

## Legal Analysis of Money Politics in Elections under Law Number 7 of 2023 Amendments

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ARTICLE INFO	ABSTRACT
<b>Keywords:</b> Money Politics, Elections, Electoral Integrity, Law Number 7 of 2023, Government Regulation, Legal Arrangements.	<i>In the context of Indonesian elections, money politics has been a persistent issue that undermines the integrity and fairness of the electoral process. It involves the distribution of money or other material benefits to influence voters' choices, often leading to corrupt practices and a lack of public trust in the democratic system. The purpose of this research is to know and understand the Legal Arrangements regarding the Crime of Money Politics from the Perspective of Law Number 7 of 2023 concerning the Stipulation of Government Regulations instead of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections into Law. This research uses normative law research, namely normative case studies in the form of legal behavior products, by examining the Law. The subject matter is law which is conceptualized as norms or rules that apply in society and become a reference for everyone's behavior. Discussion: Legal Regulations on the Crime of Money Politics in the Perspective of Law Number 7 of 2023 Concerning the Stipulation of Government Regulation instead of Law Number 1 of 2022 Concerning Amendments to Law Number 7 of 2017 Concerning General Elections into Law, among others: Articles 278, 280, 284, 515, and 523 of Law Number 7 Year 2017 on General Elections. Article 515 reads "Every person who intentionally at the time of voting promises or gives money or other material to the Voters so as not to exercise their voting rights or vote for certain Election Participants or exercise their voting rights in a certain way so that the ballots are invalid, shall be punished with a maximum imprisonment of 3 (three) years and a maximum fine of Rp. 36,000,000.00 (thirty-six million rupiah).".</i>

## INTRODUCTION

Indonesia is a State of Law based on Pancasila and has a Democratic system. (Erwinsyabhana & Syabhana, 2018). According to research, the notion of democracy is divided into two aspects, namely formal and material understanding (Noviati, 2013). Formal democracy is democracy as a theory, while material democracy is democracy which in practice is influenced by two factors, namely freedom and equality as well as social and economic factors (Saebani, 2016).

Starting from the time of Ancient Greece, democracy as a principle used in historical administrative life, thus also began what people call the history of democracy (Widiyanti & Riadi, 2023). At the beginning in Ancient Greece, direct democracy or ancient democracy began to emerge until its development reached indirect democracy, representative democracy to modern democracy which began to be born around the 17th and 18th centuries, namely the development period of the teachings of Natural Law scholars (Widiyanti & Riadi, 2023).

So, the term democracy existed in ancient Greece, and until now the term democracy is used by countries with the greatest sovereignty in the hands of the people (Harefa & Fatolosa Hulu, 2020). The implementation of the intended Democracy can be seen by the holding of general elections (hereinafter abbreviated as elections) which is a means of popular sovereignty carried out with certain principles and this system has been implemented by other democratic countries, one of which is Indonesia (Taufik & Suhartono & Budiarsih, 2020).

The conception of democracy provides a foundation and mechanism for the principle of equality and human equality. Democracy places humans as the owners of sovereignty, which is then known as the principle of popular sovereignty (Asshiddiqie, 2012).

Elections are held to directly elect the Head of Government or Head of State, namely the President and Vice President and other legislative members (Arrsa, 2014). Elections are held to elect the Head of Government or the Head of State, namely the President and Vice President as well as other legislative members directly (Arrsa, 2014). Elections conducted in Indonesia are usually held directly every five years and usually, the implementation of elections will be designated as a holiday.

Article 22 E paragraph 1 of the 1945 Constitution, states that elections are held directly, generally, freely, honestly, and fairly every five years (1945 Constitution, states that elections are held directly, generally, freely, secretly, honestly and fairly every five years (1945 Constitution).

The electoral system in Indonesia was first implemented in 1955 and has been in effect until now (Kherid, 2021). The contestants in the elections certainly know about the terms and conditions of the election event. Because everything has been regulated by law, namely Law Number 7 of 2023 concerning the Stipulation of Government Regulations instead of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections into Law.

In organizing elections in Indonesia, there are often violations that are intentionally or unintentionally committed by election contestants. One of the violations that is often committed is the existence of Political Money activities, which actually in the Law has been regulated regarding the prohibition of the use of political money carried out by Contestants who fight in the Election (Fadlan, 2019).

From this description, this research is interested in raising the title of Legal Analysis of Money Politics in the Implementation of Elections in the Perspective of Law Number 7 of 2023 concerning the Stipulation of Government Regulations instead of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections into Law. With this research, it is hoped that it can answer questions about the legal consequences of political money in organizing elections in Indonesia. This action is an offense that has been regulated by the Law, but in the facts on the ground, it is often found that it has even become an open secret that every election is always followed by political money activities, which we see that this is like a habit that seems to have no criminal liability, so that every contestant does it. From the description above, the author formulates the problem of How is the legal regulation of the Crime of Money Politics in the Perspective of Law Number 7 of 2023 concerning the Stipulation of Government Regulation instead of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections into Law?

## **METHOD**

This research uses normative law research, namely normative case studies in the form of legal behavior products, by examining the Law. The subject matter is law which is conceptualized as norms or rules that apply in society and become a reference for everyone's behavior. So that normative legal research focuses on the inventory of positive law, legal principles, and doctrines, legal discovery in cases in concreto, legal systematics, the level of synchronization, comparative law, and legal history (Abdulkadir, 2004).

## **RESULTS AND DISCUSSION**

### **Legal Regulation on the Crime of Money Politics in the Perspective of Law Number 7 of 2023 Concerning the Stipulation of Government Regulation instead of Law Number 1 of 2022 Concerning the Amendment to Law Number 7 of 2017 Concerning General Elections into a Law**

The holding of elections is to realize the goals of democracy, which in its terms is from the people, by and for the people. Thus, to achieve this goal, the holding of elections must truly reflect the values of justice and democracy. A democratic system is a representative of the people's voice, where the whole is the ultimate goal so that all the interests and will of citizens remain material in making decisions on the attitude of those represented.

In the contestation of elections in Indonesia, the government has established several institutions as implementing organizers in the elections. The organizing body consists of the General Election Commission, which is often abbreviated as the KPU, the Election Supervisory Body, abbreviated as Bawaslu, and the Honorary Board of Election Organizers (DKPP), which have their respective duties and authorities (Haryanti, 2015).

In organizing elections, violations that often occur are related to the act of political money committed by election contestants (Iriani et al., 2024). Money politics is a criminal offense where there are several articles in the

Criminal Code regarding the criminal offense of "Crimes Against the Implementation of State Obligations and Rights" which have to do with elections (Rezeki & Nazar, 2024). Violations of election crimes are Articles 278, 280, 284, 515, and 523 of Law Number 7 of 2017 concerning General Elections. Article 515 reads "Every person who intentionally at the time of voting promises or gives money or other material to the Voters so as not to exercise their voting rights or vote for certain Election Participants or exercise their voting rights in a certain way so that the ballots are invalid, shall be punished with a maximum imprisonment of 3 (three) years and a maximum fine of Rp. 36,000,000.00 (thirty-six million rupiah)".

Article 523 reads:

- (1) Every implementer, participant, and/or election campaign team who intentionally promises or gives money or other materials in exchange for direct or indirect election campaign participants as referred to in Article 280 paragraph (1) letter j shall be punished with a maximum imprisonment of 2 (two) years and a maximum fine of Rp24,000,000.00 (twenty-four million rupiah).
- (2) Every implementer, participant, and/or election campaign team who intentionally during the quiet period promises or gives money or other material rewards to voters directly or indirectly as referred to in Article 278 paragraph (2) shall be punished with a maximum imprisonment of 4 (four) years and a maximum fine of Rp. 48,000,000.00 (forty-eight million rupiah).
- (3) Any person who intentionally on the day of voting promises or gives money or other materials to a Voter not to exercise his/her voting rights or to vote for a certain Election Participant shall be punished with a maximum imprisonment of 3 (three) years and a maximum fine of Rp36,000,000.00 (thirty-six million rupiah).

Furthermore, Article 86 paragraph (1) letter J, which reads that implementers, participants, and election campaign officers are prohibited from promising or giving money or other materials to election campaign participants. This prohibition is followed by a criminal threat in Article 488 of Law No. 7/2017 which states that: Every person who intentionally provides false information about himself or herself or another person about a matter necessary for filling out the Voters list as referred to in the provisions of Article 203, shall be punished with a maximum imprisonment of 1 (one) year and a maximum fine of Rp. 12,000,000.00 (twelve million rupiah).

Criminal responsibility is intended to determine whether a person can be held criminally responsible or not for the actions he committed (Sianturi, 1986). Responsibility or the term "liability" in foreign languages is referred to as "toekeren-baaerheid", "criminal responsibility", or "criminal liability". The basis of criminal liability is fault. In a narrow sense, fault can take the form of intent (opzet) or negligence (culpa). When someone commits a mistake/ unlawful act, then that person has responsibility for his/her actions. Talking about fault means talking about responsibility. Thus, criminal liability is a fundamental basis of law so error according to Idema is at the heart of criminal law (Ariman & Ragib, 2013). Thus, criminal responsibility can serve to connect between guilt and punishment (Syamsu & Sh, 2018). Based on this function, the principle of "no punishment without fault" contained in criminal responsibility can be translated into "no criminal responsibility without fault" and "no punishment without criminal responsibility" (Huda, 2011). This means that a person cannot be convicted without committing a mistake, and criminal responsibility is carried out for the existence of a mistake.

## **CONCLUSION**

Legal Regulations on the Crime of Money Politics in the Perspective of Law Number 7 of 2023 Concerning the Stipulation of Government Regulation instead of Law Number 1 of 2022 Concerning Amendments to Law Number 7 of 2017 Concerning General Elections into Law, among others: Articles 278, 280, 284, 515, and 523 of Law Number 7 Year 2017 on General Elections. Article 515 reads "Any person who intentionally at the time of voting promises or gives money or other material to a Voter so as not to exercise his/her voting rights or to vote for a particular Election Participant or to exercise his/her voting rights in a certain way so that his/her ballot is invalid, shall be punished with a maximum imprisonment of 3 (three) years and a maximum fine of Rp. 36,000,000.00 (thirty-six million rupiah).

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