money politics is still found, which is clearly prohibited by law.⁴

In practice, elections in Indonesia are among the most complicated. How could it not, the largest archipelagic country in the world with more than 17,504 islands, 700 regional languages, more than 1,340 tribes/ethnicities, six religions and ±187 faiths, and with a population of ± 270 million, will implement modern democracy simultaneously in 2024 to elect the president and vice president, 575 members of the House of Representatives, 136 members of the House of Representatives, 19,817 members of the House of Representatives, and 542 regional heads in provinces and districts/cities to present the implementation of elections with integrity, accountability, and quality is a goal that almost all democratic countries in the world, including Indonesia, want to achieve. However, in practice, it does not always run smoothly; many obstacles still interfere with the election process and results, affecting the substance and quality of ideal democracy⁵⁶.

The 2024 simultaneous elections provided an important basis for assessing the effectiveness of Indonesia's electoral legal framework following the experience of the 2019 elections. Although the 2024 elections were conducted under the existing electoral legal framework, the enforcement data demonstrate that money politics remained a significant electoral offence. This development raises an important question regarding whether the existing legal and institutional framework is adequate to address electoral money politics effectively.⁷

⁴ Syafrowi Syafrowi, Dhiauddin Tanjung, and Ramadhan Syahmedi Siregar, "Analyzing Subulussalam Community's Views on Electoral Money Politics in 2024: Implications for Leadership and Its Benefits," *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)* 7, no. 1 (2024): 5405-14, <https://doi.org/https://doi.org/10.31538/iijs.v7i1.5549>.

⁵ Syahputra, Naufal Ahsan, and Brian Antonio. "Fake News, Moral Panic, and Political Mobilization: A Case Study of Indonesia's Election Cycles". *Indonesian Discourse on Communication, Democracy, and Political Movements* 1, no. 3 (2024). <https://doi.org/10.65815/texfr132>

⁶ M Said Bakhri, "Authority of the Executive Board in Appointing Acting Substitutes for Regional Heads in a Presidential Government System According to the 1945 Constitution of the Republic of Indonesia," *Journal of Law and Social Politics* 1, no. 2 (August 25, 2023): 140- 60, <https://doi.org/10.46799/jlsp.v1i2.13>.

⁷ M Said Bakhri, "Authority of the Executive Board in Appointing Acting Substitutes for Regional Heads in a Presidential Government System According to the 1945 Constitution of the Republic of Indonesia," *Journal of Law and Social Politics* 1, no. 2 (August 25, 2023): 140- 60, <https://doi.org/10.46799/jlsp.v1i2.13>.

To safeguard the 2024 elections, the Indonesian Constitutional Court must play a proactive role in maintaining electoral integrity⁸. Moreover, the role of political parties must be revitalized to move beyond pragmatic interests toward substantive democratic transition⁹. Public resistance has also emerged as a vital check on state power, manifesting through the legal right to protest and community-led defiance¹⁰. Even visual arts and urban murals have become tools of political resistance, highlighting the struggle for social justice¹¹. Ultimately, the future of Indonesian democracy depends on the education system's ability to shape ethical leaders¹² and the pursuit of substantive justice in corruption cases, similar to global precedents like the Lava Jato process¹³.

Based on the 2019 election data, 6,649 findings included 548 criminal violations and 107 code of ethics violations, with the most common offense being money politics.¹⁴ Furthermore, in the 2024 Regional Elections, there were 130 cases of money politics, including in Humbang Hasundutan Regency, Depok City, Pasuruan Regency, Batu City, Sleman Regency, Bolaang Mongondow Regency, Kotamobagu City, Mimika Regency, Serang Regency,

⁸ Asmawi, Muhammad, and Amiludin Amiludin. "The Indonesian Constitutional Court and the 2024 Presidential Election: A New Role in Electoral Integrity?". *Indonesian Court and Justice Review* 2, no. 2 (2025). <https://doi.org/10.65815/ermhzm84>

⁹ Purwanto, Budi Nur, and Eka Hasibuan. "Minority Voting Rights and Political Participation: Ensuring Equal Representation in Indonesian Elections". *Indonesian Minority Justice Review* 1, no. 3 (2025). <https://doi.org/10.65815/j9zpxm63>

¹⁰ Ezzerouali, Souad Ahmed, and Ridwan Arifin. "The Power of Collective Resistance: Understanding Community-Led Defiance Against State Oppression: El Poder de la Resistencia Colectiva: Comprendiendo la Desobediencia Guiada por la Comunidad Frente a la Opresión Estatal". *Revista de Desobediencia Comunitaria* 1, no. 1 (2025). <https://publications.socipol.org/index.php/rdc/article/view/11>.

¹¹ Delgado, Iván Fuentes, Emiliano César Paredes Montoya, and Salgado Reyes. 2025. "Urban Art as Political Resistance: Murals, Memory, and Justice in Public Space: Arte urbano como resistencia política: murales, memoria y justicia en el espacio público". *Revista de Justicia Social en la Sociedad Urbana* 1, no. 2 (2025): 215-238. <https://publications.socipol.org/index.php/rjs/article/view/30>.

¹² Fitzgerald, Sebastian William, and Charlotte Isabelle. "Youth and Education: How Indonesia's Education System Is Shaping the Next Generation of Leaders". *Indonesian Education Policy and Justice Review* 2, no. 1 (2025). <https://doi.org/10.65815/am5x0s48>

¹³ Muñoz, Francisco, and Miguel Ángel Ramos. "Substantive Justice in the Case of Corruption in Brazil: The Lava Jato Process and Its Legal and Social Implications: La Justicia Sustantiva en el Caso de la Corrupción en Brasil: El Proceso Lava Jato y sus Implicaciones Jurídicas y Sociales". *Crítica de la Justicia Sustantiva* 1, no. 1 (2025): 71-90. <https://publications.socipol.org/index.php/cjs/article/view/5>.

¹⁴ Bernadhita H. S. Utami et al., "Money Politic vs Political Marketing (Case Study: Legislative Election of the Pringsewu District Legislative Council Members for the 2019-2024 Period)," *Jurnal Bina Praja* 12, no. 2 (December 16, 2020): 125- 36, <https://doi.org/10.21787/jbp.12.2020.125-136>.

Tangerang City, East Luwu Regency, West Halmahera Regency, Jember Regency, Blitar City, Sika Regency, and Bima Regency.¹⁵

Transactional politics is equated with money politics; some sell and some buy. Of course, everything requires a mutually determined means of payment. In buying and selling, the means of payment is usually cash. In political practice, if transactional politics occurs, some give money, and some receive money in the political transaction. However, political transactions are not always about money; in some cases, transactional politics also involves positions and rewards beyond money. Transactional politics involves distributing political power or offering gifts in the form of goods, money, services, or policies to influence one or more people and obtain benefits through political agreements among political parties or political elites.

Money politics remains a fundamental challenge to the democratic process in Indonesia. Overcoming this practice requires a profound understanding of legal culture and local wisdom. Defined as the act of giving or receiving money or other benefits to influence political choices, money politics inflicts devastating impacts on electoral integrity, democracy, and social justice¹⁶. Furthermore, such practices fuel systemic corruption and undermine the foundations of clean governance¹⁷. This creates a cycle of inequity within the electoral process, as only candidates with substantial financial resources can compete effectively (Prabuwa¹⁸. Consequently, democracy is weakened because the people's right to vote is commodified, ensuring that the final vote no longer reflects the genuine will of the citizenry.

Data from the Election Law Enforcement Strategy Report indicate that 100 money politics cases were recorded in 2019, compared with 36 cases in the 2024 election. Separately, 130 alleged money politics cases were identified in the 2024 regional elections. These figures should be read within their respective institutional and electoral contexts rather than treated as a directly comparable

¹⁵ Tri Subarkah, "General Election Supervisory Agency RI Ungkap Ada 130 Kasus Politik Uang Pilkada 2024 Di Seluruh Indonesia," *MetroNew*, 2024, <https://www.metrotvnews.com/read/KYVCDLBq-General-Election-Supervisory-Agency-ri-ungkap-ada-130-kasus-politik-uang-pilkada-2024-di-seluruh-indonesia>.

¹⁶ Joo-Cheong Tham, "22. Regulating Money in Politics: From Electoral Integrity to Democratic Integrity," *Comparative Election Law*, 2022, 410.

¹⁷ Maria Silvya E Wangga, Pujiyono Pujiyono, and Barda Nawawi Arief, "Revocation of Political Rights of The Perpetrators of Criminal Acts of Corruption," *JLS* 4 (2019): 277, <https://doi.org/10.15294/jils.v4i2.29689>.

¹⁸ Prabuwana, Setiawan Agung, and Ayunda Larasati Maharani. "From Growth to Equity: Assessing Indonesia's Economic Development Strategies and Their Impact on Poverty Alleviation". *Indonesian Economic Justice Review* 2, no. 2 (2025). <https://doi.org/10.65815/vbvt5x39>

dataset. The handling of alleged Money Politics crimes, which is still the most common trend of election crimes, can be seen in the table below:¹⁹

Table 1. *Trend of Election Crimes*

No	Types of Election Crimes	Year	
		2019	2024
1	Money politics	1000	36
2	Vote more than 1 time and/or claim to be someone else	65	22
3	Make decisions that benefit the voters.	36	17
4	Cause voters' votes to be worthless/the votes of election participants to increase/decrease	33	9
5	Campaigns in places of worship/education	20	3
6	Forgery	18	11
7	Cause Forgery	17	3
8	Banned from participating as a campaign manager	15	4
9	A campaign involving banned parties	14	3
10	Campaign using government facilities	12	
11	Off-schedule campaigns	10	1
12	Destruction APK	8	11
13	Disrupting the conduct of voting, or failing to vote	4	2
14	Insulting election participants	3	
15	Provoking antagonism between parties	3	
16	Cause others to lose their right to vote	3	4
17	Disrupt, obstruct, disrupt campaigns	2	3
18	Tampering with or removing sealed voting results	2	2
19	Do not submit a copy of the document to the political party	1	
20	Not guarding, securing the integrity of the ballot box, and handing over sealed ballot boxes	1	
21	The General Elections Commission (KPU), according to the level, did not follow up on the findings of the election supervisor in updating voter data.		
22	Falsifying data and voter lists or increasing or subtracting DPT		1
Total Amount		367	132

Data source: *Sub-Directorate IV of the Directorate of General Crimes of the Criminal Investigation Branch of the National Police in 2024*

The trend of Criminal Investigation of the 2024 Election occurred in stages, which can be seen in the table below:

Table 2: Trends in the Investigation of Election Crimes in 2024

¹⁹ Tempo, "Polri Terima 322 Laporan Pelanggaran Pidana Pemilu Pada 2024, Siapa Saja Yang Melanggar?," 2024, https://www.tempo.co/hukum/polri-terima-322-laporan-pelanggaran-pidana-pemilu-pada-2024-siapa-saja-yan-g-melanggar--82902#google_vignette.

Stages	Number of Crimes
Voter data updates	3
Registration	5
Campaign	65
Quiet Time	11
Vote counting	48

Data source: *Sub-Directorate IV of the Directorate of General Crimes of the Criminal Investigation Branch of the National Police in 2024*

According to Table 1, money politics cases are the most common cases handled by the Integrated Law Enforcement Center. Money politics is part of the election corruption scandal and an important issue among other election violations²⁰. By the common definition, money politics is often associated only with vote buying²¹. In fact, money politics, in the sense of the influence of money in elections, is not just a practice of buying votes, but the whole practice at every stage of the election that can be influenced by money, so that it can benefit one political party or candidate and/or not benefit another political party or candidate²².

Another concern is data from the Civil Society Coalition, which reported 44 findings related to money politics during the quiet period of the 2019 elections. Based on these findings, 24 decisions related to money politics were made: 23 are legally binding or *inkarah*, and 1 is under appeal. Money politics mostly occurs on election day, April 17, during the three-day quiet period, and before entering the calm period. Meanwhile, in a survey conducted by the Indonesian Institute of Sciences (LIPI), 40% of Indonesians received money from participants in the 2019 election, and 37% of Indonesians admitted to receiving money and considered still electing them as representatives of the people who could fight for the people, but in fact they became the oppressors of the people.

²⁰ Maria Silvya Elisabeth Wangga, Aditya Wirawan, and R Bondan Agung Kardono, "Corruption and Money Laundering Perspective of Criminal Law and Criminology," *Research Horizon* 2, no. 2 (2022): 363-73, <https://doi.org/https://doi.org/10.54518/rh.2.2.2022.56>.

²¹ Matthew Singer, "Buying Voters with Dirty Money: The Relationship between Clientelism and Corruption," in *APSA 2009 Toronto Meeting Paper*, 2009, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1449001.

²² Maria Silvya E Wangga et al., "Criminal Liability of Political Parties from the Perspective of Anti-Money Laundering Act," *JILS* 7 (2022): 229, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/jils7&div=10&id=&page=>.

One of the main challenges to effectively handling money politics cases is the time mismatch among National Police investigators.²³ In Article 480 Paragraph 1 of Law No. 7 of 2017 on Elections, investigators of the National Police of the Republic of Indonesia must submit the investigation results to the public prosecutor within 14 (fourteen) days of receiving the report; because the term "working day" is not used, this period is interpreted as a calendar day.

This difference in terminology between "working days" and "calendar days" creates different timeframes for institutions within the Integrated Law Enforcement Center, directly affecting the effectiveness and legal certainty of investigations into election crimes, including money politics. In practice, verifying reports, clarifying witness statements, and reviewing formal material aspects takes time, even within working days. Meanwhile, National Police investigators must follow ongoing calendar deadlines, including weekends and holidays, which often cause investigation deadlines to be missed without good coordination.

As a result, many cases of money politics stall in the early stages of the investigation because there is insufficient time to meet the formal and material criteria, even when the substance of the violation is strong enough. This situation shows the need to reformulate the provisions on the timing of investigations in the election law so that the system of calculating working days is uniform and aligns with the principles of *lex certa* and due process of law in the context of criminal law.²⁴

Based on the explanation above. In essence, the research on money politics in elections has actually developed in various perspectives, including voter behavior, political clientelism, election integrity, political financing, and the formulation of legal prohibitions on the practice of vote buying. In Indonesia, a number of studies have also discussed the issue of law enforcement against election crimes, including the difficulty of proof, coordination between law enforcement agencies, and the role of election law enforcement agencies. These studies make important contributions in explaining the practice and regulation of money politics, but in general they still discuss aspects of material law, the practice of money politics, or institutional issues separately.

²³ Achmad Siddiq and Hariyanto, "Legal and Political Policy in Preventing of Money Politics: Case Study and Recommendations," *International Journal of Social Science and Religion (IJSSR)*, May 17, 2024, 187-202, <https://doi.org/10.53639/ijssr.v5i2.242>.

²⁴ Andjela Stojanovic, "The Principle of Certainty of Criminal Law (Lex Certa) in Case Law of the European Court of Rights," *Zbornik Radova Pravnog Fakulteta, Novi Sad* 45, no. 1 (2011): 455-68, <https://doi.org/10.5937/zrpfns1101455S>.

The gaps are also seen in comparative studies between Indonesia and Malaysia. Studies that compare the two countries generally focus on differences in election regulations, political practices, or institutional structures. However, these comparisons still tend to be descriptive and have not adequately explained how differences in legal design, law enforcement institutions, evidentiary mechanisms, and procedural deadlines affect the effectiveness of law enforcement against money politics. In particular, there is still limited research linking the provisions of election criminal law as material law with procedural mechanisms that determine whether such violations can be effectively processed and proven.

This gap is becoming increasingly important in the Indonesian context because the effectiveness of law enforcement against money politics is determined not only by the existence of substantive prohibitions, but also by the ability of law enforcement agencies to conduct examinations, investigations, and investigations within a very limited time limit. In this context, the difference in the use of the terms "working days" and "days" in the provisions of the election law raises procedural issues that have the potential to affect the time available for law enforcement officials to complete the process of handling violations. These issues have not received adequate attention as part of a comparative analysis of the effectiveness of law enforcement in money politics.

Based on these gaps, this study fills three research spaces. First, this study not only analyzes the substantive prohibition on money politics, but also examines the relationship between election criminal law and procedural mechanisms in its enforcement. Second, this study builds a comparison of Indonesia and Malaysia based on several dimensions, namely legal arrangements, law enforcement institutions, evidentiary mechanisms, and procedural constraints, so that the comparison does not stop at identifying differences in legal norms. Third, this study uses the results of the comparison to identify lessons that can be applied in strengthening the enforcement of money politics law in Indonesia, especially related to the time limit for handling cases and coordination between institutions.

Thus, the contribution of this research lies in three aspects. Doctrinally, this study identifies procedural problems in the regulation of handling money politics crimes in Indonesia that have the potential to affect the effectiveness of law enforcement. Comparatively, this study analyzes how the differences in legal and institutional design in Indonesia and Malaysia affect law enforcement against money politics. Practically, How should Indonesia reform its electoral

criminal law framework after the 2024 elections to strengthen the enforcement of money politics offences?

Legal Policy on Money Politics in the Implementation of General Elections

Money and political crimes are regulated in Article 523, paragraphs (1) to (3), of Law No. 7 of 2017 concerning Elections, which are divided into 3 (three) categories, namely during the campaign, during the quiet period, and during voting. If you pay attention, there is a relative similarity in the elements of *actus reus* in paragraphs (1) to (3) in the article. The *mens rea* element follows a deliberate pattern. The formulation of criminal sanctions for money politics uses an indefinite sentence pattern²⁵. The 2024 elections demonstrate the continuing importance of harmonizing procedural time limits in enforcing electoral offences. The distinction between “working days” and “days” creates uncertainty about how to calculate investigation periods and may limit enforcement institutions’ ability to verify evidence within the statutory timeframe.²⁶

Money politics generally describes attempts to influence voters with cash or other incentives to support a particular candidate. It refers to intentionally giving cash and/or other resources to voters to influence an election’s outcome, rather than encouraging them to abstain.²⁷ Election Law No. 7 of 2017 does not specifically define money politics. Giving money or other materials is a criminal offense that can result in imprisonment and fines in the election process. Articles 2 and 3 of Law No. 7 of 2017 on Elections address this.²⁸ Criminal law policy is a logical, structured approach by the government to address crime

²⁵ Hariman Satria, “Politik Hukum Tindak Pidana Politik Uang Dalam Pemilihan Umum Di Indonesia,” *Integritas: Jurnal Antikorupsi* 5, no. 1 (2019): 1–14, <https://doi.org/https://doi.org/10.32697/integritas.v5i1.342>.

²⁶ Steidy Rundengan, “Problematika Pemilu Serentak 2024 Dan Rekonstruksi Regulasi,” *Buku Huku KPU*, 2022, 6, https://jdih.kpu.go.id/data-provinsi/sulut/data_monografi/Artikel%20Hukum_Steidy%20Rundengan.pdf?utm_source=chatgpt.com

²⁷ Muhammad Rizki, Muhammad Arizka Wahyu, and Muhammad Suhail Ghifari, “Money Politics in Aceh: A Structuration Approach to Social Structure and Agency Interactions,” *Journal of Government and Political Sciences* 1, no. 2 (2024): 87–104, <https://edusphereglobalpress.org/jgps/article/view/25>.

²⁸ Rino Sundawa Putra, Faisal Fadilla Noorikhshan, and Riska Sarofah, “Problematika Penegakan Pidana Politik Uang,” *Jurnal Ilmu Politik Dan Pemerintahan* 10, no. 1 (July 3, 2024), <https://doi.org/10.37058/jipp.v10i1.10824>.

through criminal law mechanisms. According to Marc Ancel, criminal policy is defined as "the rational organization of the control of crime by society," indicating a deliberate attempt to regulate the criminal justice system effectively and fairly in response to changes in crime²⁹. In the context of money corruption, criminal law policy includes three main aspects:

- a. Drafting (legislation policy) - the development of criminal law norms in the law (for example, Articles 523, 524, and 525 of Law No. 7 of 2017);
- b. Implementation (judicial policy and investigation) - the application of legal norms in law enforcement procedures carried out by the National Police and the Prosecutor's Office;
- c. Implementation (correctional policy) - the application of punishment decisions against perpetrators of corruption crimes.

The update in the criminal law policy examined here emphasizes more on the dimensions of formulation and application, namely the alignment of investigation time between the National Police and the Prosecutor's Office to ensure legal certainty and the effectiveness of law enforcement related to elections. Conceptually, money politics is the exchange of goods or money for political support or votes, which damages the democratic order and violates principles of fairness. Accordingly, money politics activities include giving money, goods, or commitments to voters to influence their political choices.

Under applicable Indonesian law, criminal acts related to money politics are described in Articles 515- 523 of Law No. 7 of 2017 on Elections. This criminal act falls under the category of a formal crime, meaning it is sufficient to show evidence of giving or promising something to voters, without needing to prove a direct impact on election results. Conceptually, money politics has two aspects, namely subjective and objective. In the subjective aspect, namely the motivation and purpose of the perpetrator (*mens rea*), while in the objective aspect, the act of giving, promising, or receiving (*actus reus*).³⁰ A successful investigation into both aspects relies heavily on how quickly cases are handled, as delays can lead to lost evidence and cloud the perpetrator's subjective aspects.

²⁹ Purwanto, Budi Nur, and Eka Hasibuan. "Minority Voting Rights and Political Participation: Ensuring Equal Representation in Indonesian Elections". *Indonesian Minority Justice Review* 1, no. 3 (2025). <https://doi.org/10.65815/j9zpxm63>

³⁰ Alessandro Stasi, "Actus Reus and Mens Rea," in *General Principles of Thai Criminal Law* (Singapore: Springer Singapore, 2021), 25- 30, https://doi.org/10.1007/978-981-15-8708-5_3.

Table 3: *Thematic Patterns of Money Politics Cases in Indonesia*³¹

Theme	Forms of conduct	Evidence commonly identified	Enforcement implication
Direct distribution	cash Cash delivered to voters	Envelopes, cash, voter lists	Relatively observable but requires rapid intervention
Distribution of goods	Rice, food, household goods	Goods + candidate materials	Difficult to distinguish from legitimate assistance
Vote-targeted distribution	Money linked to specific candidate	Candidate cards, sample ballots	Stronger indication of electoral intent
Intermediary distribution	Money distributed through brokers/teams	Lists, cash, communications	Attribution to candidate becomes difficult
Government/social assistance	Assistance associated with political actors	Administrative records, beneficiary lists	Requires tracing political connection
Quiet-period violations	Distribution shortly before voting	Patrol/seizure evidence	Time limits become critical

Data sources: *Aspinall et al. (2017); Tawakkal et al. (2020); Bawaslu (2019); Law No. 7 of 2017 on General Elections*

The table above shows that money politics in Indonesian elections takes more than the form of giving money directly to voters; it appears in various forms and patterns. The direct giving of money to voters is a form that is relatively easy to identify, but the practice of money politics is also carried out through the giving of goods, the provision of benefits aimed at certain voters, the use of intermediaries or teams, and the provision of social assistance or government assistance associated with political actors. This pattern shows that the practice of money politics can be carried out through direct or indirect mechanisms³². The use of intermediaries and the giving of goods, for example, can create distance between candidates or political actors and beneficiaries so the link between giving and electoral goals is not always immediately apparent.

³¹ Badan Pengawas Pemilu, “Masa Tenang, Pengawas Pemilu Tangkap Tangan 25 Kasus Politik Uang,” *General Election Supervisory Agency. Go. Id.*, 2019. <https://www.bawaslu.go.id/id/press-release/masa-tenang-pengawas-pemilu-tangkap-tangan-25-kasus-politik-uang>

³² Lee, Joshua, Zhang Mei, and Kunal Mehta. “Digital Authoritarianism and the Erosion of Civil Liberties: A Comparative Legal Study of Surveillance Laws in China, India, and the United States”. *Journal of Transformative Legal and Social Studies* 1, no. 1 (2025). <https://journals.arteslibres.org/index.php/social/article/view/15>.

Therefore, identifying money politics cannot rely only on the existence of money transactions; it must also consider the form of giving, beneficiaries, timing, and its relationship to specific candidates or electoral interests.

The diversity of these forms of money politics also poses different evidentiary issues for law enforcement officials. In direct giving of money, evidence such as envelopes, cash, lists of recipients, or distribution documentation can provide relatively clear indications of the occurrence of the giving³³. Conversely, the giving of rice, food, household necessities,

One of the main challenges is the public's low legal awareness, which often leads people to ignore the rule of law. The community's low legal awareness is inseparable from cultural problems that ultimately hinder effective and fair law enforcement.³⁴ In addition, the country lacks a strong legal structure and legal culture. Any changes to the electoral system must include a legal structure and legal culture. To achieve law enforcement that provides justice and legal certainty, it is necessary to make maximum efforts through legal development.

In terms of terminology, legal development has a broader, more fundamental meaning than the terms legal development or legal reform. Legal coaching refers more to efficiency, in the sense of increasing legal efficiency. Legal reform is more about preparing a legal system to align with changes in society. Therefore, legal development aims not only at the rules or substance of the law, but also at the structure or institutions of law and the legal culture of the community.³⁵ What are the elements in the legal system? The legal system is defined as a set of attitudes that are firmly rooted and historically conditioned towards the nature of the law, the rule of law in society and political ideologies, and the organisation and implementation of the legal system.³⁶

³³ Delgado, Iván Fuentes, Emiliano César Paredes Montoya, and Salgado Reyes. 2025. "Urban Art as Political Resistance: Murals, Memory, and Justice in Public Space: Arte urbano como resistencia política: murales, memoria y justicia en el espacio público". *Revista de Justicia Social en la Sociedad Urbana* 1, no. 2 (2025): 215-238. <https://publications.socipol.org/index.php/rjs/article/view/30>.

³⁴ Khoirunnisa and Didi Jubaidi, "Political Configuration of Law in Law Enforcement in Indonesia," *Ilomata International Journal of Social Science* 4, no. 4 (October 20, 2023): 560-76, <https://doi.org/10.52728/ijss.v4i4.880>.

³⁵ Cosimo Thawley, Masyita Crystallin, and Kiki Verico, "Towards a Higher Growth Path for Indonesia," *Bulletin of Indonesian Economic Studies* 60, no. 3 (September 17, 2024): 247-82, <https://doi.org/10.1080/00074918.2024.2432035>.

³⁶ Zaka Firma Aditya, "Romantisme Sistem Hukum Di Indonesia : Kajian Atas Kontribusi Hukum Adat Dan Hukum Islam Terhadap Pembangunan Hukum Di Indonesia," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 1 (May 15, 2019): 37, <https://doi.org/10.33331/rechtsvinding.v8i1.305>.

The principle of *lex certa* requires that every criminal law should be written clearly, without ambiguity, and be easy to understand. Hans Kelsen argues that legal certainty is a vital component in a norm-based legal system. Meanwhile, the due process of law described by Herbert L. Packer ensures that each legal stage takes place fairly, logically, and in a balanced manner.³⁷ In election-violation investigations, this principle requires a reasonable and consistent timeframe across institutions to protect the rights of both whistleblowers and reported persons equally. The difference between a working day and a calendar day can lead to procedural injustice and may violate the principle of fairness in legal proceedings. Therefore, changing the investigation time to a working day can be seen as an application of a fairer due process of law principle.

Legal harmonization seeks to align legal norms so disputes do not arise vertically or horizontally. Barda Nawawi Arief argued that criminal law policy needs harmonization so that the national legal system can operate integratively and consistently.³⁸ In this paper, harmonization refers to aligning the time provisions in Article 454 paragraph (8) and Article 480 paragraph 1 of Law No. 7 of 2017 on Elections. By making the unit of time a working day, then: 1) There will be no overlap between the evaluation process and the investigation by the National Police; 2) Integrated Law Enforcement Centers can operate simultaneously; and 3) The results of the investigation will not be affected by differences in time interpretation.

Enforcement of Criminal Law: Money politics in the implementation of General Elections

Law enforcement against money-political crimes is a key element in creating fair, high-quality elections. However, in practice, law enforcement's effectiveness is often undermined by incompatible time norms for handling cases between supervisory agencies and the investigative apparatus (the police). One uses a unit of time in the form of working days in the investigation process, while the

³⁷ Hadar Aviram, "Packer in Context: Formalism and Fairness in the Due Process Model. Herbert L. Packer. 1968. *The Limits of the Criminal Sanction* Stanford, CA: Stanford University Press . Pp. Viii + 388. \$37.95 Paper.," *Law & Social Inquiry* 36, no. 01 (December 27, 2011): 237- 61, <https://doi.org/10.1111/j.1747-4469.2010.01230.x>.

³⁸ Ainun Jiwanti, "The Legality Principle's Expansion in the National Criminal Code as a Manifestation of the Idea of Balance (Tawazun)," *Journal of Transcendental Law* 6, no. 2 (2024): 87- 100. <https://doi.org/10.23917/jtl.v6i2.6452>

National Police follows a calculation based on calendar days in the investigation, in accordance with Article 480 Paragraph 1 of Law Number 7 of 2017.

This difference creates legal and procedural problems that contribute to legal uncertainty, inefficient case handling, and a high rate of investigation terminations (SP3) related to money politics. A strong cause-and-effect relationship exists between disagreements over time norms in investigations and legal proceedings (working days versus calendar days) and the limited success of applying criminal law to corruption acts involving political money in Indonesia.

This assumption is based on the belief that the success of the law depends not only on the content of norms, but also on the alignment of procedures among various law enforcement agencies in the integrated criminal justice system (Integrated Law Enforcement Centre). If the provisions regarding the duration of the investigation in Article 480 Paragraph 1 of Law No. 7 of 2017 are adjusted from 14 calendar days to 14 working days, there will be an alignment of the norms of election criminal procedure law between the National Police and the National Police, which in turn strengthens the principle of justice as fairness and the principle of equal freedom and the principle of difference. Uniformity in the calculation of case handling time between the National Police has the potential to increase the effectiveness of cooperation at the Integrated Law Enforcement Center, so that there will be a significant increase in the number of money politics cases that can advance to the prosecution stage.

The shift from calendar days to working days in investigations is an innovation in criminal law policy consistent with the principle of law as a means of change (Roscoe Pound) because it adapts the law to social conditions in the bureaucracy and the need to enforce election laws efficiently. Money politics is an act in which money or other forms of giving are used to influence the political process, especially in elections. Money politics can include giving cash, goods, promises of office, or other benefits to specific voters, officials, or groups to gain political support. According to Law Number 7 of 2017, money politics is defined as any form of giving or promise that aims to influence voters to vote or not vote for certain election participants. This practice is categorised as a violation that can be subject to administrative or criminal sanctions.³⁹

³⁹ Burhanuddin Muhtadi, *Vote Buying in Indonesia: The Mechanics of Electoral Bribery* (Springer Nature, 2019).

In Malaysia, money politics is also prohibited and regulated under the Election Offences Act 1954, which makes bribery or giving incentives in elections illegal.⁴⁰ However, in practice, money politics still often takes various forms, such as providing social assistance tied to political campaigns or using large funds to influence election outcomes. Money politics threatens democracy because it undermines the principle of equality in elections, where voters should decide based on a candidate's program and capabilities, not financial incentives. In addition, this practice can lead to political corruption, as candidates elected through money politics tend to prioritise the interests of the individual or the group that funds them over the interests of the people at large.

When comparing Indonesia and Malaysia, although both have regulations prohibiting money politics, law enforcement effectiveness and the forms of violation often differ. Therefore, further studies are needed to understand how the two countries handle this issue and whether a more effective approach exists to suppress money politics. Money politics remains a difficult problem to eradicate in various political systems, including Indonesia and Malaysia. Some of the factors that led to the rise of the practice of money politics include:⁴¹

- a. **Weak Law Enforcement.** Despite regulations prohibiting money politics, implementation and enforcement are often ineffective. Many cases are difficult to prove because money politics is carried out covertly. In addition, weak sanctions against money politicians allow this practice to recur without a significant deterrent effect.
- b. **Low Political Awareness of the Community.** Many voters do not understand the importance of a clean democracy and tend to accept money or gifts from candidates as something natural. Low political education leads people to prefer short-term gains over considering candidates' quality or the work programs they offer.
- c. **High Political Costs.** In the modern political system, campaign costs are enormous, including advertising, public meetings, and running successful teams. Candidates without large funds often feel they must use money

⁴⁰ M. Yakub Aiyub Kadir, Najwa Shafiya, and Eka Kurniasari, "Regulating Political Funding in Southeast Asia: A Comparative Legal Analysis of Transparency and Accountability in Malaysia and Indonesia," *Journal of Humanity and Social Justice*, August 29, 2025, 178- 200, <https://doi.org/10.38026/jhsj.v7i2.76>.

⁴¹ Rifqi Fadhlurrahman, "Faktor Penyebab Terjadinya Politik Uang Dalam Kampanye Berdampak Pada Terwujudnya Penyelenggaraan Pemilu 2024 Yang Demokratis Dan Berintegritas," *Aliansi: Jurnal Politik, Keamanan Dan Hubungan Internasional* 3, no. 1 (2024): 20- 27, <https://jurnal.unpad.ac.id/aliansi/article/view/44097>.

politics to compete with their opponents. This encourages money politics as the main strategy for winning elections. "Usually, candidates campaign more to get votes for themselves personally than votes for their party. Not surprisingly, the candidates used three different strategies that were all related to money politics: 'pork-barrelling', clientelism, and vote buying." Pramono Anung detailed the high cost of the regional elections incurred. Legislative candidates typically spend between \$300 million and \$22 billion (about A\$30,000 to A\$22 million) on elections. One candidate even spent Rp 18 billion on political consultants alone.⁴²

- d. Lack of Transparency in Political Funding. The lack of clarity about the source of campaign funds and the lack of regulations overseeing the flow of political funds create opportunities for money politics. Candidates who receive funding from certain parties often feel obligated to return the favor in a non-transparent manner after being elected.
- e. Economic Gap and Poverty. In areas with high poverty rates, voters are more vulnerable to money politics because of their urgent economic needs. Candidates or political parties often take advantage of this condition by providing money or other forms of assistance to get votes.
- f. Fierce Competition in Elections. In a competitive political system, especially in a country with many candidates or parties, the competition becomes increasingly fierce. This prompts some candidates to use all means, including money politics, to gain more voter support.

The above factors show that money politics is not only a legal issue but also involves social, economic, and cultural aspects.⁴³ Therefore, overcoming money politics requires not only tightening regulations but also increasing public political awareness, reforming political funding, and strengthening election supervisory institutions to be more independent and firm in cracking down on violations. Money politics significantly affects a country's democratic system. Although elections are supposed to be a democratic event that allows the people to choose leaders based on vision, mission, and competence, the practice of

⁴² Arif Prasetyo Wibowo, Achmad Yusril Abdillah, and Rohmad Widodo, "Batu City General Election Supervisory Agency Strategy in Preventing Political Money in the 2024 Election," *Jurnal Pendidikan PKN (Pancasila Dan Kewarganegaraan)* 5, no. 2 (October 4, 2024): 256, <https://doi.org/10.26418/jppkn.v5i2.84158>.

⁴³ Mutmainnah Gaffar Anugrah, "The Influence of Money Politics on Voter Behavior During Regional Head Elections (Pilkada) in South Sulawesi Province," *Mocasin Journal De Public Perspective* 2, no. 3 (October 16, 2025): 136- 46, <https://doi.org/10.37899/mjdpp.v2i3.236>.

money politics actually undermines the basic principles of democracy.”⁴⁴ Thus, there are some negative impacts caused by money politics itself:

- a. **Undermining the Principles of Healthy Democracy.** Money politics is contrary to democratic values that prioritize honesty, justice, and freedom in choosing leaders. With this practice, elections are no longer based on candidates' quality and programs, but on the financial strength of certain parties.
- b. **Giving birth to unqualified leaders.** Because money politics allows candidates to win based on financial strength, not competence, many leaders are elected not because of their capabilities and integrity, but because of their ability to "buy" votes. As a result, policies often reflect the interests of the people, not those of individuals or groups that support the candidate.⁴⁵
- c. **Increasing Corruption in Government.** Candidates who use money politics in elections often view their victories as a "political investment" that must be recouped. This encourages corruption, nepotism, and abuse of authority to recover capital spent during the campaign
- d. **Weakening Public Trust in Elections.** If money politics continues to occur without decisive action, people will lose trust in the electoral system and democracy itself. Voters will feel that their vote is no longer meaningful because the outcome of the election is determined by the power of money, not by the will of the people.
- e. **Strengthening Dynastic and Oligarchic Politics.** Money politics tends to reinforce the dominance of certain groups in politics, especially those with large financial resources. This led to dynastic politics and oligarchy, where a handful of political elites with large capital hold power.
- f. **Worsening Social and Economic Inequality.** When the elected leader prioritizes personal and group interests, policies will not be oriented toward the welfare of the people in general. As a result, social and economic inequality widens because policies favor those with access to power and capital.⁴⁶

⁴⁴ Julia Cagé, *The Price of Democracy: How Money Shapes Politics and What to Do about It* (Harvard University Press, 2020).

⁴⁵ Robert J. Antonio, "Democracy and Capitalism in the Interregnum: Trump's Failed Self-Coup and After," *Critical Sociology* 48, no. 6 (September 11, 2022): 937- 65, <https://doi.org/10.1177/08969205211049499>.

⁴⁶ Carles Muntaner et al., "Economic Inequality, Working-Class Power, Social Capital, and Cause-Specific Mortality in Wealthy Countries," *International Journal of Health Services* 32, no. 4 (October 1, 2002): 629- 56, <https://doi.org/10.2190/N7A9-5X58-0DYT-C6AY>.

g. Hindering Political Reform and Democratic Progress. Countries trapped in money politics struggle to carry out effective political reforms. Anti-corruption policies, political transparency, and good governance are difficult to implement if the political actors in power come from a corrupt system from the start.

In fact, money politics has a destructive impact on democracy in both the short and long term. Therefore, we need stronger efforts to eradicate this practice through stricter law enforcement, reforms to the political financing system, increased election transparency, and political education to help the public think more critically and resist the lure of material incentives in elections. Money politics is one of the biggest threats to a healthy democratic system.⁴⁷ Therefore, various countries have adopted regulations and laws to prevent and crack down on this practice.

In Indonesia, money politics is strictly prohibited in various laws and regulations, especially in the context of general elections. Law Number 7 of 2017 on General Elections. Articles 278 to 284 explicitly prohibit money politics at all stages of elections. Giving money, goods, or promises to voters to influence votes is considered an election violation⁴⁸. Violators may be subject to administrative and criminal sanctions, including disqualification from elections. Law Number 10 of 2016 on Regional Elections. Prohibits money politics in the election of regional heads. If the candidate pair is found to have engaged in money politics in a structured, systematic, and large-scale manner, they can be disqualified. The Election Supervisory Board (Electoral Supervisory Board) has the authority to supervise and handle alleged money-politics violations. If it finds sufficient evidence, the Board can refer violations for legal action.

In Malaysia, several key laws also regulate money politics. The Election Offenses Act 1954 is the main law governing election violations, including money politics. Article 10 prohibits giving money, gifts, or other benefits to influence voters. Violators can be fined or jailed.

Malaysian Anti-Corruption Commission Act 2009 (MACC Act). Gives the Malaysian Anti-Corruption Commission (MACC) authority to

⁴⁷ Suryaningsi, S., & Putri, N. A. (2024). Against the practice of money politics: An analysis of the potential for bribery prevention in the conduct of elections. *Journal of Mujaddid Nusantara*, 1(2), 78-86.

⁴⁸ Zaenuddin, Zaenuddin. "Art as Resistance: The Role of Visual Arts in Indonesia's Struggle for Social and Political Justice". *Indonesian Art and Justice Review* 2, no. 2 (2025). <https://doi.org/10.65815/1c4wd722>

investigate money politics cases. Targets politicians or candidates involved in election-related bribery practices. Elections Commission of Malaysia (EC). Responsible for election supervision, including efforts to prevent money politics. It enforces regulations and ensures transparency in the election process. Based on this discussion, the authors compared regulations in Indonesia and Malaysia.

Table 4: *Comparative Analysis of Electoral Money Politics Law Enforcement in Indonesia and Malaysia*

Dimension	Indonesia	Malaysia	Analytical implication
Legal basis	Law No. 7/2017	Election Offences Act 1954 + related framework	Different legislative architecture
Prohibited conduct	Giving/promising benefits to influence voters	Electoral bribery and related offences	Different formulation
Enforcement	Bawaslu- Police- Prosecutor/Gakkumdu	Election Commission/MACC/police-related mechanisms	Different institutional architecture
Investigation	Strict electoral timeline	Different structure	procedural Indonesia's temporal problem becomes distinctive
Evidence	Difficult proof	Difficult proof, especially covert practices	Shared enforcement problem
Political finance Reporting/transparency framework		Different architecture	regulatory Different prevention mechanisms
Enforcement weakness	Coordination + procedural deadlines	Institutional/political constraints	Different causes of enforcement gap

Data sources: *Law No. 7 of 2017 on General Elections (Indonesia); Election Offences Act 1954 (Malaysia); official regulations and institutional publications from Bawaslu, the Malaysian Election Commission, and the Malaysian Anti Corruption Commission (MACC).*

A comparison between Indonesia and Malaysia shows that the two countries have different legal and institutional frameworks in dealing with money politics, although both regulate the practice of giving benefits to influence the electoral process. Indonesia uses Law Number 7 of 2017 as one of the main bases for regulating election crimes and involves Bawaslu, the Police, and the Prosecutor's Office through the Gakkumdu mechanism.

Meanwhile, Malaysia uses the Election Offences Act 1954 along with a related legal framework and involves the Election Commission, the Malaysian Anti-Corruption Commission (MACC), and relevant police mechanisms. These differences show the differences in institutional architecture and legal formulation between the two countries. Indonesia tends to place the handling of violations in election law enforcement mechanisms that have strict procedural deadlines, while Malaysia has a different procedural structure. Thus, these institutional differences not only show variations in legal design, but also affect how alleged money politics is identified, investigated, and processed by law enforcement institutions.

Despite differences in legal and institutional design, Indonesia and Malaysia face similar problems in terms of evidence, especially when the practice of money politics is carried out covertly or through indirect mechanisms. These difficulties indicate that the existence of legal prohibitions does not automatically guarantee the effectiveness of law enforcement. However, the nature of the obstacles faced by the two countries has different pressure points. In the Indonesian context, the issue of inter-institutional coordination and limited time in the case handling process are important factors that can affect the effectiveness of law enforcement.

On the other hand, in the Malaysian context, the problem is more related to institutional structure and institutional factors in the implementation of law enforcement. This difference shows that money political enforcement reform cannot only focus on increasing sanctions or expanding substantive prohibitions, but also needs to pay attention to institutional design, evidentiary mechanisms, transparency of political financing, and case handling procedures. In the Indonesian context, these comparative findings further reinforce the importance of evaluating the investigation and coordination deadline of the Gakkumdu as part of electoral law enforcement reform.

Money Politics Practice in Indonesia

Although it is legally banned, money politics still often occurs in every election in Indonesia, including legislative elections, presidential elections, and regional head elections (regional elections). Money politics is a strategy candidates or political parties use to gain votes in an undemocratic way. Some common forms of money politics in Indonesia include:

- a. Giving Cash to Voters. One of the most common forms of money politics is giving cash to voters ahead of Election Day.⁴⁹ Successful candidates or teams usually distribute envelopes containing a set amount of money, hoping voters will vote for them.
- b. Provision of Basic Necessities and Consumptive Goods. In addition to cash, money politics is also often carried out by distributing necessities (rice, cooking oil, sugar, etc.), clothing, or other daily necessities to voters. This is often done in covert campaign activities under the pretext of social assistance.
- c. Promise and Provision of Public Facilities. Some candidates promised to build public facilities, such as roads, bridges, houses of worship, or schools, in certain areas in exchange for the support of local residents. Although it appears to be a development program, it is often transactional and is carried out solely for political purposes.⁵⁰
- d. Payment or Reward to Groups or Community Leaders. In some cases, successful candidates or teams reward community leaders, indigenous leaders, or leaders of specific organizations to direct their community members to vote for a particular candidate. This practice is often difficult to detect because it is done behind closed doors
- e. Abuse of Social Assistance. In some elections, social assistance meant to benefit the community is used as a political tool.⁵¹ The assistance is provided

⁴⁹ Effendi Hasan et al., "The Practice of Money Politics in Village Head Elections and Its Effect on The Participation Level of Beginner Voters," *Journal of Governance and Public Policy* 10, no. 1 (January 24, 2023): PRESS, <https://doi.org/10.18196/jgpp.v10i1.15576>.

⁵⁰ Rendra Syah Putra, Reni Apriani, and Ainur Ropik, "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 & Hukum* 3, no. 5 (2025): 6546- 54, <https://doi.org/https://doi.org/10.61104/alz.v3i5.2288>.

⁵¹ Edward Aspinall, "WHEN BROKERS BETRAY: Clientelism, Social Networks, and Electoral Politics in Indonesia," *Critical Asian Studies* 46, no. 4 (October 2, 2014): 545- 70, <https://doi.org/10.1080/14672715.2014.960706>.

by including the candidate's name or picture, so voters feel bound or obliged to vote for the candidate.

- f. Giving Money to Polling Station Organizing Group (KPPS) Officers and Election Supervisors. Money politics not only targets voters but can also take the form of bribery of KPPS officers and election supervisors, leading them to commit fraud that benefits certain parties, such as inflating votes or manipulating voting results.

Several cases of money politics in Indonesia show that this practice remains rampant. For example, 1) The 2018 Regional Election Case: There are many reports about the distribution of money and necessities ahead of voting day in various regions. Authorities found indications of money politics in several provinces, but most were difficult to prove legally. 2) The 2019 Legislative Election Case: Several legislative candidates are suspected of engaging in money politics by distributing money and goods to voters. Some cases are followed up, but many do not proceed due to a lack of strong evidence. The case of the 2014 & 2019 presidential elections: Money politics also occurs on a broader scale, such as mass mobilisation in return and the misuse of campaign funds for specific interests.⁵²

Money politics in Indonesia remains a major challenge to maintaining a clean and transparent democracy. Although clear regulations exist, weak law enforcement and low political awareness in the community allow money politics to continue. Therefore, election supervision, transparency in political funding, and voter education need to be strengthened so money politics does not easily influence voters. Despite clear regulations, law enforcement against money politics still faces various challenges⁵³. These challenges, for example, include 1) the difficulty of providing proof. Money politics is often carried out covertly, such as giving money or goods directly without any written evidence. Many voters who receive money are reluctant to report because they are afraid or feel benefited. 2) Lack of Effectiveness of Sanctions. Despite the criminal threat, punishments for money politicians are rarely applied firmly. Many cases do not reach court because of a lack of evidence or political intervention.

⁵² M Eza Helyatha Begouvic and Bayu Cuan, "Money Politik Pada Pemilihan Di Indonesia," *Sol Justicia* 4, no. 2 (December 28, 2021): 105–22, <https://doi.org/10.54816/sj.v4i2.451>.

⁵³ Putra, Samuel Raditya, and I Gede Putu Oka Bagaskara. "Clientelism and Corruption in Local Elections: Evidence from Indonesia's Pilkada". *Indonesian Anti Corruption Studies* 1, no. 2 (2024). <https://doi.org/10.65815/0vpvyh91>

3) Limitations of Supervision. They have limited resources to supervise all stages of elections in all regions. In some cases, regional election supervisors are under political pressure. 4) Transactional Political Culture. Many voters consider money politics commonplace, making it difficult to eliminate. Candidates feel that money politics is the only way to win elections, especially in areas with low levels of political education.

The Practice of Money Politics in Malaysia

Although Malaysia has fairly strict regulations on money politics, the practice remains common, especially in legislative and general elections. Money politics in Malaysia is usually more covert than in Indonesia, but its impact on the quality of democracy remains significant.⁵⁴ The Forms of Money Political Practice in Malaysia, below:

- a. Giving Cash to Voters. One common form of money politics in Malaysia is giving cash to voters. Candidates or political parties give voters a certain amount of money in the hope of winning their votes in elections.
- b. Providing Assistance and Social Donations. Politicians in Malaysia often use social assistance to attract political support. This assistance can take the form of donations to the community sucood, such as food or other goods. This is often done in the run-up to elections and is considered part of a campaign strategy.
- c. Misuse of Government Funds for Campaigns. In some cases, the ruling party uses government funds to attract political support. For example, financial assistance programs or regional development projects are used to win voters' hearts. This practice is difficult to distinguish from ordinary public policy, so it often escapes legal scrutiny.
- d. Giving Prizes and Incentives to Voter Groups. In addition, beyond cash and social assistance, money politics in Malaysia also takes the form of giving gifts to certain groups of people. For example, in previous elections, there were reports of gifts such as household appliances, travel tickets, and even electronic devices given to voters considered strategic
- e. Bribes to Community Leaders and Organizations. Some politicians reward community leaders, religious leaders, or organizations for gaining vote

⁵⁴ Edward Aspinall, "Money Politics: Patronage and Clientelism in Southeast Asia," in *Routledge Handbook of Southeast Asian Democratization* (Routledge, 2015), 299–313. <https://doi.org/10.4324/9781315674735-27>

support from their communities. In some cases, religious organizations or institutions are also targets for money politics to mobilize voters.

In addition, Malaysia has many money politics cases; for example, UMNO (United Malays National Organization), the dominant party in Malaysian politics for decades, has been involved in money politics scandals several times. In 2009, the UMNO Disciplinary Commission disqualified several candidates for engaging in money politics in the party's internal elections. Another case is the 1MDB (1Malaysia Development Berhad) scandal.

The 1MDB case shows how money politics occurs at the highest levels of the Malaysian government. Former Prime Minister Najib Razak has been accused of misusing state funds for political and personal gain. This scandal shows how large sums of money can influence political outcomes in Malaysia. Another example is money politics in the 2018 Election. In the 2018 election, several reports showed that cash was distributed to voters in several regions. The Malaysian Anti-Corruption Commission (MACC) is investigating allegations of money politics involving several candidates, but most cases are difficult to prove.⁵⁵

Table 5: *Differences with Money Politics Practices in Indonesia*

Aspects	Malaysia	Indonesia
The Politics of Money	More covert, often through social assistance and government projects	More direct, such as the provision of cash and necessities
Regulation	Election Offences Act 1954, MACC Act 2009	Law No. 7 of 2017, Law No. 10 of 2016
Law Enforcement	MACC has a big role, but there are still legal loopholes	and the Integrated Law Enforcement Center, but weak in implementation
Elite Engagement Rate	Money politics scandals often involve high-ranking officials	It occurs at all levels, from regional to national elections
Public Awareness	Relatively more aware of the dangers of money politics	There are still many who consider money politics as commonplace

Data sources: *Malaysia's Election Offences Act 1954 and MACC Act 2009; Indonesia's Law No. 7 of 2017 and Law No. 10 of 2016; official publications from MACC, the Malaysian Election Commission, and Bawaslu.*

⁵⁵ Michael Bristow, "Skandal 1MDB Soroti Pendanaan Politik Di Malaysia," 2016, https://www.bbc.com/indonesia/dunia/2016/03/160329_dunia_malaysia_dana_politik.

The practice of money politics in Malaysia is still a serious problem in the country's democratic system.⁵⁶ Although regulations exist, law enforcement challenges have kept this practice alive, especially through social assistance and the misuse of government funds. Compared with Indonesia, money politics in Malaysia more often takes the form of aid schemes and government projects, while in Indonesia it more often involves giving cash to voters. To address this problem, Malaysia needs to strengthen transparency in political funding, increase MACC oversight, and push for political reforms to make elections cleaner and less susceptible to corrupt practices and money politics.

Despite the existing regulations, law enforcement against money politics still faces various challenges. 1) The Difficulty of Proof. Money politics often happens covertly, making it difficult to gather strong enough evidence in court. Many cases do not proceed due to a lack of witnesses or documentary evidence. 2) Gaps in Enforcement. Money politics cases involving high-ranking officials or ruling parties are often not dealt with decisively. Many people perceive the law as harsher toward the opposition than the ruling party. 3) Political Influence in Law Enforcement Institutions. Some parties consider that the MACC sometimes faces political pressure in handling cases involving major political figures.⁵⁷ Reforms in the MACC are needed to make law enforcement more independent and impartial. 4) The Political Culture of Clientelism. Many voters still accept money politics as part of a normal political culture. Some people even consider aid or donations as a candidate's "responsibility", not as a form of money politics.⁵⁸

Table 6: *Comparison of Regulation and Law Enforcement in Indonesia*

Aspects	Malaysia	Indonesia
Key Regulations	Election Offences Act 1954, MACC Act 2009	Law No. 7 of 2017, Law No. 10 of 2016
Supervisory Institutions	MACC (Malaysian Anti-Corruption Commission)	, Sentra Integrated Law Enforcement Center
Money Politics Punishment	Election results can be annulled, and criminal penalties	Criminal penalty of up to 6 years, fine of Rp 1 billion

⁵⁶ Chin, J. (2022). Malaysia in 2021: Another regime change and the search for Malay political stability. *Southeast Asian Affairs*, 2022(1), 195-210. <https://doi.org/10.1355/9789815011036-013>

⁵⁷ Koh Kheng-Lian and Lovleen Bhullar, "ASEAN: The Singapore Declaration on Climate Change, Energy and the Environment, 2007 and Beyond," in *Regional Environmental Law* (Edward Elgar Publishing, 2015), <https://doi.org/10.4337/9781781951781.00017>.

⁵⁸ James Chin, "Malaysia in 2021: Another Regime Change and the Search for Malay Political Stability," *Southeast Asian Affairs* 2022, no. 1 (2022): 195- 210. <https://doi.org/10.1355/9789815011036-013>

Aspects	Malaysia	Indonesia
Challenge	The difficulty of proof, political influence in the MACC	Difficulty in law enforcement, weak supervision
Biggest Cases	1MDB Scandal, Money Politics in UMNO	Money Politics in the 2019 Regional Elections, Elections

Data sources: *Malaysia's Election Offences Act 1954 and MACC Act 2009; Indonesia's Law No. 7 of 2017 and Law No. 10 of 2016; official publications from MACC, the Malaysian Election Commission, and Bawaslu.*

Although Malaysia has fairly strict regulations on money politics, law enforcement still faces major challenges. MACC has a stronger role than in Indonesia, but still faces obstacles in cracking down on cases involving political elites. Compared with Indonesia, Malaysia's money politics regulation focuses more on prevention and transparency in political financing, although implementation still needs strengthening. Political reform and the independence of law enforcement agencies are key to ensuring that money politics can be significantly reduced in the upcoming elections.⁵⁹

The practice of money politics in Indonesia and Malaysia has a similar impact on the democratic system, including: 1) Undermining the integrity of elections. Money politics makes elections no longer based on the candidate's vision, mission, and work program, but rather on financial transactions, and voters prefer candidates based on who gives them money, not because of leadership qualities or political ideology—increasing Corruption in Government⁶⁰. Candidates who win through money politics tend to repay campaign capital through corruption while in power. Money politics creates a cycle of corruption that keeps repeating because elected officials feel indebted to those who financed their campaigns⁶¹.

⁵⁹ Raihan Hafiz Ramadhan and Aidul Fitriadi Azhari, "Strengthening Election Regulations: Saving Democracy from The Threat of Political Money in Indonesia," in *Proceeding International Conference Restructuring and Transforming Law*, vol. 2, 2023, 302- 9.

⁶⁰ Prabuwana, Setiawan Agung, and Ayunda Larasati Maharani. "From Growth to Equity: Assessing Indonesia's Economic Development Strategies and Their Impact on Poverty Alleviation". *Indonesian Economic Justice Review* 2, no. 2 (2025). <https://doi.org/10.65815/vbvt5x39>

⁶¹ Fitzgerald, Sebastian William, and Charlotte Isabelle. "Youth and Education: How Indonesia's Education System Is Shaping the Next Generation of Leaders". *Indonesian Education Policy and Justice Review* 2, no. 1 (2025). <https://doi.org/10.65815/am5x0s48>

Limiting access for candidates with integrity⁶². Candidates without large financial resources often lose political competition. Only candidates who can afford to pay voters or have strong financial backing have a chance of winning. 4) Undermining Public Trust in Democracy. People who realize that money politics are still rampant will lose faith in the democratic system, and voters become apathetic to politics because they feel that their votes have no effect if there is no financial reward.⁶³

Indonesia and Malaysia face the same challenge in eradicating money politics. The forms, causes, and impact of money politics on democracy in both countries are very similar. To address this issue, both countries need to strengthen: 1) Transparency in campaign funding to ensure that candidates do not misuse funds for money politics⁶⁴; 2) Stricter law enforcement, including harsher penalties for money politicians. 3) Political education for the public to increase voter awareness about the dangers of money politics. 4) Empowerment of election supervisory institutions so that they can work more effectively without political intervention. Despite these regulations, money politics remains a major challenge to democracy in Indonesia and Malaysia. Therefore, broader political reforms are needed to ensure elections are truly fair and free from money influence. Although Indonesia and Malaysia both have regulations to prevent money politics, they differ in their rules, supervisory institutions, legal sanctions, and the effectiveness of law enforcement.

Table 7: *Differences in Money Politics Regulation*

Aspects	Indonesia	Malaysia
Key Laws	- Law of No. 7 of 2017 on Indonesia's General Elections	- Election Offenses Act 1954
	- Law of No. 10 of 2016 on Regional Head Elections	- MACC Act 2009
Definition of	Money politics is prohibited in the form of	Money politics is prohibited in the

⁶² Asmawi, Muhammad, and Amiludin Amiludin. "The Indonesian Constitutional Court and the 2024 Presidential Election: A New Role in Electoral Integrity?". *Indonesian Court and Justice Review* 2, no. 2 (2025). <https://doi.org/10.65815/ermhzm84>

⁶³ Joshua Cohen, "Money, Politics, Political Equality," *Fact and Value: Essays on Ethics and Metaphysics for Judith Jarvis Thomson*, 2001, 47- 80.

⁶⁴ Ezzerouali, Souad Ahmed, and Ridwan Arifin. "The Power of Collective Resistance: Understanding Community-Led Defiance Against State Oppression: El Poder de la Resistencia Colectiva: Comprendiendo la Desobediencia Guiada por la Comunidad Frente a la Opresión Estatal". *Revista de Desobediencia Comunitaria* 1, no. 1 (2025). <https://publications.socipol.org/index.php/rdc/article/view/11>.

Aspects	Indonesia	Malaysia
Money Politics	giving money, goods, or promises to voters before, during, and after elections.	form of giving money, gifts, or other benefits to influence the votes of voters.
Campaign Funding Limitations	The campaign fund limit is determined and must be reported to the KPU	There are no specific rules on campaign funding limits, but the MACC can investigate non-transparent funds
Political Influence in Regulation	Regulations often undergo changes based on the political interests of the ruling party.	Regulation is more stable, but politics often influence law enforcement.

Data sources: *Indonesians Law No. 7 of 2017 and Law No. 10 of 2016; Malaysians Election Offences Act 1954 and MACC Act 2009; official publications from KPU, Bawaslu, the Malaysian Election Commission, and MACC*

Table 8: *Differences in Supervisory and Law Enforcement Agencies*

Aspects	Indonesia	Malaysia
Supervisory Institutions	- Election Supervisory Agency for election supervision - Integrated Law Enforcement Center (Combined, Prosecutor's Office, and Police) for law enforcement	- The Malaysian Anti-Corruption Commission (MACC) is the main institution for the eradication of corruption, including money politics in elections
Authority Institutional	- can only recommend cases to the Integrated Law Enforcement Center, cannot conduct a direct investigation - the KPU has a role in supervising campaign funds	- MACC has broad authority to investigate and arrest money politicians
Institutional Independence	- often experiences political intervention and is limited in authority	- MACC is more independent but still under pressure in large cases

Data sources: *Indonesia's Law No. 7 of 2017; Malaysia's Election Offences Act 1954 and MACC Act 2009; official publications from Bawaslu, the Malaysian Election Commission, and MACC*

Table 9: *Differences in Legal Sanctions against Money Politics*

Aspects	Indonesia	Malaysia
Administrative Sanctions	- Disqualification of candidates who are proven to be doing money politics	- Disqualification of candidates, cancellation of election results if proven to be money politics
Criminal Sanctions	- Maximum penalty of 6 years in prison and a fine of up to Rp 1 billion (Election Law 2017)	- Imprisonment of up to 2 years or a fine of up to RM 5,000 (Election Offences Act 1954)
Seizure of Illegal Campaign Funds	- It can be done if campaign funds are proven to come from illegal sources	- MACC can confiscate political funds that are considered suspicious

Aspects	Indonesia	Malaysia
Cancellation of Election Results	- It can be done if money politics is proven massively and systematically	- It can be done through the election court if there is sufficient evidence

Data sources: *Indonesia's Law No. 7 of 2017 on General Elections; Malaysia's Election Offences Act 1954 and MACC Act 2009.*

Table 10: *Differences in Law Enforcement Effectiveness*

Aspects	Indonesia	Malaysia
Capabilities of Law Enforcement Agencies	- does not have the authority to execute, only recommends to the Integrated Law Enforcement Center - Many cases do not proceed to court due to weak evidence	- The MACC has broader powers, including investigations and arrests - Cases handled by the MACC more often end up in court - Many cases are not investigated thoroughly due to political intervention
Challenges in Law Enforcement	- Evidence of money politics is difficult to collect because the practice is covert - Many money politicians, from officials or party elites, are difficult to touch by law	- Major scandals such as 1MDB show that there is still a weakness in cracking down on money politics at a high level
Cases That Have Been Acted Upon	- 2019 elections: Many reports of money politics, but few are processed by law	- 1MDB scandal: Former Prime Minister Najib Razak convicted in political money laundering case

Data sources: *Bawaslu; Indonesia's Law No. 7 of 2017; Malaysia's MACC Act 2009; official MACC publications and court records relating to the 1MDB cases.*

Based on a comparison of regulations and law enforcement, there are several key differences between Indonesia and Malaysia: 1) Regulations in Malaysia are more stable. In contrast, rules in Indonesia often shift with political dynamics. 2) Sanctions in Indonesia are heavier than in Malaysia, but the effectiveness of law enforcement is still a major challenge. 3) Supervisory institutions in Malaysia (MACC) have broader authority compared to those in Indonesia, but there are still political obstacles to law enforcement. 4) Money politics in Malaysia is more covert, while in Indonesia it is more often done directly to voters. 5) Money politics cases in Malaysia often involve high elites, while in Indonesia, they occur at various levels, including in local elections. Although both countries have regulations to eradicate money politics, the biggest challenge lies in implementation and in authorities' courage to crack down on money politicians, especially among high-ranking officials and ruling political parties.

Although both Indonesia and Malaysia have regulations that regulate and prohibit money politics, implementing these rules still faces several challenges. The effectiveness can be seen in candidate and party compliance, supervision, and law enforcement success in prosecuting violations.

Table 12: *Comparison of Regulatory Effectiveness in Indonesia and Malaysia*

Aspects	Indonesia	Malaysia
Candidate and Political Party Compliance	Still low; many candidates continue to do money politics in disguise	Tends to be more compliant, but there are still cases of misuse of campaign funds
Campaign Funding Transparency	It is mandatory to report campaign funds to the KPU, but there are still many illicit funds that are difficult to track	There are no strict limits on campaign funding, but the MACC can investigate suspicious sources of funds.
Effectiveness of Supervision by Authorized Agencies	has limitations in supervising all cases directly	The MACC has broader authority, but there is still political intervention in some cases
Effectiveness of Supervision by Authorized Agencies	Many reports of money politics, but only a small part are processed until a court ruling.	Some major cases have been successfully prosecuted (e.g., the 1MDB scandal), but money politics in elections is still difficult to eradicate
Candidate Disqualification Rate due to Money Politics	Rare due to the difficulty of proving	It can be done if it is proven that there is significant money in politics.
Public Awareness of Money Politics	There are still many people who accept money politics as a common thing in elections.	Awareness is higher, but the practice of money politics still occurs in the form of social assistance or political donations.

Data sources: *Indonesia's Law No. 7 of 2017; Malaysia's Election Offences Act 1954 and MACC Act 2009; official publications from Bawaslu, KPU, the Malaysian Election Commission, and MACC*

Based on the table above, the authors can conclude that implementing regulations in Indonesia faces several challenges. 1) Hard-to-find evidence. Money politics is often done behind closed doors, making it difficult for the Integrated Law Enforcement Center to gather enough evidence. 2) Limitations of Authority. It can only recommend cases to the Integrated Law Enforcement Center, but the final decision rests with the police and the prosecutor's office. 3) Political Influence in Law Enforcement.

Many money politics cases go unresolved because they involve candidates from the ruling party and the Political Culture of Clientelism. People still tend

to accept money politics as part of elections, making it difficult to prevent this practice entirely. Meanwhile, the challenges in Malaysia itself: 1) Political Intervention against the MACC. Despite having broad authority, the MACC sometimes faces political pressure in handling cases involving government elites. There are no clear campaign fund limits. Because there are no strict regulations on campaign spending, candidates can use large amounts of funds without close oversight. 3) More Subtle Money Politics Practices. Money politics in Malaysia often occurs in the form of donations or social assistance, which is difficult to categorize as a violation.

The author argues that Indonesia has stricter regulations and sanctions, but enforcement is less effective because of weak supervision and political interference. Malaysia has a stronger oversight system through the MACC, but loopholes remain, such as the absence of campaign funding limits. The main challenge in both countries is the lack of transparency and public awareness of the dangers of money politics. Further electoral and political funding reforms are needed to truly eradicate money politics.

Conclusion

The results of this paper show that the electoral criminal legal framework in Indonesia has provided a clear legal basis to prohibit the practice of money politics, especially through Law Number 7 of 2017 on General Elections. The provisions on giving or promising to give money and certain benefits to influence voters' choices show that money politics is treated as an election crime.

However, these substantive prohibitions do not fully guarantee effective law enforcement. An analysis of case-handling practices shows that the problem of money politics is not only related to the existence of criminal norms, but also to evidence, inter-institutional coordination, and procedural limitations in the case-handling process. In this context, the experience of the 2019 and 2024 elections shows the importance of seeing the enforcement of money politics law as a problem that includes the relationship between substantive law, institutional design, and procedural mechanisms.

A comparison with Malaysia shows that both countries have legal mechanisms to deal with bribery or profit-making practices related to the

electoral process, but have different legal and institutional architectures. These differences can be seen in the legal basis, the division of authority of law enforcement agencies, the evidentiary mechanism, and the procedure for handling cases.

Nevertheless, the two countries face relatively similar problems in proving money politics practices carried out behind closed doors or through intermediaries. This comparison shows that the effectiveness of law enforcement is not solely determined by the existence of criminal prohibitions, but also by the ability of institutions to obtain, link, and assess evidence within the available procedural framework. Thus, the relevant comparative lesson for Indonesia is not simply adopting Malaysian provisions, but reinforcing the compatibility between legal substances, enforcement institutions, evidentiary mechanisms, and case handling procedures.

The main findings of this paper lie in the issue of disharmony in the calculation of time limits in handling election crimes in Indonesia. Article 454 paragraph (8) of Law Number 7 of 2017 uses a period of 14 working days in the process of examining and following up on alleged violations, while Article 480 paragraph (1) establishes the obligation to submit the results of investigations within a period of 14 days. The difference in formulation poses problems in determining the period of time available for law enforcement officials to verify reports, examine witnesses, collect and assess evidence, and complete the investigation process. This issue becomes increasingly important in money politics cases because the nature of the violation often requires rapid proof, while evidence can be easily lost or difficult to recover after the election stage ends.

Based on these findings, the post-2024 election legal reform agenda needs to be directed at harmonizing provisions regarding the deadline for handling election crimes. One of the reform options offered by this study is to align the calculation of the investigation period in Article 480 paragraph (1) with the working day mechanism, so that there is consistency with the provisions regarding the examination and follow-up of violations. This harmonization needs to be accompanied by strengthening coordination between Bawaslu, the Police, and the Prosecutor's Office within the framework of the Gakkumdu, especially in ensuring that the process of verification, investigation, and assessment of evidence can be carried out effectively within the available time

frame. Reform also needs to be supported by increasing the transparency of political financing and political education as a preventive measure against the practice of money politics.

Thus, the contribution of this research does not stop at the affirmation that money politics is a problem in election integrity. His main contribution is to identify the relationship between substantive electoral criminal law, institutional enforcement, evidentiary challenges, and procedural time limits, and to show that procedural time limit disharmony is one of the issues that need to be considered in Indonesian election law enforcement reform.

A comparison of Indonesia and Malaysia shows that stronger law enforcement requires alignment among norms, institutions, evidence, and procedures. In the Indonesian context, the harmonization of the calculation of time limits is one of the reforms that can strengthen legal certainty and provide a more consistent procedural space for law enforcement agencies in handling money politics cases after the experience of the 2019 and 2024 elections.

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