Legal Position of BAWASLU in Monitoring and Preventing Money Politics Practice in Election Process

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ABSTRACT

The role that BAWASLU, Indonesia's body for election oversight, plays in monitoring and preventing the use of money politics during elections is investigated in this article. It emphasizes the relevance of legislation in the accomplishment of justice, equity, and the growth of both society and the economy. BAWASLU is responsible for upholding election rules, maintaining transparency, mediating disputes, and working to minimize the influence of money in politics through various monitoring and education activities. In addition, the article discusses the role that the Regency or Municipal BAWASLU should play in preventing election violations and disputes. In spite of societal norms and a general lack of comprehension, BAWASLU fulfills an extremely important function in maintaining the credibility of election results.
INTRODUCTION

Law is an important component, law is defined as set of rules, which is created and enforced by society or the government to regulate behavior of that nations. With the presence of law, individuals, namely citizens, will have the ability to tell the difference between what is the legal and the illegal things to conduct in everyday life. Law is form suitably for the condition of each nation, in Indonesia “Undang-Undang Dasar 1945” or known as 1945 Constitution, stated that, Indonesia as the state of law, therefore every activity consider as illegal or breaking the law will be processed through the course of law, which consider as the only way to solve criminal act of conduct. Criminal acts will also by the name of the law, will be punished according to national law, measuring by the action that they (felon) conduct.

Social institutions apply laws to govern behavior and sustain order. It guides individuals, companies, and governments to function as a society. Law is important because it promotes justice, fairness, and the rights and interests of individuals and society. Law regulates criminal activity, property rights, contracts, and civil disputes, creating order and stability. It helps settle disputes and seek justice. Law promotes morality and social harmony by prescribing norms of conduct. Law promotes social and economic growth. It regulates business transactions, investment, and economic activity, promoting growth and stability. Intellectual property rights, innovation, and a fair and competitive economic climate depend on law. Law underpins a country’s growth and governance. It establishes and regulates government institutions, defines the powers and duties of each branch, and assures accountability and openness in governance. Law protects rights, promotes economic growth, and provides a framework for governance and administration in a just and orderly society (Manurung & Heliany, 2019). Law governs society and conduct. Regulating people, organizations, and governments guarantees fairness, justice, and protection. First, laws regulate individual and communal behavior, creating social harmony. Regulates conduct and resolves disputes. This regulates society. Second, it guarantees fairness and individual rights. It ensures legal equality regardless of income, rank, or power. Law allows redress and accountability. Punishing criminals deters them. For public safety, it deters and punishes crime. Law guides the economy. It regulates business, contracts, property rights, and intellectual property. Businesses gain through economic expansion, investment, and innovation. Law improves society. It can help society, vulnerable populations, and equality. Laws can improve human rights, environmental protection, and social justice. Law ensures justice, order, safety, economic growth, and social advancement (Isnantiana, 2019).
Law is an important component of nations, which its term, law contributes to nations overall improvements, its explain that law improve nations in several ways, which is (Muhlashin, 2021). (1) Laws keep nations ordered. Laws regulate people and institutions to maintain social order; (2) Individual Rights and Liberties: Laws protect citizens' rights. They allow speech, religion, and assembly. Rights protection promotes justice and equality; (3) Laws promote justice and equality. They construct a fair, color-blind justice system. Laws prevent prejudice and provide justice; (4) Laws drive economic growth. They regulate property, contracts, and business. Clear laws encourage investment, trade, and economic growth; (5) Laws improve society and address problems. They reduce inequality, protect vulnerable groups, and improve social well-being. Laws promote sustainability and environmental preservation.

Ensuring a fair and transparent electoral process demonstrates the significance of law enforcement in relation to elections. Law enforcement forces play a key role in protecting the rule of law, combating electoral fraud, and maintaining public order during elections. They are responsible for investigating and punishing any infractions of election laws, such as voter intimidation, bribery, or tampering with ballot boxes. By executing these rules, law enforcement authorities contribute to the integrity and legitimacy of the election process, enabling citizens to exercise their right to vote freely and unimpeded (Candra & Sinaga, 2021). Law plays a crucial role in ensuring a clean election process. It provides the legal framework and regulations that govern the conduct of elections, aiming to prevent fraud, corruption, and other irregularities. Here are some ways in which law contributes to a clean election process. (1) Election laws and regulations govern voter registration, candidate eligibility, campaign financing, and voting. These laws ensure fair and transparent elections by requiring participants to follow the regulations; (2) Anti-Corruption Measures: Anti-bribery and anti-money laundering legislation deter electoral corruption. These laws prohibit using illicit funds or bribes to influence elections and hold individuals liable; (3) Election Monitoring and Oversight: Law establishes independent election monitoring agencies and oversight mechanisms to protect electoral integrity. Election commissions and supervisory boards oversee campaign activities, voter lists, and complaints. (4) Transparency and Disclosure Laws: Candidates and political parties must declare their funding, campaign expenses, and assets. These transparency methods reduce illicit cash flows, improve accountability, and deter political malfeasance; (5) Legal remedies and dispute resolution address election-related issues. It specifies mechanisms for filing complaints, investigating, and resolving disputes through electoral tribunals or courts. These methods ensure that election outcomes represent voter will and redress infractions. The law promotes a clean election process by defining regulations, prohibiting corruption, maintaining openness, and giving legal remedies for resolving disputes. It offers the structure necessary to preserve election integrity and uphold democratic norms (Ramadhani & Cahyani, 2023).
This paper will serve the purpose of analyzing the role that the election monitoring division known as BAWASLU plays in ensuring a clean election process. A clean election process, in the context of this topic or in a more general sense, means ensuring that nothing like money politics, misused voting rights, or any other conduct of deception takes place. This paper will also explore the form of election process, pre- and post-election process, and reflect on what may have been empirical cases happening, from the perspective of BAWASLU staff and employee.

**LITERATURE REVIEW**

**National Election**

The term election is defined in multiple sections of this article. In general, an election is the selection of representatives or public officials through democratic methods governed by the constitution and regulations. Elections in Indonesia are founded on the Pancasila democracy idea stated in the 1945 Constitution's Preamble: "The People's Sovereignty, which is led by wisdom in discourse among representatives." Elections are held every five years and adhere to the values of fairness and integrity. Members of the DPR, DPD, and DPRD, the President and Vice President, and regional leaders such as Governors, Regents, and Mayors are elected during elections. Election participants include political parties and individuals (Kodiyat, 2019).

Effective legislative election is one that permits citizens to participate in a formal competition to fill political offices based on the official choice of eligible individuals. An effective election would be founded on the principles of direct, universal, free, secret, honest, and fair elections. In addition, it highlights the significance of socializing political engagement and the influence of social institutions, emotional attachment to candidates, and societal rationality on political participation. Therefore, an effective legislative election in the context of this article would be one that allows citizens to make informed choices based on their knowledge of the candidates and issues, and that encourages broad community participation while adhering to the principles of direct, universal, free, secret, honest, and fair elections (Arntti, 2020).

General elections (Pemilu) in Indonesia are utilized as part of a democratic government system to change the leadership cycle. The goal of general elections is to elect legislators who will promote the physical and non-physical development of Indonesia using legal instruments such as policies. In 2004, following the reform era, the Indonesian people were able to directly elect political parties and their candidates for the DPR, DPD, Provincial DPRD, and Regency/Municipal DPRD, as well as the President and Vice President. In addition, Law No. 32 of 2004 governs the conduct of direct elections for regional leaders and deputy regional chiefs (Pilkada). Therefore, it can be argued that general elections in Indonesia are the method through which the people directly elect their leaders by electing legislators and regional governors (Pulungan et al., 2020).
General elections qualify the chosen candidates based on public opinion and vote, determining that the representatives are the most qualified to lead the nation based on their philosophy, mission, and vision for the nation's future, as well as their capacity to shoulder the responsibility. The significance of general elections is reflected in how nations function. General elections qualify the chosen candidates based on public opinion and vote. In addition to this, it is expected that the victorious candidate would have the authority to carry out necessary changes and steer the country in the direction of its ideal form.

**General Election Supervisory Agency (BAWASLU)**

Bawaslu is an abbreviation for Indonesia's election supervision agency, Badan Pengawas Pemilu. The agency was created in accordance with Law No. 22 of 2007 regarding Election Organizers. The primary responsibility of Bawaslu is to oversee and guarantee the implementation of fair and democratic elections in Indonesia. Election requirements have varied over time, and so have election supervision requirements. Prior to the foundation of Bawaslu, Panitia Pengawas Pemilu or Panwaslu served as the election supervision body. The law necessitated the formation of the Panitia Pengawas Pelaksanaan Pemilu or Panwaslak Pemilu in 1982, which was affiliated with the Lembaga Pemilihan Umum or LPU. Panwaslu was only detached from the structure of the Komisi Pemilihan Umum or KPU in 2003. Bawaslu cannot optimally perform its functions if it operates alone. As a participatory watchdog, Bawaslu thereby engages the public in electoral oversight. By giving political education to the general public, such as through the Sekolah Kader Pengawas Partisipatif, Bawaslu is able to engage the general public in election supervision (SKPP). In addition, the article explains that Bawaslu has several flagship programs to increase public participation in election supervision, including Gowaslu, Social Media Management, Forum Warga Pengawasan Pemilu, Gerakan Sejuta Relawan Pengawas Pemilu, Satu Karya Pramuka (Saka) Adhyasta Pemilu, Kuliah Kerja Nyata (KKN) Tematik Pengawasan Penyelenggaraan Pemilu, Pojok Pengawasan, and Sekolah Kader Pengawas Partisipatif (Millah & Dewi, 2021).

Election law enforcement is the function of Bawaslu in the context of election regulation. This means that Bawaslu is responsible for ensuring that the election process is conducted in accordance with the law and rules. In addition to this responsibility, Bawaslu is responsible for mediating any electoral process-related disputes that may emerge. In other words, it is the role of the institution known as Bawaslu to resolve any disagreements or complaints regarding the election's procedure. Additionally, Bawaslu is accountable for protecting the rights of its citizens. This demonstrates that Bawaslu is responsible for ensuring that citizens have access to legal protection and equitable treatment. Bawaslu is also responsible for ensuring that all citizens enjoy the same legal safeguards (Amal, 2019).
The Election Supervisory Body (BAWASLU) is a crucial component of the election process because it is responsible for ensuring the election is conducted fairly and openly. BAWASLU is an independent entity charged with overseeing and monitoring the election process, including the production of voter lists, the conduct of campaigns, and the counting of ballots. One of the primary responsibilities of BAWASLU is to examine and resolve election-related complaints. This covers allegations regarding infractions of election laws, including vote buying, intimidation, and other types of electoral fraud. BAWASLU possesses the authority to evaluate these concerns and take appropriate action, such as disqualifying candidates or invalidating election results. BAWASLU is also responsible for ensuring that elections are conducted in a transparent and accountable way. This includes supervising the use of campaign funding, ensuring the media delivers equitable coverage of all candidates, and ensuring a peaceful and orderly election. BAWASLU plays a vital role in ensuring that elections are conducted fairly and openly. By providing impartial control and monitoring, BAWASLU helps to increase public confidence in the electoral process and ensures that all parties recognize the election results (Dahliah, 2022).

METHODOLOGY

This paper is a form of field research, in which this research is performed by reflecting on the cumulation of past events. This research serves the purpose of analyzing and exploring the procedure of election, as well as the legal position of BAWASLU in the process. In order to accomplish this objective, the data will be collected using interviews, and the sample will include one informant from BAWASLU. The research is carried out in Sidenreng Rappang, which is a regency in Indonesia. Using inductive reasoning, this article will give empirical evidence that is related to the topic of this paper. These empirical data will act as arguments supporting the conclusion of this study and, as a result, highlight prospective improvements for the subsequent research.

RESEARCH RESULT

After performing this research, there are few finding, which in form of action, there are several actions that indicate money politics practice, which is:

1. Ordinary people are generally swayed by the real bribes they receive prior to making a decision, especially when money or other resources are offered directly or indirectly as recompense to residents. On election day, many ballots were cast for persons who engaged in money politics.

2. Individuals can adopt a variety of tactics to influence potential voters so that they do not exercise their right to vote, creating a situation where voters frequently face a conundrum in choosing a candidate in accordance with their conscience.

3. There are a variety of methods prevalent in society for influencing the choice of specific candidates, including money politics, so that prospective voters can make their choice of particular potential leaders.
4. Influencing the right to vote in a manner that invalidates the votes, the individual, in this case the success team of prospective leaders vying for the most votes, desires to maintain the votes they have. By compelling voters to change their minds, candidates can secure their votes.

5. Influence not to vote for a particular candidate, this typically occurs in society as a result of a lack of legal awareness and understanding of people's politics, they do not realize that the significance of one vote from them is extremely influential for the continuation of government in the following period. In a democracy, citizens can participate in the making of decisions that will affect their lives in the future. Due to this lack of information, campaign team members who engaged in money politics affected prospective voters and prevented them from selecting a candidate based on their conscience and the proper rules.

The forms of money politics described above occurred during the elections in 2018. These instances of money politics may have occurred because the general people lacked an awareness of what constitutes improper and appropriate behavior during political campaigns. Aside from that, it was also revealed by the informant that certain people are frequently still lured by the bribe, and some other people also take it as a general event, and that it frequently occurs in the course of the election process. In point of fact, bribery is an indication of a poor mentality as well as an excessive "passion for the world."

Carrying out their duties as election supervisors, one of the things BAWASLU does is provide conditions that lead to the prevention of money politics. This includes requiring that supervisors at both the subdistrict and village levels are not members of a political party and do not show favoritism towards any candidates. They are also prohibited from participating in campaign activities and from erecting billboards. This regulation was enacted to prevent a supervisor's bias towards a candidate from leading to political practices that could manifest themselves as vote-counting fraud.

Tendency to practice money politics can result from a lack of understanding and public awareness of the provisions or regulations in the implementation of elections, BAWASLU aims to minimize the practices of money politics, including the involvement of ASN, that have been occurring thus far. BAWASLU's efforts are realized through education. Participatory community surveillance:

1. Several aspects and groups of society, including religious leaders, community leaders, women leaders, youth, and students, will be socialized and educated in democratic principles. Educating the community about democracy is intended to be well-accepted by the community with the help of reputable local personalities, so that the community may readily accept the information provided.

2. Building cross-sectoral coordination, both with the government, political parties, KPU, and other parties, this action aims to be more flexible in detecting and following up on indications or practices of money politics that will be carried out or are being carried out in any form, thereby limiting the mobility of perpetrators of money politics practices.
3. Using printed, electronic media, and especially social media, the use of media is carried out by providing education to the public through the media, whether it is the correct procedure in elections, and articles that are able to educate the public to exercise their right to vote properly and correctly and encourage encouragement to avoid fraud in elections both as voters and as candidates, the media can also be used to explain the negative effects that can result from fraud in elections.

**DISCUSSION**

Regional head elections (Pilkada) for the purpose of electing new leaders in this country will continue to be held in each region, in accordance with the periodization of leadership prescribed by Elections Law No. 12 of 2003. Every citizen is treated equally before the law and has voting rights or the right to vote under the adoption of Pilkada. Voting rights can be considered intrinsic to citizens and a component of human rights, in addition to being a constitutional right of citizens in the political realm. To report any form misconduct of action in the election process, the public should provide two terms, which is (1) the informant identity; (2) Perpetrator identity; (3) signature of the informant. The second term includes (1) evidence of action; (2) location of events; (3) witnesses.

Even though these incidents of money politics have been pervasive, the election organizers have only dealt with a small number of them. In addition to not being reported, it is typically difficult to prove because no witnesses exist. Thus, the election organizers of money politics are compared to "farting" because they may be felt but their location is unknown. There are several reasons why money politics continues to exist. First, money politics has become a pervasive custom or disease. Numerous locales have witnessed a rapid expansion of money politics, with many citizens voting based on payment rather than analysis. Money politics endures and aids candidates in gaining support. Money politics is also motivated by a lack of economic prosperity. Unmet economic needs increase the susceptibility of the poor to money politics. Candidates use money politics to profit from the current economic climate. Low awareness of money politics also contributes. Many argue that money politics is normal and unimportant in general elections. Money politics influences individuals who lack knowledge of its negative effects. Lastly, the permissive ethos of society encourages money politics. They can acquire valuable goods or funds in exchange for political support, since society continues to value mutual aid. The enforcement of money politics is impeded (Kuntag et al., 2023).

Bawaslu (Election Supervisory Body) has taken several effective steps to prevent money politics, including (Febriana, 2020):

1. Counseling and Education: Bawaslu engages in public outreach and education regarding the dangers and harmful effects of money politics. This is accomplished through campaigns, seminars, and media outreach.
2. Bawaslu conducts stringent oversight over the conduct of elections and campaign activities. They monitor every campaign activity and ensure that campaign funds are used in accordance with applicable legislation.
3. Bawaslu has the authority to take action against money politics-related offences. In accordance with the applicable law, they conduct investigations and process the infraction.

4. Bawaslu collaborates closely with allied agencies, including the police and prosecutors, to enhance the efficacy of law enforcement against money politics offenses. This partnership enhances prosecution and has a deterrent effect on offenders.

5. Bawaslu also aims to increase public understanding of the significance of clean and fair elections. They encourage the public to report election breaches and play an active part in ensuring the election's integrity.

Bawaslu inhibits money politics. The independent agency Bawaslu monitors electoral anomalies, especially money politics. Bawaslu oversees election violations, particularly money politics, in accordance with Law No. 7 of 2017. Bawaslu can probe money politics independently or based on public reports. In addition to investigating election offenses, Bawaslu focuses on money politics. Bawaslu can subpoena witnesses, collect evidence, and conduct other investigative measures regarding money politics. Bawaslu oversees election violations and educates the general public about money politics and election integrity. Through awareness and efforts, Bawaslu can advance clean and fair elections. With its independence and power, Bawaslu can halt money politics.

The capacity of Bawaslu to prevent money politics also rests on cooperation with relevant institutions, such as police and prosecutors, and public participation in reporting suspected instances of money politics (Yunus et al., 2021).

The existence of money politics leads to unfairness. This also undermines the meaning of democracy, as elections are no longer founded on free and honorable values. Because of pressure and compulsion over anything that will or has been achieved by buying votes, elections are no longer free, meaning that a person's choices are no longer in accordance with his desires. In addition, this money politics will create something dangerous, as it will not only produce corrupt politicians who like to justify any means, but it will also produce politicians who lack the ability to run the government, justify the entry of dirty sources of funds, the possibility of making various concessions to the party that financed the victory after the election, and of course it will marginalize the aspirations and efforts to fight this mis conditions.

Bawaslu plays a crucial role in enhancing and optimizing the quality of election administration, which protects the protection of the people's sovereignty and voting rights. Bawaslu is responsible for overseeing all phases of election administration, beginning with preparation and ending with vote tallying. Additionally, Bawaslu has the authority to take action against election process irregularities. Thus, Bawaslu serves a crucial role in ensuring that elections are conducted fairly, honestly, and openly (Abiyasa, 2019). Bawaslu plays a crucial part in the execution of general elections. As stated in, Bawaslu serves as an election supervisor, a position that requires substantial community support. Bawaslu is responsible for ensuring that elections are conducted properly and in accordance with the values that must be adhered to, such as the direct, public, free, confidential, honest, and fair principles. Bawaslu is also responsible for
resolving election breaches and improving the Election Supervision Body. Bawaslu plays a crucial role in ensuring that elections are conducted efficiently and fairly (Amane et al., 2022).

Regency/Municipal Bawaslu has the task of preventing election violations and election process disputes. Prevention is done by looking at the potential violations that can occur during the election. Following are some of the efforts made by Bawaslu in preventing election violations. (1) Sending a letter of appeal to various parties and stakeholders, such as an appeal for the neutrality of the State Civil Apparatus (ASN) to the Mayor of Palopo with an appeal letter; (2) Distributing brochures/leaflets regarding the principles and rules of ASN neutrality; (3) Conduct socialization activities regarding the neutrality of the State Civil Apparatus (ASN) to increase understanding of ASN; (4) Provide advocacy through print, electronic, and online media; (5) Increase monitoring of ASN neutrality during the campaign; (6) Increase public participation in supervising ASN neutrality. In addition, Bawaslu is responsible for addressing election breaches. In this instance, the Regency/Municipal Bawaslu has the authority to report the results of supervision in the Regency/City area to the Provincial Bawaslu concerning alleged violations of the Election Organizer code of ethics and/or alleged election crimes in the Regency/City area, and to investigate preliminary information on alleged election violations in the Regency/City area. Regency/Municipal area, investigates and investigates allegations of election violations in the Regency/City area, investigates, reviews, and decides on election administration violations, and recommends to the province follow-up measures for supervision of election violations in the Regency/Municipal area (Saputra, 2020).

CONCLUSIONS AND RECOMMENDATIONS

This essay concludes by discussing the issue of money politics in the electoral process and the role of the General Election Supervisory Agency (BAWASLU) in combating this issue. The findings of this study demonstrate that money politics persists in elections because of societal norms, economic requirements, and a lack of knowledge of its detrimental impacts. This tactic compromises the fairness and integrity of elections, hence undermining democratic norms. BAWASLU, as the election oversight organization, plays a critical role in ensuring fair and democratic elections by including the public in electoral oversight and executing numerous programs to encourage public participation. However, the efficiency of BAWASLU’s operations is limited by factors such as the difficulty of proving money politics owing to a lack of witnesses and underreporting. There is a need for additional research on measures for countering money politics and increasing BAWASLU’s role in ensuring fair and accountable elections.
ADVANCED RESEARCH

Possible advice and improvements for future research on money politics and the role of BAWASLU could include:

1. Conducting a larger-scale study: The current research focused on a specific regency in Indonesia. Future studies could expand the scope to include multiple regions or even a national-level analysis to provide a more comprehensive understanding of the issue.

2. In-depth interviews with various stakeholders: While the current research included interviews with one informant from BAWASLU, future studies could involve interviews with a wider range of stakeholders, such as politicians, voters, and civil society organizations, to gather diverse perspectives on money politics and BAWASLU's effectiveness.

3. Quantitative analysis: The current research relied on qualitative data. Future studies could incorporate quantitative methods to measure the prevalence and impact of money politics, as well as the effectiveness of BAWASLU's interventions. This could involve surveys, statistical analysis, and data from election reports.

4. Comparative analysis: Comparing the experiences of different countries or regions in addressing money politics and the role of election supervision bodies could provide valuable insights and lessons for improvement. This could involve examining successful strategies implemented in other countries and adapting them to the local context.

5. Longitudinal studies: Conducting research over an extended period of time would allow for the analysis of trends and changes in money politics practices and BAWASLU's effectiveness. This could provide a deeper understanding of the dynamics and evolution of the issue.

6. Policy recommendations: Future research could focus on providing specific policy recommendations to address money politics, enhance BAWASLU's capacity, and strengthen the legal framework surrounding elections. These recommendations could be based on the findings of the research and lessons learned from other countries' experiences.

REFERENCES


