

Political Dowry in the Maelstrom of Political Practices in Indonesia: Legal and Political Aspects

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Abstract

Political dowry can be understood as an underhand transaction that involves the provision of large amounts of funds from a candidate for a position contested in the General Election or Regional Head Election with a political party as the political vehicle. A final political decision can change due to transactions in order to change the political attitudes or actions of the people who are influenced. In transactional politics, power or power is at play. Those who want a change in political attitudes and actions from political actors (friends or foes) will use power. The research method used is a normative method that uses secondary data sources or data obtained through literature, books, etc. In politics, political bargaining can be in the form of threats of punishment (giving sticks or sticks), can also be in the form of profitable offers (giving carrots or carrots). The power base of the first party to influence the second party varies, it can be in the form of money, political position or control

of negative information about the second party. The practice of unreasonable political dowry in all political activities also has a negative impact on the progress of the country's development. For example, costs that are too high will have an impact on the possibility of greater corruption.

Keywords

Power, Political Dowry, Political Transaction, Transactional

Introduction

After the New Order, Indonesia experienced a change in the application of the political system, from an authoritarian political system to a democratic political system. By implementing a democratic system, it provides a change in the dynamics of political life. The changes that have occurred include guarantees of freedom of expression and association to form and / or form political parties.¹ Unlike the previous era, in the post-New Order era known as the Reformation era, each group or group was free to form and establish political parties and there was no limit to the number of political parties.

One of the functions of political parties is to carry out political recruitment in filling positions. Political recruitment is a means of filling political positions through democratic procedures by paying attention to gender equality and justice.² According to Miriam Budiardjo, political parties as a means of political recruitment also function to find and invite talented people to actively participate in political activities. Based on Affan Gafar, the function of political parties is to become a vehicle for political recruitment (instrument of political recruitment), which is the process through which the party finds new members and invites talented people to participate in the political process. Political recruitment will claim the continuity and sustainability of the party, and at the same time is one way to select candidates for party leadership or national leaders.

Each political party is formed according to the ideology it wants to carry. This ideology later became the identity of the party. The difference between one party and another can be seen from the ideology adopted by the party concerned. In addition, ideology is also the basis of struggles or ideals to be

¹ V Indora, I Suntoro, and Y Nurmalisa, "Pengaruh Politik Transaksional Terhadap Perilaku Pemilih Dalam Pemilihan Kepala Daerah," *Jurnal Kultur Demokrasi*, 2014.

² Adlina Adelia, "Implikasi Sistemik Dari Rekrutmen Kepala Daerah Oleh Partai Politik," *Journal of Islamic and Law Studies* 4, no. 1 (2020): 33–48.

achieved by a political party³ Ideology is an integral part of a political party. It must be attributed to the existence of political parties. Ideologies that are systems of values and norms are of course still abstract. It is necessary to continue the elaboration. The ideology espoused by a political party needs to be translated into real terms and felt directly by the people. Thus, it will help people to understand and understand the ideology of an abstract nature espoused by a political party.

As a political faction, the group competes with its opponents for power in the broader group of which they are a part. Factions within a political party may reflect a combination of different motives, such as ideological or problematic differences, social and cultural differences, or the struggle for personal leadership. Although the term is often considered the opposite of the term cohesion, there are some scholars who consider the factions within the party to be constructive. In general, conflicts within political parties are not much different from one party to another. Various conflicts that arise in the media include conflicts between factions, conflicts within party congresses (branch, regional and national), personal conflicts between administrators and conflicts between management levels (vertical), or conflicts between level or inter-party administrators. wings (horizontal). The conflict arises as a logical consequence of the law of the market in which the power of "few" is contested by the "many".

To achieve that, related parties must compete. In a party that has good institutionalization, contests are organized in mechanisms that have been instituted and passed in the articles of association or statutes of the party. With the institutionalized rules of the game, whoever wins the competition will be able to seize power elegantly, without causing great objections from the losing side. The existence of political transactional practices (dowry) affects public participation in the form of voting.⁴ In addition, this transactional pattern also has an impact on the way election participants get voters' votes. Eventually the election turned into a trade relationship of buying and selling votes. The impact is that votes are only a commodity, not part of democracy itself. Systematically, this impact will also affect the disposition of election participants to be corruptive. These "lobby-lobby" will be continuity.⁵ People's

³ Burhanuddin Muhtadi, "Politik Uang Dan New Normal Dalam Pemilu Paska-Orde Baru," *Jurnal Antikorupsi INTEGRITAS* 5, no. 1 (2019): 55–74.

⁴ Chitra Adelfien Tutu, "Partisipasi Politik Masyarakat dalam Pemilihan Umum Kepala Daerah di Kabupaten Minahasa Selatan Tahun 2010 (Studi Di Kecamatan Amurang Timur Kabupaten Minahasa Selatan)" 2010, no. 72 (2010): 1–21.

⁵ Hesti Widyaningrum, "Pelarangan Pihak Asing Sebagai Pemberi Sumbangan Dana Kampanye Pemilu," *Krtha Bhayangkara* 14, no. 1 (2020): 70–85, <https://doi.org/10.31599/krtha.v14i1.38>.

tendency towards political transactional (dowry) has an impact on people's participation in making their political choices.

The existence of competition in political parties gives rise to transactional (dowry) in the maelstrom of political parties. Not only between political parties, but it also happens with one political party. Likewise, in elections and regional elections, it has not been interpreted more comprehensively into a cultured way to foster the values of honesty, order, and justice, but rather prioritize the hope of winning at all costs, even if it violates the established norms of the rules. In fact, If elections and local elections become a process of cultivation, then he does not want violence, intimidation, and dishonesty. Elections are a way of taming violence even in order to win as a leader. This replaced the way the bloodshed was similar to that of previous kings in the coup. From the background above, this research raises the issue of how political transactions can occur and what kind of transactions party members do.

Method

This study aims to describe what political transactions can occur and what kind of transactions party members make. This research is normative legal research, a study used to understand the function of law as an instrument in regulating and controlling society. The legal references used are primary, secondary and tertiary legal materials, the collection of legal references is carried out through literature studies.

Theoretical Foundations

Transactional (Dowry)

In the business field, transactions mean very ordinary things. Price bargaining means part of political life between entrepreneurs or between sellers and buyers. in the world of politics, political bargaining is also commonplace.⁶

The end of a political negotiation or political process in parliament is usually also considered as a result of a democratic bargain. all parties are obliged to accept political victory and defeat in a reasonable manner (for the winner) and nrimo (for the loser). but If the political process means that what

⁶ Sudirman L, "Politik Transaksional Dalam Perspektif Hukum Islam Di Indonesia," *Sekolah Tinggi Agama Islam Negeri, Sudirman L Kunci, Kata Islam PENDAHULUAN, Hukum* 110, no. 1 (2012): 99–110.

will happen at the end comes from an unusual process, the word money politics or transactional politics will arise. Aforesaidly, a final political decision can change because of transactions for the sake of a change in behavior or political action from the person who is influenced in transactional politics that power or power is at play. Those who want a change in behavior and political action from political actors (friends or opponents) will use power.

Transactional politics is a division of political power or gifts in the form of goods, money, services, as well as certain policies that aim to hypnotize someone or more and to get exclusive profits based on political agreements made by several political parties or political elites. Transactional politics is defined as the gift of an exclusive promise in order to influence voters. however, from the many definitions that exist, Transactional politics is an Indonesian term to describe all types of corrupt practices and behaviors in elections ranging from political corruption, vote buying to illicit activities (*racketeering*).⁷

Based on the various opinions above about transactional politics (Dowry), it can be concluded that transactional politics (Dowry) means as an activity of buying and selling politics / power (trade politics) which contains elements of buying and selling votes and power using a means of payment (money) and / or using other rewards (positions and exclusive rewards outside of money) carried out by the candidate who is chosen to the prospective candidate voters with the intention and purpose that the candidates who will be elected can occupy leadership seats in a government forum or can be said to have won in the elections⁸.

In the political system in Indonesia, transactional politics means that there are individual and group submissions to other groups to achieve the goals of the 2 parties. Transactional politics is carried out by government and non-governmental parties. in the political lobbying of government parties conduct transactions using non-governmental parties. Transactional politics, the price of goods knows no ideology. Transactional is only influenced by the amount of the agreed price along with. Even if the buyer means an unknown person and even an enemy, the goods will be released when the prospective buyer dares to pay a high price. Likewise, in buying and selling sounds. As a result, people no longer follow their idols, but all this influence will be defeated by the material. This transactional politics can give birth to corrupt politicians who are guided by exclusive gains. This reality is what develops among citizens

⁷ Ratnia Solihah, "Politik Transaksional Dalam Pilkada Serentak Dan Implikasinya Bagi Pemerintahan Daerah Di Indonesia," *The POLITICS: Jurnal Magister Ilmu Politik Universitas Hasanuddin* 2, no. 1 (2016): 97–109.

⁸ Indora, Suntoro, and Nuralisa, "Pengaruh Politik Transaksional Terhadap Perilaku Pemilih Dalam Pemilihan Kepala Daerah."

that global politics is fraught with the exchange of services and goods that occur between politicians and constituents represented and with political parties.

Political Practices

Practical Politics is two sentence dictions, namely the words political and practical. In general politics has an etymological meaning Politics *derived from the Dutch politics* and English *politics*, each of which is derived from Greek as an example of a violation of the obligations of citizens *τα πολιτικά* (*politics* related to the state) with its root word *πολίτης* (*polites* citizen) and *πόλις* (city-state *policy*).⁹

Practical politics is an activity directly carried out by a citizen or a certain form of social group of society including a party in exercising its political rights as a citizen in order to obtain the power he wants. Practical politics here, it can be said that the attempt to obtain victory that eventually gains power in an instant way although not all processes are considered bad but in certain social rules exert a significant influence.

The Big Dictionary of Indonesian (KBBI) defines politics as: (knowledge) about constitutional or statehood (such as about the system of government, the basis of government): All affairs and actions (policies, tactics, and so on) regarding state government or towards other countries: at home and abroad; the two countries cooperate in the fields of , economy, and culture; party ; organization, Way of acting (in the face of or dealing with a problem); wisdom: trade; national language. Meanwhile, practical politics if broadly described is any political action that has an impact on society and government. This has to do with political behavior. Political behavior itself is behavior carried out by individuals or groups in order to fulfill their rights and obligations as political people as in various kinds of law in Indonesia.

Politics is practically considered an act that can injure the democracy of our country. Because in practice, politics can practically deploy all kinds of means in order to bring down or worsen the image of political opponents. In this regard, it will have an influence on voters to be able to change their elections as well as the positive and negative impacts of democracy. Because if the image of a candidate has been smeared, then of course it will definitely harm one party, on the contrary, it will benefit the other party

⁹ Puput Purwanti, "Apa Itu Politik Praktis? Dan Korelasinya Dengan Isu Sara," *hukamnas.com*, 2019.

Transactional (*Mahar*) in the Maelstrom Practical Politics

Transactional politics means the politics of trade, some sell and some buy. Of course, everything requires a means of payment that is determined together. If in buying and selling, then the means of payment is usually in the form of cash. In political practice, in the event of transactional politics, some give money, and some receive money in the political transaction¹⁰

Transactional politics or often referred to as "*money politics*" means an attempt to hypnotize others using material rewards or can also be interpreted as buying and selling sounds in the political process and power and the act of distributing money either exclusively or party property to suggest voters.¹¹ This understanding in general has similarities with the gift of money or goods to a person, because it has a political intention hidden behind the gift. As for the forms of transactional politics (money politics) including the means of gifts in the form of money, basic necessities (rice, oil and sugar) and other goods to the people using the aim of attracting the sympathy of the people so that they cast their votes for the party concerned. Among the voters, the voters are no longer happy to support the party. They support, as long as there is a reward for the support provided. for example, they want to campaign as long as they receive transport money, get clothing and other material rewards and sometimes they get the reward but when the election takes place the voter does not determine the candidate who delivers the reward, this is because they only want the material.

According to Boissevain the transactional approach is found in normative regulation and pragmatic regulation. Normative rules are to outline general guidelines for the behavior of members of society, form general rules for the behavior of members of society, form general rules that are formal and superior in society, while what is meant by pragmatic rules is the rules of the game or do not violate the norms. According to Boissevain, transactional is to explain the relationship of friendship or fraternity in any approach to meeting demand. The friendship factor is important and so a virtue. Under certain conditions the transactional approach puts the role of the individual more dominant, and not bound to regulations or systems.

One of the reasons for the emergence of political transactional battles lies in the process of candidacy of candidates participating in elections conducted using undemocratic use by political parties. Nominations carried out through

¹⁰ Muamar Riza Pahlevi, *Mengawal Pemilu Di Daerah*, 1st ed. (Sidoarjo: Kali Pustaka, 2021).

¹¹ Indora, Suntoro, and Nurmalisa, "Pengaruh Politik Transaksional Terhadap Perilaku Pemilih Dalam Pemilihan Kepala Daerah."

internal procedures of political parties are carried out in a closed manner as a result of which the selection and determination of candidates for election participants does not refer to the regeneration system found in political parties, but is also determined by the political transactional originating from prospective candidates in political parties.¹² Competition in transactional relationships should only proceed if all rules have been determined, understood and agreed upon. In transactional relationships there are individuals who seek opportunities, cheat, maximize profits and look for shortcuts to win.

According to Boissevain, the focus of the transactional relationship approach is, movements that are pragmatic in nature, are outside the reasonable regulations. The transactional approach tries to dismantle the personal space in society, trying to dissect hidden social facts.¹³

Transactional politics in simultaneous regional elections in Indonesia can basically be observed from the origin of the phenomenon of political barter between political parties in regional elections, the emergence of political puppets that seem to be political opponents of strong candidates in regional elections, the existence of high political costs that must be borne by the political party and the candidate who will be proposed by the political party to finance the stages of election activities and efforts to win elections, and the exit of money politics that hypnotize voting behavior in elections.¹⁴

Based on the description above, it can be concluded that transactional politics is a form of transaction or agreement between two parties that have mutual needs, especially in political practice where there is a process of giving and receiving something both material and non-material in accordance with the agreement that has been agreed.

Transactional politics is defined as giving certain promises in order to influence voters. However, from the many definitions that exist, Transactional politics is an Indonesian term to describe all types of corrupt practices and behaviors in elections ranging from political corruption, *vote buying* to illicit activities¹⁵. The practice of political dowry can be understood as an underhand transaction that involves the provision of a certain amount of funds from a candidate for a particular office for a particular office in the Election of a political party as its political vehicle. This transaction with any motive has the

¹² Feri Amsari and Hemi Lavour Febrinandez, "Menjerakan Pelaku 'Uang Mahar' Pemilu," *Jurnal Antikorupsi INTEGRITAS* 5, no. 1 (2019): 97–110.

¹³ Joenaedi dan Jonny Ibrahim. Efendi, *Metode Penelitian Hukum Normatif Dan Empiris*, pertama (Depok, Indonesia: Prenadamedia Group, 2018).

¹⁴ Solihah, "Politik Transaksional Dalam Pilkada Serentak Dan Implikasinya Bagi Pemerintahan Daerah Di Indonesia."

¹⁵ Solihah.

potential to fulfill the elements of a criminal act if it exceeds the minimum nominal limit of Rp. 2,500,000,000.00 as stated in Article 327 of Law Number 7 of 2017 concerning General Elections.

The prohibition on dowry is regulated in Article 47 of Law Number 10 of 2016 concerning the Election of Governors, Regents and Mayors. "Political Parties or combinations of Political Parties are prohibited from receiving remuneration of any kind in the nomination process for the Governor and Deputy Governor, Regent and Deputy Regent, as well as the Mayor and Deputy Mayor. (Article 47 paragraph (1) of Law Number 10 of 2016). Then what are the sanctions for political parties receiving dowry. Provided for in the same Article. Article 47 paragraph (2) of Law 10 of 2016 states "In the event that a Political Party or a combination of Political Parties is proven to have received the reward as referred to in paragraph (1), the Political Party or combination of Political Parties concerned is prohibited from submitting candidates in the next period in the same area.¹⁶

In addition to administrative sanctions, candidates for regional heads who give and individuals in political parties who receive political dowry can also be threatened with criminal sanctions. This is regulated in Articles 187b and 187c of the Election Law. Namely a prison sentence of 2 to 5 years for the rewarder and 3 to 6 years for the beneficiary and a fine of Rp. 300,000,000.00 to Rp. 1,000,000,000.00.

There are various issues related to political dowry. First, political dowry seems to be commonplace. The political dowry is considered as a boat fare whose pretext will be used as a financing fund to run the wheels of the party's vehicles. Boats cannot run and for candidates for regional heads if the political dowry is not paid. However, many boat fares are too expensive to be beyond the limits of reasonableness. Political dowry plays in the candidacy of the regional head. The magnitude of this support condition makes the "price" of each seat expensive. Of course, it requires a lot of capital to get party support. Although in some cases it is actually given free of charge. As a result, in addition to politics being high cost, the local election process will only be accessible to those with qualified capital.

The issue of political dowry is one of the things that makes the nomination process take a long time, many parties take injury time to register with the KPU which actually implies a tug-of-war how much "dowry" is issued and there are even candidates who are not nominated at the last second. This is an

¹⁶ Hukumonline, "Undang-Undang Republik Indonesia Nomor 10 Tahun 2016 Tentang Perubahan Kedua Atas Undang-Undang Nomor 1 Tahun 2015 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2014 Tentang Pemilihan Gubernur, Bupati, dan Walikota Menjadi UU," *Hukum Online.Com*, 2016, 1–61.

important momentum to see that there are serious problems in the electoral mechanism that make the political tug-of-war strengthen which in turn can present corrupt practices.¹⁷

Second, the mechanism for selecting candidates for regional heads within the party is often difficult to supervise and there is no transparency because it is internal or just a mere formality. So, this opens up opportunities for "*buying and selling*" transactions between party elites and prospective candidates to be carried out by the party.

Third, it is related to the process of determining candidates. Electability that is echoed or becomes something required by the party only becomes a formality and becomes only a small factor of judgment. Even Candidates who do not register for the polls or do not take the *fit and proper test* have the blessing of the party. In other words, it does not follow the process from the grassroots, but directly cuts on the shoots.

From the regulations mentioned, it is clear that political dowry is something that is prohibited. In the Election Law, it is stated that candidates for regional heads are prohibited from providing materials or rewards to the party. Parties are also prohibited from receiving rewards. But in fact, it is difficult to reveal the practice of giving money or goods between potential candidates and political parties. This practice has always occurred in spaces that are difficult for election supervisors, law enforcement, or actors who have a role to play in.

In a 2016 KPK study, it was found that candidates for mayor or regent spent an average of Rp. 20,000,000,000.00-30,000,000,000.00. Meanwhile, the political costs incurred by the governorship candidate are greater, around Rp. 100,000,000,000.00. Based on a study involving 286 election participants in 259 places, the KPK said expenses included witness honors at polling stations and campaign logistics. However, there are also large expenditures that are not reported by election participants to the KPU.¹⁸

In normative provisions, it is justifiable to give money from prospective regional head candidates to the party, but the gift is in the nature of a donation from a third person to the party. It is a legitimate act according to the Law on Political Parties. But there is a provision that must follow the limits on donations allowed. Second, it must be recorded and reported by the party. So, the party does need donations from third parties for party operations and campaign activities, but it is recorded and must be transparent. In many cases it is not recorded and not transparent. This is what makes it difficult in terms

¹⁷ Ida Farida, "Mahar Politik dalam Pandangan Politik Hukum di Indonesia," *Jurnal Ilmiah Galuh Justisi* 7, no. 1 (2019): 1, <https://doi.org/10.25157/jigj.v7i1.2137>.

¹⁸ Abraham Utama, "Mahar Politik Untuk Partai di Indonesia, Antara Ada dan Tiada," BBC Indonesia, 2018.

of proof and law enforcement, because it occurs in a dark space that is difficult to reach.

In law enforcement related to political dowry, the imposition of criminal sanctions is needed to provide a deterrent effect to people who practice money politics. This should also be emphasized by incorporating these provisions into the law on elections and falling into the category of electoral crimes. So that sanctions are not only given to the political party that receives it, but also to the individual who gives the political dowry money.¹⁹ Transactional politics is dangerous for the life of the nation and state, among which will give rise to officials who do not have integrity. Many officials were not worthy of office but were elected because they were driven by transactional politics. In addition, transactional politics can create transactional leaders.

The leader of this model is very fond of taking policies based on political transactions, both with capital owners, political colleagues and other parties. As a result, the implementation of this policy of the ruler was not much in favor of the people. In addition, transactional politics will also give rise to rampant corruption. Weak law enforcement due to transactional politics makes corruption even more uncontrollable²⁰

Besides being able to undermine democracy, the practice of political dowry in local elections also has a bad impact on development in the regions. For example, costs that are too high will have an impact on the possibility of greater corruption. The policies taken also do not lead to the interests and welfare of the people. Then the development that is not on target, and various other problems. The practice of political dowry in local elections is also closely related to corruption. The greater the costs incurred by candidates for regional heads, the greater the potential for corrupt practices. If it is likened to a business, each expenditure (capital) will be calculated and later become a calculation of the profit that will be obtained. The political costs that have been incurred will certainly be calculated as capital that must return along with the profit from each policy making. This is where the beginning of corruption appears.

KPK Deputy Chairman Nawawi Pomolango said Ismunandar, who is also an Advisor to the NasDem Party, was in Jakarta as part of his move to run again as the Regent of East Kutai. Ismunandar's post is set to expire in 2021. "The arrival of the East Kutai Regent to Jakarta in relation to participating in

¹⁹ Ibadurrahman Ibadurrahman, "Implementasi Dan Dampak Politik Transaksional (Mahar Politik) Dalam Pilkada Terhadap Pembangunan Di Daerah," *Jurnal Lex Renaissance* 6, no. 4 (2021): 770–80, <https://doi.org/10.20885/jlr.vol6.iss4.art9>.

²⁰ Ibadurrahman.

the socialization activities of the candidacy concerned as a candidate for the Regent of East Kutai for the 2021-2024 period.²¹

The same logic will arise when a candidate who is carried with *high political costs* (*high-cost politics*), with high transactional tensions also, if he is later elected as a regional head, of course the person concerned will calculate all the expensive financing issued, and find a way to restore the political costs he has incurred during the succession and campaign. Of course, the easiest way is to plunder regional finances (APBD). Hence corruption becomes a rational choice. Become a parasite that eats away at people's money collected from tax proceeds and other potential regional revenues.²²

Another problem is related to regional autonomy. Based on Law No. 32 of 2004, the definition of regional autonomy or decentralization is the handover of government authority by the central government to autonomous regions. To regulate and manage government affairs in the system of the Unitary State of the Republic of Indonesia.

In practice there are various forms of decentralization namely administrative decentralization, political decentralization, economic or market decentralization and fiscal or financial decentralization. Meanwhile, political decentralization is the recognition of the right to take care of one's own domestic interests in political bodies in areas elected by the people in certain regions.²³

Regional autonomy and democratic elections of regional heads are indeed important for realizing general welfare in the regions. With regional autonomy, regions are more total in carrying out development in the regions, increasing regional income, and improving the economy and living standards of people in the regions. By holding democratic regional head elections, it will provide an opportunity for regional communities to determine who is the candidate for regional head who is considered capable of bringing progress in their region.²⁴

The problem that arises is that the authority in determining the candidates for regional heads to be carried is all in the hands of the DPP or the center. DPD or DPC, which is more aware of potential cadres and the capacity of candidates, has no authority except only to open registration/capture candidates. If we reflect on the spirit of regional autonomy, then it is better

²¹ Ardito Ramadhan, "Kasus Bupati-Ketua DPRD Kutai Timur Dinilai Bukti Nepotisme Sebabkan Korupsi," *Kompas.Com*, April 2020.

²² Tri Yuniningsih, "Fenomena Pemilihan Kepala Daerah Dan Permasalahannya," 2018.

²³ Muhammad Yusrizal Adi Syaputra; Eka N.A.M. Sihombing, "Relasi Aspek Sosial dan Budaya Dengan Politik Hukum Pemilihan Kepala Daerah Langsung di Indonesia (Relationship of Social and Cultural Aspects with Politics of Law on Direct Regional Head Election in Indonesia)," *Jurnal Penelitian Hukum* 19, no. 3 (2019): 339–48.

²⁴ Sihombing.

that DPD or DPC have equally large authority to participate in determining the pair of candidates to be carried. Since the authority is too great and all decisions depend only on the will of the DPP, as a result the channel of aspiration at the grassroots level will depend on interests and affinity for the elite. Potential candidates who are not close to the elite at the center will be left out. Meanwhile, the candidate chosen by the center, if only close to the elite, will create new problems.

This candidate questioned his proximity to the public in the area where he was nominated and did not understand the real needs of the people. In addition, this became a field for party leaders to scavenge as much dowry as possible from the candidates. Capacity and electability are not the main reference, but rather who dares to pay more. Political dowry also has an impact on the development of development in the regions. Because of the politics of money, when elected they no longer have a moral obligation. The policies taken tend not to be on the side of the people. On the basis of financial capabilities and the strength of economic capital, those who can be included in the regional leadership exchange are not competent figures who have good capabilities, but only those who belong to the group of rich people or have strong financial capabilities. Finally, the resulting leader does not necessarily actually know the intricacies and problems in the region. That has the effect of policy direction that is not on target.

Abuse of authority due to the politics of reciprocity can cause the practice of Collusion, Corruption, and Nepotism (KKN) to become more prevalent. Of course, this results in regional development that is not on target, which is detrimental to state finances, causing a reduction in the development budget, delay in the development of general facilities, and a decline in the economy in the regions. Abuse of authority is a classic problem that occurs in Indonesia. Abuse of authority occurs because regional heads have special authority, namely the legality to issue certain policies, for example governor, regent/mayor decrees or in the form of regional regulations and / or regional head regulations which usually allow them to cooperate with friends / groups or with their families.²⁵

Partiality to cronies and business elite groups will be seen from the decision-making process and various policy products pursued. So the sporadic political promises made during the campaign and a series of political contracts with the people that have been made are neglected. So all that is seen is the political repayment among their fellows in the axis of the coalition of evil coalitions masked by humanism.²⁶

²⁵ Sihombing.

²⁶ Yuniningsih, "Fenomena Pemilihan Kepala Daerah Dan Permasalahannya."

As long as there is no express regulation in the Electoral Act related to political dowry, during that time, all Political Parties will justify including practicing political dowry in the candidates they carry out to win in elections and of course this will be beneficial for the prospective candidates and political parties that carry it out and other parties related to the political dowry so that it will result in prolonged KKN practices. According to Muladi and Barda Nawawi, criminal is an imposition of suffering or any other unpleasant consequences given intentionally by a person or body that has power imposed on a person who has committed a criminal act according to the law.²⁷ Perpetrators of political dowry practices need to be criminalized as redemption for their guilt so that perpetrators become exclusive who will not practice political dowry anymore. Punishment can also be a crime prevention, namely as a lesson for the community, especially politicians, not to practice political dowry. The practice of political dowry will reduce the quality of the candidates who participate in the elections. Political parties seem to be only looking for profit from the costs given by the candidates who participate in the elections.

Political parties only think about how much he gets, and do not attach importance to the quality of the candidates carried by the political party. So that the practice of political dowry in criminal reform later, must be clear about the substance or criteria of political dowry. Anyone who gets caught in a political dowry, even political parties involved in it, must get a punishment. This is because the practice of political dowry is not only a lay crime but is a special crime, the same as a corruption crime. The quality of the elected candidates who practice this political dowry will affect the success of performance in government. The welfare of the people will also be threatened. The perpetrators of the practice of political dowry are feared to commit corruption crimes after becoming state officials. Then there needs to be preventive measures for other people. This prevention is able to be carried out using accountability derived from perpetrators of political dowry practices, namely in the form of providing criminal sanctions, in the renewal of criminal law in Law No.7 of 2017 concerning Elections and Law No. 2 of 2008 political party discourse.

The Constitutional Court decision number 14/PUU-XI/2013 ordered the holding of presidential and vice presidential elections and the election of legislative members, be it the DPR, DPRD, and DPD simultaneously. This gave birth to Law number 7 of 2017 in the discourse of lay elections which accommodates the implementation of simultaneous elections in 2019. In Article 1 number 27, it is explained that "election participants mean political

²⁷ Dewi Iriani et al., "Critical Legal Studies Politik Etis Terhadap Mahar Politik Dalam Pembaharuan Hukum Pidana," *Jurnal Al-Ahkam: Jurnal Hukum Pidana Islam* 3, no. 1 (2021): 11–20, <https://doi.org/10.47435/al-ahkam.v3i1.464>.

parties for the election of members of the house of representatives, members of the provincial legislature, members of the regency/city parliament, individuals for the election of DPD members, and spouses of candidates proposed by the political party for the election of the president and vice president"²⁸ The provision states that political parties have an important role in participating in elections (except in the election of DPD members) so that this can be used as a bargaining position for the political party to bind candidates who will participate in the elections with dowry money if the political party is to be nominated.

Article 221 of the Law states that "presidential and vice-presidential candidates are proposed in 1 (one) pair of political parties or a mixture of political parties".²⁹ This suggests that political parties and/or political parties that have been declared to be political parties participating in elections and have met the presidential threshold requirements as the only parties that can propose presidential and vice presidential candidates in elections. and Vice President above the candidates who want to be nominated through the political party to be able to participate in the presidential and Vice Presidential elections.

Regulations that open the opportunity for the practice of dowry money in the presidential and vice presidential elections in Law number 7 of 2017 concerning General Elections are in article 223 paragraph (3) and article 224 paragraph (1) of the law a quo. in article 223 paragraph (3) of the law a quo it is explained that "A political party or political party dough as referred to in paragraph (two) can only nominate 1 (one) pair of candidates in accordance with the internal procedures of the political party and/or the deliberations of the political party dough carried out democratically and openly". conventions between political parties and political parties to be able to propose presidential candidates and vice presidential candidates open up the space for agreements between political parties to bind themselves using presidential candidates and vice presidential candidates through political dowry money.

Political dowry money in elections can be classified into political corruption which should be punishable by the provisions contained in the corruption law. however, the provisions contained in the electoral law only impose sanctions in the form of prohibitions on parties and political parties that are proven to be rewarded in the presidential and vice-presidential nomination process to submit candidates in the next term of elections. The punishment should be accompanied by the imposition of sanctions in accordance with the provisions in the law on corruption crimes.

²⁸ Amsari and Febrinandez, "Menjerakan Pelaku 'Uang Mahar' Pemilu."

²⁹ Amsari and Febrinandez.

Conclusion

In implementation, there are various problems related to the practice of political dowry that often occurs in regional elections. Such as the mechanism for selecting regional head candidates within the party which is often difficult to supervise and there is no transparency because it is internal or just a mere formality. Then another problem is the excessively expensive dowry amount which makes the democratic process damaged. Many candidates and potential cadres did not get recommendations from the party because of this. Electability is only camouflage from the contents of the bag. Because in the end, the one who handed over the biggest dowry was selected and got a recommendation. The practice of unnatural political dowry in local elections adversely affects the progress of development in the regions. For example, costs that are too high will have an impact on the possibility of greater corruption. The policies taken also do not lead to the interests and welfare of the people. The direction of development is not on target, and various other problems. Prohibitions and penalties for perpetrators of the practice of political dowry money have been regulated in Article 228 paragraph (1) of Law number 7 of 2017 concerning Lay elections article 47 paragraph (1) and article 187B of Law number 10 of 2016 concerning the 2nd Amendment to Law number 1 of 2015 discourse on the Establishment of Government Regulations in Lieu of Law number 1 of 2014 concerning the Governorship Election, Regent, and Mayor as An Act. However, there is a disparity in sentencing between the 2 regulations. there is a criminal threat to the giver as well as the recipient of political dowry money in the election of the chairman of the territory which is not found in the general election. So, it is expected that the arrangement of political dowry money which is included in the category of electoral crimes.

References

- Adelia, Adlina. "Implikasi Sistemik Dari Rekrutmen Kepala Daerah Oleh Partai Politik." *Journal of Islamic and Law Studies* 4, No. 1 (2020): 33–48.
- Amsari, Feri, and Hemi Lavour Febrinandez. "Menjerakan Pelaku 'Uang Mahar' Pemilu." *Jurnal Antikorupsi INTEGRITAS* 5, No. 1 (2019): 97–110.
- Efendi, Joenaedi and Jonny Ibrahim. *Metode Penelitian Hukum Normatif Dan Empiris*. Depok, Indonesia: Prenadamedia Group, 2018.
- Farida, Ida. "Mahar Politik Dalam Pandangan Politik Hukum Di Indonesia."

- Jurnal Ilmiah Galuh Justisi* 7, No. 1 (2019): 1. <https://doi.org/10.25157/jigj.v7i1.2137>.
- Hukumonline. “Undang-Undang Republik Indonesia Nomor 10 Tahun 2016 Tentang Perubahan Kedua Atas Undang-Undang Nomor 1 Tahun 2015 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2014 Tentang Pemilihan Gubernur, Bupati, Dan Walikota Menjadi UU.” *Hukum Online.Com*, 2016, 1–61.
- Ibadurrahman, Ibadurrahman. “Implementasi Dan Dampak Politik Transaksional (Mahar Politik) Dalam Pilkada Terhadap Pembangunan Di Daerah.” *Jurnal Lex Renaissance* 6, No. 4 (2021): 770–80. <https://doi.org/10.20885/jlr.vol6.iss4.art9>.
- Indora, V, I Suntoro, and Y Nurmalisa. “Pengaruh Politik Transaksional Terhadap Perilaku Pemilih Dalam Pemilihan Kepala Daerah.” *Jurnal Kultur Demokrasi*, 2014.
- Iriani, Dewi, Lusiana Al Vionita, Uswatul Khasanah, and Indah Wiranti. “Critical Legal Studies Politik Etis Terhadap Mahar Politik Dalam Pembaharuan Hukum Pidana.” *Jurnal Al-Ahkam: Jurnal Hukum Pidana Islam* 3, No. 1 (2021): 11–20. <https://doi.org/10.47435/al-ahkam.v3i1.464>.
- Muhtadi, Burhanuddin. “Politik Uang Dan New Normal Dalam Pemilu Paska-Orde Baru.” *Jurnal Antikorupsi INTEGRITAS* 5, No. 1 (2019): 55–74.
- Pahlevi, Muamar Riza. *Mengawal Pemilu Di Daerah*. 1st ed. Sidoarjo: Kali Pustaka, 2021.
- Purwanti, Puput. “Apa Itu Politik Praktis ? Dan Korelasinya Dengan Isu Sara.” hukamnas.com, 2019.
- Ramadhan, Ardito. “Kasus Bupati-Ketua DPRD Kutai Timur Dinilai Bukti Nepotisme Sebabkan Korupsi.” *Kompas.Com*. April 2020.
- Sihombing, Muhammad Yusrizal Adi Syaputra; Eka N.A.M. “Relasi Aspek Sosial Dan Budaya Dengan Politik Hukum Pemilihan Kepala Daerah Langsung Di Indonesia (Relationship of Social and Cultural Aspects with Politics of Law on Direct Regional Head Election in Indonesia).” *Jurnal Penelitian Hukum* 19, No. 3 (2019): 339–48.
- Sudirman, L. “Politik Transaksional dalam Perspektif Hukum Islam di Indonesia.” *DIKTUM: Jurnal Syariah dan Hukum* 10, No. 1 (2012): 99–110.
- Solihah, Ratnia. “Politik Transaksional Dalam Pilkada Serentak Dan Implikasinya Bagi Pemerintahan Daerah Di Indonesia.” *The POLITICS: Jurnal Magister Ilmu Politik Universitas Hasanuddin* 2, No. 1 (2016): 97–109.
- Tutu, Chitra Adelfien. “Partisipasi Politik Masyarakat Dalam Pemilihan

- Umum Kepala Daerah Di Kabupaten Minahasa Selatan Tahun 2010 (Studi Di Kecamatan Amurang Timur Kabupaten Minahasa Selatan)1” 2010, No. 72 (2010): 1–21.
- Utama, Abraham. “Mahar Politik Untuk Partai Di Indonesia, Antara Ada Dan Tiada.” BBC Indonesia, 2018.
- Widyaningrum, Hesti. “Pelarangan Pihak Asing Sebagai Pemberi Sumbangan Dana Kampanye Pemilu.” *Krtha Bhayangkara* 14, No. 1 (2020): 70–85. <https://doi.org/10.31599/krtha.v14i1.38>.
- Yuniningsih, Tri. “Fenomena Pemilihan Kepala Daerah Dan Permasalahannya,” *FORUM* 4, No. 1 (2018): 34-41. <https://ejournal.undip.ac.id/index.php/forum/article/view/11827>

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