

Criminological Study on Money Politics Crime in Elections: An Alternative Solution

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Article Info

Received: 2024-08-20

Revised: 2024-10-21

Accepted: 2024-12-30

Keywords:

Criminology, Money
Politics Offence, Election

Abstract

The massive of money politics offence can be seen by data from the Indonesian Police and Bawaslu that in the 2019 Election there were 35 cases of money politics spread across 13 provinces. What is surprising is the research results from LIPI that more than 30% of voters believe that money politics is part of the democratic process so that it becomes something natural. In this context, there is a kind of urgency that forces a serious study of the money politics offences. The problem of this research is how money politics offences when viewed from a criminological perspective? This study uses a socio-legal research method, namely looking at legal problems with an interdisciplinary theoretical and methodological approach. The results of the study are as follows: (1) the positive paradigm refers to the consensus perspective, viewing the money politics offences as an action that is contrary to the consensus that has been agreed upon between the community represented by the legislature and executive. (2) the interactionist paradigms which departs from a pluralist perspective, viewing money politics offences as a reaction from society in the form of stigmatization of perpetrators of money politics. (3) the socialist paradigm which refers to the conflict perspective. That the money politics offences is seen as a disagreement of the perpetrators with the provisions that have been ratified by the state, in this case the Election Law. When connected with criminology theory, money politics offences is related to two theories, namely the anomie theory and the theory of social ties. It is recommended that in making policies regarding the Election, the government and legislation need to be based on criminology findings regarding the causes and effects of money politics offences

1. Introduction

Studies on money politics from a criminal law perspective have been conducted repeatedly. Likewise, in economic, socio-political, and cultural aspects, the studies have spread to the public. The research results from various disciplines have provided positive recommendations to the government, legislature, and organizers of the General Election (Pemilu) but the results are still not as expected.¹ In reality, the practice of money politics still thrives in every General Election and Regional Head Election (Pemilu). On that basis, this manuscript will examine and analyze the problem of money politics in a different study, namely using the perspective of criminology as a science of crime.

Historically, the phenomenon of money politics in Indonesia can be said to be nothing new. This is relevant to the historical claim that democratic elections only occurred once, namely in the 1955 Election. At that time, the implementation of the Election was held in a transparent, honest and fair atmosphere. At that time, there were no ripples regarding money politics.² As participants in the Election, Political Parties actually busy themselves betting on ideas, concepts, and national spirit. The logical consequence is that voters obtain a lot of information, education, and sufficient references before making their choice. Like a vein, the Election becomes healthy blood in the body of Indonesian democracy.

The change in the gradation of the Election can be seen during the New Order (Orba) government. The Election actually became a horror show in democracy. It is said so, because at that time the implementation of the Election was identical to the use of power, such as assistance for basic community needs, the involvement of the TNI and Polri and the bureaucracy to win the political party created by the government, namely the Golongan Karya Party. As a result, political parties that were opposed to the New Order regime, did not develop and found it difficult to win the Election.

¹ Hasan E. Ubaidullah et.al, "Election, Money Politics, and Corruption: An Alternative Solution", *Journal of Social and Political Sciences*, Vol 6 No. 1, Maret 2023, hlm. 12.

² Andrew Ellis, *Indonesia: Kontinuitas, Kesepakatan dan Konsensus*, dalam Andrew Reynolds, Ben Reilly dan Andrew Ellis (Editor), *Desain Sistem Pemilu: Buku Panduan Baru Internasional IDEA*. Stockholm Press, 2016, hlm. 735

Election researcher and observer, Andrew Ellis, describes the elections during the New Order era with the following sentence:

“Elections were held, but campaigns were severely restricted, many candidates were disqualified, and various regulations were disproportionately applied to the government's political opponents. In the end, the elections became a boring spectacle, even though there was no practice of money politics". In that situation, democracy became threatened in its existence.³

After the fall of the New Order regime, precisely in the reform era, the face of the Election actually looked different. During this period, vote buying and selling began to be known to win Legislative Candidates from certain political parties. This practice was later called money politics. It is not uncommon for the practice to be carried out massively in the midst of society. As a result, money politics became a cheap spectacle that degraded the quality of democracy. In this context, the Election actually became the antithesis of the goal of the state, namely the birth of a democratic, just and prosperous society.⁴ Now, money politics does not only occur in the Election but also during the simultaneous Regional Head and Village Head Elections.

Like a deadly virus, the problem of money politics has also spread to other countries. In a superpower country like the United States, it seems that it is also inseparable from the stench of money politics in the election. In Uncle Sam's country, money politics has become a reality that is also difficult to avoid. A researcher from Florida State University named Elizabeth Garrett presented the results of her research by stating that democracy in Uncle Sam's country is heading towards its lowest point due to the massive dollartocracy or money politics.⁵

In a rather provocative diction, Gareth also emphasized that democracy in the United States (US) is acutely ill because it has been infected by the electoral corruption virus. So it is not surprising that President Trump's victory in the 2016 US Presidential Election was responded to pessimistically with a sarcastic tone by

³ *Ibid*, hlm. 737. Bandingkan dengan Nathalina Naibaho, 'The Urgency to Prevent Illicit Political Party Fundraising Through The Anti-Money Laundering Regime in Indonesia', *Journal of Election and Democracy*, Vol 1 No. 1, January 2021, hlm. 21.

⁴ Hariman Satria, "Politik Hukum Tindak Pidana Poltik Uang Dalam Pemilihan Umum di Indonesia", *Jurnal Integritas* Vol 5 No. 1, Juni 2019, hlm. 9-10.

⁵ Elizabeth Garrett, "Institutional Lessons from the 2000 Presidential Election", *Florida State University Law Review*, Vol 29 No. 2, Juli 2021, hlm. 976.

various groups in the US. Departing from these various events, it can be simply concluded that money politics is a disease of democracy in any country.⁶

Returning to the issue of the Election in Indonesia, one of the leading research institutions in this country, namely the Indonesian Institute of Sciences (LIPI), has provided critical notes on the rampant money politics in the Election. In the LIPI study, it was stated that more than 50% of voters believe that money politics is part of the democratic process. The act of accepting money or goods to vote for a particular candidate is considered commonplace.⁷

The mindset of the voters is certainly not good news but must be worried about. There are two underlying reasons, namely first, the public paradigm that is permissive with money politics is actually counterproductive to the future of the region or country that is continuously fought for through strengthening democracy. Second, it triggers a decline in the quality of democracy because money politics is a cunning practice to defeat political opponents. It can be imagined, if people's representatives or regional leaders are born from money politics practices, then pragmatic, corrupt and less dignified leaders will emerge. Finally, the future of this country is at stake.

Still on the subject of the Election, in addition to the study from LIPI, it is also important to pay attention to the findings or data from the Indonesian National Police (Polri) regarding money politics in the 2019 Election. From the available data, it shows that in the 2019 Election there were 112 alleged election crimes in various variants. What is interesting is that money politics cases ranked highest, namely 32 cases. In line with that, the Indonesian Election Supervisory Agency (Bawaslu) also released data on money politics in the 2019 Election. The results showed that there were 35 cases of money politics spread across 13 provinces. To overcome this, Bawaslu has released an Election vulnerability index, one of which concerns the threat of money politics crimes.⁸

Based on various events supported by academic data above, it is difficult to deny that money politics is a serious threat to democratic life in Indonesia. The

⁶ Ibid

⁷ Survei LIPI: Masyarakat Memandang Politik Uang Bagian dari Pemilu, *Kompas*, 29 Agustus 2019, hlm. 5.

⁸ *Indeks Kerawanan Pemilu (Pilkada Serentak 2024)*, Badan Pengawas Pemilu RI, Jakarta, 2023, hlm. 50.

perpetuation of money politics in elections will actually harm society itself. In other words, money politics can degrade the morality of the nation and undermine the authority of this country's civilization. Advanced civilization is born from a state process that upholds the law and places honesty, truth and justice as the basis of state values, including in elections.

In order to ensure the originality of the idea, the author will mention several previous studies related to the title of this article, including the following: First, an article written by Ridwan Arifin, entitled Election Crime in Indonesia: The Challenges and Problems of All of Us. This article basically explains election crimes both in terms of problems and challenges in Indonesia.⁹ Second, a manuscript written by Retna Susanti, entitled Money Politics in Elections Reviewed from a Sociological Legal Perspective. This article specifically describes the formulation of money politics crimes in the Election Law and examines law enforcement for money politics crimes from a sociological perspective.¹⁰ Third, an article entitled To Vote or Not to Vote: How Criminal Violence Shapes Electoral Participation, written by Sandra Ley. This article explains organized crime that can influence the implementation of elections.¹¹

Fourth, an article written by Hadi Saputra, Yoserwan, and Khairul Fahmi, entitled Handling of Criminal Actions of the 2019 Election and the Criminal Action of Election of Regional Head in 2020 by the Integrated Center of Law Enforcement in the Lima Puluh Kota Regency. This article provides a complete explanation of the handling of criminal violations of the Election by the Integrated Law Enforcement Center of Lima Puluh Kota Regency.¹² Fifth, research conducted by Guno Tri Tjahjoko, entitled Fighting Money Politics and Shamanic Practice. This study emphasizes the efforts of female candidates to break the practice of money politics in the election of Village Heads.¹³

⁹ Ridwan Arifin, "Election Crime in Indonesia: The Challenges and Problems of All of Us" UNNES Journal, Vol 4 No. 2, Mei 2018, hlm. 132.

¹⁰ Ridwan Arifin, "Election Crime in Indonesia: The Challenges and Problems of All of Us" UNNES Journal, Vol 4 No. 2, Mei 2018, hlm. 132.

¹¹ Retna Susanti, "Politik Uang Dalam Pemilu Ditinjau Dari Perspektif Yuridis Sosiologis", Lex Renaissance, Vol 6 No. 3, Juli 2021, hlm. 578.

¹² Hadi Saputra, Yoserwan, dan Khairul Fahmi, "Handling of Criminal Actions of the 2019 Election and the Criminal Action of Election of Regional Head in 2020 by the Integrated Center of Law Enforcement in the Lima Puluh Kota Regency", International Journal of Multicultural and Multireligious Understanding, Vol 9 No. 2, April 2022, hlm. 562.

¹³ Guno Tri Tjahjoko, "Fighting Money Politics and Shamanic Practice", Jurnal Politik, Vol 5 No. 2, Maret 2020, hlm. 1.

Based on the study of previous studies, it can be concluded that there is a difference in the focus of the study with the title of this article. If observed, several of these articles explain election crimes in a normative and sociological legal manner. There are also studies that focus on handling election criminal violations. Meanwhile, this article specifically examines and analyzes election crimes from a criminological perspective as an alternative solution.

The objectives of this research are as follows: (1) to theoretically explain the phenomenon of money politics crimes that occur in elections in Indonesia when connected with perspectives and paradigms in criminology. (2) practically, it aims to provide a complete description of money politics crimes in elections through various theories in criminology so that they can be used as references by the community, including election organizers, to prevent money politics from occurring.

2. Research Method

Atkinson Brown sees legal research as using a process of legal reasoning, even though it is on a very small scale.¹⁴ On that basis, legal research is considered as part of legal reasoning because legal facts in practice must be reasoned in terms of their relevance to theoretical knowledge.¹⁵ Jason Chin added that legal research is to solve legal problems. This argument emphasizes the characteristics of legal research that aims to solve legal problems. In Reza Banakar's reading, such legal research can be called socio-legal legal research, namely looking at legal problems with an interdisciplinary theoretical and methodological approach.¹⁶ The interdisciplinary approach (non-legal disciplines) aims to sharpen doctrinal analysis, so that it can help solve legal problems in the field.¹⁷

According to McFadzean and Ryan, legal research requires three steps, namely identifying and analyzing legal problems, finding appropriate information, and communicating the results of the analysis.¹⁸ This explanation

¹⁴ Evelien M. Hoeben, "The space-time Budget Method in Criminological Research", *Crime Science Springer*, Vol 3 No. 12, Maret 2014, hlm. 4.

¹⁵ Ibid

¹⁶ Reza Banakar, *Normativity in Legal Sociology*, Springer, Lund, 2015, hlm. 11-12

¹⁷ Ingo Venzke, "International Law and It's Metodology", *Leiden Journal of Internantional Law*, Vol 28 No. 2, Februari 2015, hlm. 185.

¹⁸ McFadzean dan Gareth Ryan, *Legal Method*. Dundee University Press, Dundee, 2013, hlm. 5.

can be said to be an affirmation of the practical way of conducting legal research, starting from identifying legal problems, finding facts or information and narrating the results of the research effectively so that they can be understood by the public. To answer the problem, a conceptual approach method is used which refers to the theories and teachings accepted in criminology and criminal law.¹⁹ The data sources in this study are secondary data, namely data and information obtained from legal materials including primary legal materials, such as laws and regulations, secondary legal materials, for example: books and journal articles, and tertiary legal materials, such as: Legal Thesaurus. While the object of research is political money data submitted by Bawaslu RI and from the Indonesian Police in the 2019 Election. The data analysis technique used is a qualitative or qualitative descriptive depiction.

3. Results and Discussion

Criminal Law and Criminology

In foreign literature (English), there are several terms that are translated in Indonesia as crimes or criminal acts, namely crime, criminal act, criminal offense and delinquency.²⁰ Meanwhile, in criminology studies, crime is referred to as any human conduct that violates a criminal law and is subject to punishment.²¹ In a broader context, Sutherland and Cressey refer to crime as a social problem and social phenomenon.²² Another diction, crime is the most important social problem and phenomenon at this time.²³

The study of legal science emphasizes that crime is an object of study from two disciplines at once, namely criminal law and criminology. Although some say that criminology is actually only an auxiliary science of criminal law, so it is not an independent discipline as Hermann Mannheim once said, criminology as

¹⁹ Piter Mahmud Marzuki, *Pengantar Penelitian Hukum*, Kencana Prenada Media, Jakarta, 2014, hlm. 117.

²⁰ William C. Burton, *Burton's Legal Thesaurus*, McGraw Hill, New York, 2013, hlm. 150.

²¹ Ibid

²² Edwin H. Sutherland dan Donald R. Cressey, *Criminology*, J.B Lippincott Company, New York, 1978, hlm. 3

²³ Piers Beirne & James W. Masserschmidt, *Criminology A Sociological Approach*, Oxford University Press, 2015, hlm. 4.

a king without a country.²⁴ Manheim's view has actually begun to be marginalized, because over time criminology has strengthened its study of crime by involving little criminal law. Not only that, in its various studies, criminology has also begun to leave sociology significantly because the increasingly massive growth in crime rates with various new modes of operation have made criminology a discipline that can no longer depend on other fields of science. In the end, it can be said that criminology is an independent science at this time.

The question then is what is the difference between criminal law and criminology in viewing crime? Before answering this question, it is necessary to first know the definition of each field of science. In defining criminal law, Moeljatno divides it into three parts, namely: (1) regulating acts that may not be carried out, prohibited accompanied by the threat of criminal penalties for those who violate them. (2) provisions on when and in what cases someone who commits a prohibited act can be punished. (3) how to impose a penalty on someone who has violated the prohibition. Departing from this argument, criminal law is divided into two parts, namely material criminal law and criminal procedural law as its partner.

Frank E. Hagan, defines criminology as follows:

Generally as the science or discipline that studies crime and criminal behavior. Specifically, the field of criminology concentrates on forms of criminal behavior, the causes of crime, the definition of criminality, and the societal reaction to criminal activity.

In essence, in general criminology is a discipline that studies crime and criminal behavior. While specifically criminology focuses on forms of deviant behavior, causes of crime, definitions of criminality, and societal reactions to crime. In short, criminology basically uses the scientific method to study the nature, extent, cause, and control of criminal behavior.²⁵

Referring to the definition of criminal law and criminology above, it can be abstracted that both are disciplines that have the same object of study, namely crime. Criminology then becomes a partner of criminal law in analyzing

²⁴ Fiona Vera-Gray et.al., "Sexual Violence as A sexual Script in Mainstream Online Pornography", *The British Journal of Criminology*, Vol 61 No. 5, April 2021, hlm. 1244

²⁵ ibid

various crimes that arise in society as well as determining policies that can be taken by the state in order to be handled by the authorities.²⁶ Even so, there is a difference in size between the two in viewing crime because criminology views crime from a social perspective. While criminal law views crime in a normative measure so that it does not focus its study on finding out the causes of crime.²⁷

In relation to that, Jacopo Governa emphasized that criminal law views crimes as written in criminal law regulations, thus allowing the imposition of criminal sanctions. Meanwhile, criminology views crimes not only in regulations but also those that are not regulated in law.²⁸ On that basis, in reviewing criminology – from the beginning W. A Bonger called it an inductive science, observing facts very carefully through the help of available methods, trying to trace the causes of the phenomena that appear (etiology). Bonger emphasized:

*Criminology an inductive science which, like other inductive sciences, observes the facts with the greatest possible exactitude, and endeavours with the aid of available methods to trace the causes of the phenomena coming to its notice (etiology).*²⁹

Related to that, John Lewis Gillin divides crime into two perspectives, namely legal and social definitions of crime. The legal definition of crime is a person's actions that are against the law. In contrast to that the social definition of crime is an action that is rejected by civilized society but is not necessarily punished because it is not regulated in law.

In short, the legal definition of crime is a crime according to criminal law, while the social definition of crime defines a crime according to society or criminology. So, it can be concluded that criminal law has a broader scope than criminology in viewing a criminal behavior.³⁰ The broadening of the

²⁶ Francis Pakes, "Out in the cold? The experiences of Foreign National Prisoners in Iceland's Open Prisons", *International Journal of Law, Crime and Justice*, Vol. 75 No. 10, September 2023

²⁷ Goradz Mesko, "Comparative Criminology and Comparative Criminal Justice in Contemporary Crime and Social Control Research – a Brief Overview", *European Journal of Crime, Criminal Law and Criminal Justice*, Vol 31 No. 15, Juni 2023, hlm. 120.

²⁸ Jacopo Governa, "Kai Ambos: Internationales Strafrecht", *Journal of International Criminal Justice*, Vol 17 No. 1, Maret 2019, hlm. 201.

²⁹ W.A Bonger, *An Introduction to Criminology (Translated by Emil van Loo)*, Rotledge Taylor & Francis Group, London and New York, 2015, hlm. 18.

³⁰ Topo Santoso dan Hariman Satria, "Sexual-Violence Offenses in Indonesia: Analysis on the Criminal Policy in the Law Number 12 of 2022", *Padjajaran Jurnal Ilmu Hukum*, Vol 10 No. 1, April 2023, hlm. 61.

criminological perspective is actually in accordance with the character of criminology, namely explaining how patterns of crime arise from the interplay of political, economic, social, and cultural society.³¹ However, it should be noted that only crimes according to criminal law can cause someone to be processed criminally.

The position of criminal law which tends to be limited in qualifying crimes in society, was then criticized by Thosten Sellin, while asserting that criminal law cannot meet the demands of scientists and cannot provide a better basis for the developments of society.³² So it is not surprising that criminology seems more dominant than criminal law when explaining crimes in the midst of society.³³

Still regarding the relationship between criminal law and criminology, both are considered to have a reciprocal relationship (interrelation) and dependency on each other. Criminal law studies the legal consequences of prohibited acts as crimes, while criminology studies the causes of crimes and how to deal with them. I.S Susanto describes the relationship between criminology and criminal law as a relationship that is interrelated and complements each other. It is said so, because the results of criminological investigations into crimes (criminal etiology and penology) can help the government in dealing with crimes. The handling uses criminal law means through criminal policy.

When criminal law criminalizes an act, it is very important to examine the results of criminological studies on the causes and solutions of a crime.³⁴ In Beirne and Masserschmidt's reading, criminology contributes to criminal law when determining acts that are declared criminal (criminalization) including criminal sanctions - which are inseparable from the level of blameworthiness and significant losses caused (injury) to society.³⁵ This argument is in line with the characteristics of criminal law as an instrument used by the state to secure conformity to its legal norms of conduct.

Criminology Paradigms Regarding Crime

Tim Newburn, does not define crime but warns that the study of crime and

³¹ Piers Beirne & James W. Masserschmidt, *Loc.Cit.*, hlm. 28.

³² *Ibid*, hlm 39.

³³ *Ibid*

³⁴ Topo Santoso dan Hariman Satria, *Op.Cit.*, hlm. 230

³⁵ Piers Beirne dan James Masserschmidt, *Op.Cit.*, hlm. 14-15.

criminals also includes the definition of crime and deviant behavior. Considering this argument, it can be said that crime has many attributes. Therefore, before defining a crime, it is necessary to first know the perspective and paradigm regarding crime. Related to this, Newburn said that perspectives and paradigms regarding surrounding events are used to observe and analyze all events as a single dual. Therefore, the existence of perspectives and paradigms is very important because it can be used to observe and analyze crime as an inseparable whole. On that basis, Steven Vago and E. Barkan, emphasize that perspectives and paradigms are the entry point to looking further into criminology theories.³⁶

Basically, perspective and paradigm have the same goal, namely to determine the problems to be investigated and the solutions to be pursued. However, perspective and paradigm have essential differences. Perspective is to view problems in general so that phenomena can be read in various aspects, while paradigms use specific points of view in understanding a symptom.

According to Robert F. Meier, in the study of criminology, several paradigms and perspectives are known in viewing crime, namely: (1) positivism paradigm (2) interactionism paradigm (3) socialism paradigm. The positivist paradigm uses a conservative perspective, then the interactionism paradigm starts from a pluralism perspective while the socialist paradigm refers to a conflict/radical perspective.³⁷

Further explanation of the perspective and paradigm in criminology, is reviewed by Romli Atmasasmita, who states that:

The consensus perspective is based on values that live in the midst of society. Some principles adopted in the consensus perspective are as follows: first, the law is a reflection of the will of the wider community. Second, the law serves or applies to everyone without distinguishing between race, religion and ethnicity. Third, lawbreakers are unique individuals or groups.³⁸

Progressively, the principles adopted by the consensus perspective have succeeded in influencing the positivist paradigm in viewing crime. Positivists emphasize that

³⁶ Steven Vago & E. Barkan, *Law and Society*, Routledge Taylor & Francis Group, London and New York, 2018, hlm. 29.

³⁷ Tim Newburn, *Op., Cit*, hlm. 173.

³⁸ Romli Atmasasmita, *Teori dan Kapita Selekt Kriminologi (Edisi Revisi)*, Refika Aditama, Bandung, 2014, hlm. 54.

a person's behavior is influenced by the relationship between the individual and his environment. In this context, violations of the law represent uniqueness. Individuals or groups who commit violations of the law are considered to represent the unique. The pluralist perspective recognizes the differences in values and interests between groups. Differences in interests are the origin of conflict between social groups. Therefore, the existence of rules is directed as a method of solving problems between groups. In this perspective, implicit law is tasked with protecting the interests of society.

The problem of differences in social structure is also a focus in the perspective of conflict. Such a perspective believes that the law moves because its implementation is actually forced by the authorities against the lower class. Criminals are considered as people who represent the lower group, their actions are considered contrary to the interests of the authorities. Then the socialist paradigm views crime as behavior that disrupts economic stability that has been controlled by the dominant social group. The law is positioned only to maintain the power and benefits obtained from economic control.

If the various perspectives and paradigms are correlated with money politics, several things can be abstracted, namely: first, the positive paradigm refers to the consensus perspective, viewing the crime of money politics as behavior that deviates from the consensus between the community represented by parliament on the one hand and the government on the other. This consensus, for example, is manifested in various election regulations. The perpetrators of money politics crimes can be said to be people who represent a unique group because they violate the agreed consensus.

Second, the interactionist paradigm that starts from a pluralist perspective, views the crime of money politics as a reaction of society to actions that are categorized as money politics. In other words, there is a kind of stigmatization of society towards an action that is categorized as a crime of money politics. This stigma eventually sticks to the perpetrator so that he does not hesitate to commit the crime of money politics again. Still regarding the stigmatization of perpetrators of money politics crimes in the Election. The emergence of this label is related to the actions of the giver and recipient of money politics in the Election which are categorized as crimes by the Election Law. The perpetrators of money politics crimes are then referred to as criminals because they have committed prohibited acts that have been explicitly stated in the law and processed by law enforcement officers. In that context, labeling

crime and deviance as social constructions that emerge from processes of social interaction.³⁹

Regarding stigmatization, Lily, Francis, Cullen, and A. Ball said, on the one hand, stigmatization has the potential to encourage someone to pursue a career in the criminal field, on the other hand, it shows that the criminal justice system has limited capacity in preventing and controlling crime.⁴⁰ Related to that, labeling is actually interested in examining the social and interactional processes through which the label of criminality.⁴¹

Third, the socialist paradigm that refers to the perspective of conflict. In this context, the crime of money politics is seen as a disagreement of the perpetrators with the rules that have been made by the state, in this case the Election Law. Therefore, in order to resolve the problem of money politics, the government will "impose its will" through election regulations. From such a perspective, what needs to be strengthened is consistent and non-discriminatory law enforcement against anyone who commits the crime of money politics.

Money Politics Crime in Criminology Theory

In criminology studies, there are two known prototypes of election crimes, namely: (1) campaign practices that use state facilities or finances (corrupt campaign practice). (2) election fraud. Among these fraudulent practices, the term money politics is known.⁴² A similar opinion was expressed by Pierce Beirne and James Messerschmidt, who classified money politics as election fraud.⁴³

In line with this, if you pay attention - above the author has explained the criminological perspective and paradigm in viewing crimes in society, for example regarding money politics crimes. From this perspective and paradigm, various kinds of criminological theories have been derived to dissect and analyze them. In

³⁹ Gennaro F. Vito dan Jeffrey R. Maahs, *Criminology: Tehory, Research, and Policy*, Jones & Bartlett Learning, 2017, hlm. 417. Baca juga Martin O'brien dan Majid Yar, *Criminology The Key Concept*, Taylor and Francis Group, London & New York, 2008, hlm. 110.

⁴⁰ J. Robert Lily, Francis T. Cullen dan Richard A. Ball, *Criminological Theory: Context and Concequences*, Sage Publication, London, 2019, hlm. 260.

⁴¹ Martin O'brien dan Majid Yar, *Op.Cit*, hlm. 111.

⁴² Graham Brooks, 2016, *Criminology of Corruption: Theoretical Approaches*, Plagrove Macmillan, London, hlm. 43.

⁴³ Piers Beirne dan James W. Messerschmidt, *Loc.Cit.*, hlm, 327

this section, the author will use two theories to dissect money politics crimes, namely as follows:

1) Anomie theory.

Basically, anomie theory is still a derivative of the positivist paradigm.⁴⁴ This theory was first introduced by Emile Durkheim (1897) which refers to the social conditions of society where values and norms are no longer effective in regulating behavior. Durkheim describes the situation of society with the sentence, one in which rules of behavior (values, customs, and norms) have broken down. It is also often said that anomie describes a social situation that is vulnerable to violations of the law because weak values and rules are no longer a common guide.⁴⁵ In its development, this theory was falsified by Robert K. Merton who introduced the theory of social structure and anomie.⁴⁶ Merton emphasized that the emergence of crime in the midst of society is closely related to economic, social and cultural developments. In that context, anomie views that social inequality leads to perceptions of anomie. In essence, crime can occur due to social inequality. In essence, there are two causes of crime in the view of anomie, namely economic, social and cultural problems and social inequality. The impact is that marginalized people then commit crimes as an escape from social tension.

The theory found empirical justification when witnessing the rampant practice of money politics in recent elections. In relation to the absence of values that are recognized and accepted by society, this has become one of the drivers of money politics because the mandatory voters and the candidates to be elected have lost their moral values so that money politics becomes common or normal. At that time, the potential for fraud becomes even greater. In the end, the election becomes only a ceremony and a show of pragmatism between various interested parties. Still regarding anomie - apparently the transfer of power from the New Order regime which was less democratic and tended to be authoritarian to the reform regime, was not directly proportional to honest and fair elections. In fact, it was during the reform period that money politics became even more rampant. So that the

⁴⁴ J. Robert Lily, Francis T. Cullen dan Richard A. Ball, *Op.Cit.*, hlm. 117.

⁴⁵ Gennaro F. Vito dan Jeffrey R. Maahs, *5.Op.Cit*, hlm. 41

⁴⁶ Piers Beirne dan James W. Messerschmidt, *Loc.Cit.*, hlm. 205.

change of regime only benefits certain elite groups in the election. At the same time, the public seems to only have their votes exploited without gaining significant benefits from the implementation of the election.

The interests of political elites accommodated in the election and the capitalization of voters' votes through money politics increasingly clearly describe the inequality between political elites and voters as the owners of votes. Whether we realize it or not, this inequality has an impact on the inequality of access to filling public positions both at the center and in the regions. In the end, the public feels that the ideal election as a demonstration of people's sovereignty has been degraded by massive and systematic money politics. The election that was held seemed to only accommodate the interests of political elites. These various circumstances became triggers for voters to "sell" their votes. In short, the pragmatism of voters in the election cannot be seen through horse blinders, that behind it there is an important role of political elites who gain votes through money politics. The election ends, the political elite party hard - the interests of the community are forgotten.

Based on the description above, it can be concluded that resolving the problem of money politics is not a simple matter. The existence of criminal law norms in the Election Law is not a guarantee that money politics can be suppressed. The accumulation of the various problems above is actually the strongest cause of the birth of money politics. So the threat of criminal sanctions which von Feuerbach called vom psiologischen Zwang, namely psychological intimidation, is actually counterproductive to the reality on the ground. Voters involved in money politics are not necessarily afraid of the threat of criminal sanctions in the Election Law because there is no better choice. In this context, it is often said that norms are considered no longer effective in regulating people's behavior.

2) Social Bond Theory

The positivist paradigm in criminology has given birth to several theories, for example the anomie theory explained above. Another theory is that put forward by Travis Hirschi, known as the social bond theory. This theory is basically a development of the social control theory, which is also a variant of positivism. As the originator of the social bond theory, Hirschi can be said to be the dominant person in explaining the close bonds of moral values in

society. Initially, Hirschi explained that the reason someone is involved in crime is because he is separated from social ties. In this case, the release of the bonds of moral values as a guide or guideline that binds society in their daily lives. This moral bond is what makes someone obey the law.⁴⁷

Hirschi added that social ties play an important role in controlling crime in the midst of society. Through social ties, it is possible for members of society to maintain their moral values so that each other will strive to become better individuals. These social ties start from the family environment, social circles, and the outer layers of society.

These social ties are constructed through 4 basic elements, namely: attachment, commitment, involvement, and beliefs. ⁴⁸Attachment emphasizes the pattern of relationships between individuals, for example through friendship. Commitment is assumed to be a long-term investment by individuals in relation to friendship. Involvement tends to calculate the time that can be spent by individuals in friendship. While belief is the belief that individuals are law-abiding citizens.

If the theory is correlated with money politics in the election, it can be identified that the release of individuals from moral bonds is a trigger for disobedience to election legislation. It is said so because ideally, moral bonds are the source of strength for society in rejecting the practice of money politics or other evil deeds. In other words, the loosening or release of individuals from moral bonds is the gateway to crime.

The abstraction is that when individuals engage in money politics, it means that they release themselves from moral bonds so that without guilt they easily violate Law No. 7 of 2017 concerning Elections and other regulations, for example: Law No. 2 of 2020 concerning the Third Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law into Law.

⁴⁷ James J. Chriss, "The Functions of the Social Bond", *JSTOR Journal*, Vol 48 No.4, April 2007, hlm. 690.

⁴⁸ Yeni Widowaty, "The Application of Social Control Theory in Preventing Violent Crime by Juvenile Delinquent", *Media Hukum*, Vol 26 No. 2, Desember 2019, hlm. 189.

Based on the review above, it can be concluded that the validity of the social bond theory that emphasizes moral bonds between individuals or groups is greatly influenced by the role of the family and the surrounding environment. The integration of moral values towards individuals must start from the family and then develop in community life. In other words, moral bonds can be called a safety belt for individuals and their families to avoid prohibited acts, such as money politics.

4. Conclusion

The crime of money politics in the Election can be studied and analyzed using a criminological perspective as a science of crime. The results of the study show that there are 3 perspectives and paradigms of criminology in viewing crime, namely: (1) the positive paradigm refers to the consensus perspective, viewing the crime of money politics as an action that is contrary to the consensus that has been mutually agreed upon between the community represented by the legislature and executive. (2) the interactionist paradigm which departs from the pluralist perspective, viewing the crime of money politics as a reaction from society to actions categorized as money politics. (3) the socialist paradigm which refers to the conflict perspective. In this context, the crime of money politics is viewed as a disagreement of the perpetrators with the rules that have been made by the state, in this case the Election Law. When connected with criminological theory, the crime of money politics is related to two theories, namely: (1) the anomie theory and (2) the social bond theory.

It is also recommended that the widespread problem of money politics crimes in the Election should be a concern for the government, the legislature, and the Election organizers. These institutions need to consistently disseminate criminology findings regarding the causes and consequences of money politics crimes. In addition, it can also be used as a reference in determining government policies related to the Election or Election.

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