

Participation of Jambi Malay Traditional Institutions in Strengthening Election Integrity Through Efforts to Prevent Money Politics

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Abstract

Elections in Indonesia are still colored by money politics. Money politics is included as a serious election violation because it is considered to injure or damage democracy. Therefore, repressive and preventive efforts are needed so that money politics can be avoided. This study examines the role of the Jambi Malay Customary Institution in efforts to prevent money politics in elections. This study is interesting, because it is rare to find a customary institution making efforts to prevent money politics in elections. The urgency of this study can be used as a pilot model for money politics prevention efforts for other regions. This study is a qualitative research using a socio-legal approach. The data used includes primary data and secondary data. Furthermore, all data is analyzed qualitatively. From the results of this study, it can be concluded that the participation of the Jambi Malay Customary Institution includes conducting political education to the community through various customary meetings, developing the Jambi Customary Law, one of which is socializing the provisions of "prohibition of bribery in customs and sharia", increasing the capacity of human resources of its members, encouraging the community and traditional leaders to play a role as participatory supervisors of elections and receiving reports of violations. The politics of money from the citizens of the community.

1. Introduction

Quality elections certainly require the political participation of the community.

Community political participation is a form of manifestation of a democratic state, where the community is directly involved in elections. ¹ Community political participation is one of the indicators of quality elections. So the greater the level of public participation, the more it encourages the realization of quality elections. The existence of high public participation will also encourage the realization of inclusive elections. The principle of inclusivity in elections is to ensure that everyone has the opportunity to participate in them. ² Of course, the community in this case includes all elements of society, including indigenous communities, minorities, people with disabilities and also customary institutions spread throughout Indonesia.

So far, elections in Indonesia are still colored by the practice of money politics. Evidence of this is among others, as revealed by Muhtadi in CNN Indonesia that in the 2014 presidential election, around 33 percent or 62 million of the total 187 million voters included in the permanent voter list (DPT) were involved in the practice of buying and selling votes. On that basis, according to Muhtadi, Indonesia is the country with the third largest level of money politics in the world after Uganda and Benin. ³ Another data as stated by Bawaslu, that in the 2019 election, money politics has been found in 25 districts/cities in 13 provinces.⁴ Furthermore, Bawaslu records that in the 2020 Regional Elections, as many as 262 cases of money politics have been handled by Bawaslu.⁵ The data shows that money politics still always colors elections in Indonesia. This was possible not only because of the candidates, the organizers and the existing political system, but also because of the people's permissiveness towards this monetary policy behavior. Judging from the root cause, the people who "tolerated" it were those who lived below the poverty line. It is this wealth discrepancy that causes the emergence of money politics behavior. Interests were transacted between the potential candidates and the public. The potential candidates contributed their materials or

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- ¹ Ni Ketut Arniti, "Community Political Participation in Legislative General Elections in Denpasar City," *Scientific Journal of Social Dynamics* Vol.4 No.2 (2020): 329-48, <https://doi.org/https://doi.org/10.38043/jids.v4i2.2496>.
- ² Mezaluna Indy Permatasari, "Obstacles to Realizing Inclusive Elections for Persons with Disabilities in Surabaya City Elections: A Study in Sukomanunggal District," *Indonesian Journal of Politics* Vol.9, No.2 (2023): 81-91, <https://doi.org/doi:10.20473/jpi.v9i2.50762>.
- ³ CNN Indonesia, "2024 Simultaneous Regional Elections and the Devil's Circle of Money Politics," *CNN Indonesia*, 2024, <https://www.cnnindonesia.com/nasional/20241126095102-617-1170659/pilkada-serentak-2024-dan-lingkaran-setan-politik-uang>.
- ⁴ Bawaslu, "Quiet Period, Election Supervisor Arrests 25 Money Politics Cases | General Election Supervisory Agency of the Republic of Indonesia" (Jakarta, 2019).
- ⁵ Ardianto, "High Community Participation, From 262 Money Politics Cases 197 Community Reports," *Bawaslu*, December 21, 2020, <https://www.bawaslu.go.id/id/berita/partisipasi-masyarakat-tinggi-dari-262-kasus-politik-uang-197-laporan-masyarakat>.

assets with public votes serving as the reward.⁶

Money politics is a bribery transaction carried out by a person with the aim of gaining votes in elections. There are various ⁷ forms of money politics, including the provision of money, goods, basic necessities, humanitarian assistance, assistance for the construction of buildings, roads and others. Money politics is termed as vote buying, among other things, persuading potential voters to vote or not vote for a certain candidate by giving money. The goal is clearly to win her vote.⁸ The party that has the authority to take action against this violation is the Election Supervisory Agency (Bawaslu). However, in reality, the enforcement of election laws is caused by several factors, including the limited authority of Bawaslu, the political culture of the community, there are still differences in perceptions in the institution of the integrated law enforcement center (gakkumdu center) and sanctions that are considered light so that they do not have a deterrent effect on the perpetrators. ⁹ This is reinforced by Ananingsih that so far the integrated law enforcement institution (gakkumdu center) has not been effective. It is evident from the handling of money politics cases, about 70-80% of cases cannot be processed until the court or stop.¹⁰

The practice of money politics is included in serious election violations because it is considered to hurt democracy. A candidate's electability obtained through a money approach will potentially trigger corrupt actions or behaviors after he or she is elected.¹¹ Logically, he will try to return the money he has used during his candidacy in the election. Although money politics is a serious offense, in reality, money politics is deeply rooted in the lives of Indonesian people. There are some people who consider that money politics is not against the law, on the contrary, it is beneficial because people

⁶ Risky.et.al, "Political Configuration of Electoral System Law in Indonesia from State Administration Perspective," *Volgeist Journal* Vol.VI, No.1 (2023), <https://doi.org/10.24090/volkgeist.v6i1.7940>.

⁷ Syarifudin Aip, "Regional Elections and the Phenomenon of Money Politics: An Analysis of the Causes and Challenges of Handling," *Journal of Election Justice* Vol.1 No.2 (2020): 25-34, <https://doi.org/https://doi.org/10.55108/jkp.v1i2.169>.

⁸ Tawakkal & Garner, "Unopposed but Not Uncontested: Brokers and 'Vote Buying' in the 2017 Pati District Election," *Contemporary Southeast Asia Journal* Vol.39, No3 (2017): p.491-510, <https://doi.org/10.1355/cs39-3e>.

⁹ Ananingsih, "Ambivalence of the Role of the Gakkumdu Center in Handling Election Crimes in Central Java Province," in *Serial Evaluation of the Implementation of Simultaneous Elections 2019*, ed. Aditya Perdana (Jakarta: Bawaslu RI, 2019), p.149-187.

¹⁰ Ananingsih, *Desa Anti Politik Uang Eksistensi Dan Pengembangannya Di Provinsi Jawa Tengah*, ed. Hafizha Adli, Kesatu (Jakarta: Bawaslu, 2024).

¹¹ Amal Ikrimatul, "Phenomena and Factors Causing the Massive Practice of Money Politics in Elections in Banten Province," *Madani, Journal of Political and Social Society* Vol14 No3 (2022): p.592-606, <https://doi.org/https://doi.org/10.52166/madani.v14i03.3824>.

get something, whether it is goods or money from the candidate or his team. This condition is one of the reasons why the practice of money politics is difficult to eradicate in elections in Indonesia.

2. Research Method

This study uses a socio-legal approach by combining field research and literature research. The data used in this study includes primary data and secondary data. Primary data was obtained from interviews with the Chairman and members of the Jambi Malay Customary Institution as well as members of Bawaslu. Meanwhile, secondary data is collected through literature studies of journals, books, research reports, laws and regulations, and other references related to customary institutions and money politics. All data obtained are then collected for qualitative processing and analysis.¹²

3. Results and Discussion

The Existence Of Jambi Malay Customary Institution In Handling Customary Matters

The term customary institution is a combination of the words "institution" and "custom". The word institution can be interpreted as an institution. Institution can also be interpreted as a term that refers to an established pattern of human behavior consisting of social interactions that have a structure within a relevant value framework. The existence of institutions is limited by two basic elements, the first is the structural element, second, the element of belief and human ideals. While the word adat means habit.¹³ In terms of its formation, institutions can be differentiated into (1). Institutions that occur automatically are called *institutions by pure fact*, that is, their formation is not accidental, but the result of a power play and various events that occur in the society concerned; (2). Institutions that are formed deliberately are called *institutions by design*, namely normative institutions or institutions that are formed based on certain norms.¹⁴

According to cultural science, customary institutions are defined as a form of customary organization that is composed relatively permanently on patterns of behavior, roles, and relationships that are directed and binding on individuals, have formal authority and

¹² Howard Lune en Bruce L Berg, "Qualitative Research Methods for the Social Sciences", *Pearson* 9, no 3 (2017).

¹³ Arifin Abdullah, "The Theory of the Formation of Customary Institutions" (Banda Aceh, 2020), <https://jurnal.ar-raniry.ac.id/index.php/Justisia/article/download/2563/1824>.

¹⁴ Rafael Maran, *Pengantar Sosiologi Politik*, Cetakan 1 (Jakarta: PT.Rineke Cipta, 2001).

customary law sanctions to achieve common needs.¹⁵ Another opinion states that customary institutions are community organizations that are formed as a forum in order to build, empower, preserve and develop customs as norms, methods with social beliefs that grow and develop in society.¹⁶ Customary institutions are institutions that carry out customary functions.¹⁷ Article 95 paragraph 2 of Law No. 6 of 2014 concerning Villages in conjunction with the Regulation of the Minister of Home Affairs (Permendagri) No. 18 of 2018 concerning Village Community Institutions and Village Customary Institutions states that Village Customary Institutions (LAD) are institutions that carry out customary functions and are part of the original structure of villages that grow and develop on the initiative of the village community.

The Jambi Malay Customary Institution (LAM) is regulated in the Jambi Provincial Regional Regulation (Perda) No.2 of 2014 concerning the Jambi Malay Customary Institution. In Article 1 number 10, it is explained that the Jambi Malay Customary Institute is a community organization that because of its history or origin upholds customary law and encourages its members to carry out activities for the preservation and development of Jambi Malay Customs. What is meant by Jambi Malay customs is a set of values, rules and habits that have grown and developed for a long time along with the growth of the community in the Jambi Province area which is part of the Malay family. The objectives of its formation include (1) digging, building, preserving, maintaining, and developing the traditional values and socio-cultural values of the Jambi Malays as a foundation for strengthening and strengthening the identity of the Jambi Malay community; and (2). protect and defend the traditional and constitutional rights of the indigenous peoples and socio-cultural values of the Jambi Malays for the benefit of improving the external and inner well-being of the Jambi Malay community.

Jambi Malay customary institutions exist at the village/sub-district, district/city and provincial levels. The Jambi Malay customary institution in the village is known as the village customary stakeholders. They consist of village traditional chiefs and members who usually number between 4 (four) people to 7 (seven) people. One of the authorities of village customary stakeholders is to handle customary cases at the village level. Each case handling begins with a report of violations from residents submitted to village traditional stakeholders. Next they will hold a customary session.

¹⁵ Supian et.al, "The Role of Customary Boards in Preserving the Malay Culture of Jambi."

¹⁶ Haw Widjaja, *Village/Clan Government*, Print II (Jakarta: PT. Grafindo Perkasa, 2003).

¹⁷ Amrullah, "The Function of Customary Institutions in Preserving the Cultural Values of Youth in Padang Tambak Village, Way Tenong District, West Lampung District" (UIN Raden Intan, 2021), <https://repository.radenintan.ac.id/16198/2>.

Customary trials as an effort to handle customary cases are carried out by village customary stakeholders if the parties related to the case agree to hold customary trials. In the event that one of the litigants is not satisfied if the case is resolved customarily, then the customary trial will not be held. Instead, the case will be handed over to the police. However, in practice, the people of Jambi are more likely to choose to handle cases using customary courts rather than reporting them to the police. In the customary hearing, parties such as the complainant, witnesses and the reported party will be asked for their statements by the customary stakeholders. After that, the customary stakeholders will hold a meeting and make a decision regarding the case. If the reported person is found guilty, he will be subject to customary sanctions.

In handling customary cases, the sanctions applied by customary stakeholders come from the Jambi Customary Law. The Jambi customary law is regulated in *the eighth law* and *the twelfth law*. Both contain provisions that can be categorized as violations of customary law. These violations are not declared as criminal or civil acts because customary law does not distinguish between the two. As stated by Soerojo Wignjodipoero, there is a difference between the western legal system and the customary law system. In the western legal system, there is a classification of violations of the law. On the other hand, customary law is different. Customary law does not recognize the distinction between criminal and civil law.¹⁸ In the realm of customary law thinking, it only recognizes legal correction every time there is a violation of customary law. The customary head will decide what to do to correct the violated custom.¹⁹ For customary violations, customary fines are applied as stipulated in the Jambi Customary Law. The customary fines can be in the form of rice, coconut, and livestock such as chickens, goats or buffaloes. The amount of fines paid varies according to the severity or severity of the violation. Customary stakeholders have the authority to determine the amount of customary fines.

The Role Of Jambi Malay Customary Institutions In The Prevention Of Money Politics

The Jambi Malay Customary Institute regulates the prohibition of money politics in a

¹⁸ Soerojo Wignjodipoero, *Introduction and Principles of Customary Law* (Jakarta: Gunung Agung, 1984).

¹⁹ Ramiah Lubis, "Legal System According to Customary Law and Western Law," *Journal of Legal Certainty and Justice* Vol.1 No.2 (2020): p.31-36, <https://jurnal.um-palembang.ac.id/KHDK/article/download/2590/1922>.

regulation called *the prohibition of bribery in customs and sharia*.²⁰ The rules for prohibiting money politics according to custom include:

1. *Swimmers do not climb, swimmers do not swim* which means do not do a job that brings us closer to danger;
2. *The wrong steering of the direction changes, the wrong paddle of the drift* means that a job that starts with bad intentions will cause disaster and regret in the future;
3. *Do not think in the footsteps* that do not do actions that are guided by things that are not right;
4. *Do not encourage the mind to crawl* intellect, which means do not do deeds in society by showing an dishonest attitude;
5. *Do not umbuk pinak umbuk Malay* means do not influence others for your own benefit
6. *Do not persuade the seduction of ugat means* do not influence others to achieve personal interests.

In essence, the customary rules contain teachings that everyone in doing acts must be good, honest, fair, have good intentions and not violate the law. Traditional teachings believe that if in achieving a certain goal it is done in a bad way, there will be bad consequences that it will cause in the future. Or in other words, something that is obtained badly will produce something that is not good. When associated with money politics in elections, *the teachings of the guardian do not climb, relaxation do not swim* and *do not have your mind on your feet* can be interpreted as not to do money politics because the act violates the law and customs. The teachings of the wrong direction change, the wrong paddle of the drift is a warning for money politicians. If in the process of his candidacy as an election participant, he acts dishonestly by doing money politics, then problems may arise in the future. *Do not subdue the bud crawling of reason* is a teaching for election participants not to use all means, including illegal and customary methods (namely money politics) so that he can win votes. *Do not be a Malay drummer* and *do not be persuaded to appeal to the agat* is a teaching so as not to persuade others by giving money or something else for the sake of their election in the election.

The prohibition of money politics according to the Shari'ah is explained in: (1). Surah Al-Baqarah verse 188: "And do not eat the wealth among you in an unlawful way and (do not) bribe the judges with that wealth with the intention that you may eat some of the wealth of others in the way of sin even though you know it"; (2). The Prophet PBUH said: the one who bribes and is bribed will go to hell (HR. Ath-Thabrani); (3). The Prophet PBUH said:

²⁰ LAM Jambi, "Prohibition of Bribery According to Custom and Sharia" (Jambi Province, n.d.).

Allah curses bribers and those who are bribed in legal matters (HR. Tirmidhi); (4). The Prophet PBUH said: I condemn those who give and receive bribes (HR. Ahmadi); (5). Abdullah Bin Umar RA's words: The Prophet PBUH cursed the bribery and the one who receives bribes (HR. Al-Khamsah narrated by At-Tirmidhi).²¹

In addition to customs and sharia', the Jambi Customary Law divides money politics into 2 (two) acts, namely (a). *Trick the trick. Deception* is the act of a person in the form of deception and persuasion or false circumstances to obtain an item or situation that benefits him. Sanctions for the act of *deception* of customary fines are in the form of "one goat, 20 bushels of rice (1 bushel is equal to 1.5 kg), 20 ropes of kelapo (1 rope contains 2 kelapo) and as sweet as salty as salt. (b). *Taking the belonging, uncovering the beebo* is the action of a person who violates customary law for personal or group gain. The fine was in the form of 1 goat, 20 bushels of rice and 20 ropes and *as sweet as sour as salt*.²² In practice, the application of customary sanctions is adjusted to the level of violation. This means that if the violation is minor, the value of the customary fine is also light. However, if the violation is severe, the value of the customary fine is also heavy, it can even be heavier than the value of the customary fine that has been determined in the customary law.

Although money politics has been regulated in *the prohibition of bribery in customs and sharia*, the Jambi Malay Customary Institution does not handle these violations. Customary institutions only carry out prevention. Customary institutions argue that the Jambi Provincial Bawaslu has the right to handle money politics in elections, because it is its authority. Customary institutions consider money politics to be an extraordinary *crime* because it hurts or damages democracy. So it is not enough to just be completed through customary hearings by customary institutions but must be through Bawaslu. Money political sanctions are not enough in the form of customary fines but must be criminal sanctions.

In an effort to prevent money politics in elections, the Jambi Malay Customary Institution conducts political education to the community through various customary meetings both at the village, district/city and provincial levels. The target of political education is not only community members but also members of customary institutions. Political education is an important thing that must be done so that the public understands and understands the prohibition of money politics. In addition, as a customary institution that has authority in the development of Jambi Customary Law, one of the efforts made is to socialize the

²¹ LAM Jambi, *Lembaga Adat Provinsi Jambi Jilid II*, Kedua (Jambi: LAM Jambi, 2001).

²² LAM Jambi.

provisions of "*prohibition of bribery in customs and sharia*". It is hoped that the public will know these provisions and comply with them. The socialization of these provisions also means increasing public understanding of *traditional seloko*. So far, *traditional seloko* has often been used to express advice, good teachings and words of wisdom. The provisions prohibiting bribery in customary and sharia also use *traditional seloko*.

To strengthen customary institutions, Jambi Malay customary institutions are trying to increase the capacity of their members' human resources, including money politics. Traditional stakeholders are traditional and community leaders who are required to understand Malay customs but also matters related to politics and social society. Traditional stakeholders are often a source of community information. Regarding money politics, customary stakeholders must be able to explain to the public about the prohibition of money politics, customary sanctions and criminal sanctions. In addition, customary institutions also encourage the community and traditional leaders to play a participatory role in election supervisors. Through this effort, the practice of money politics can be prevented or anticipated so that violations do not occur. However, if there is a violation, as an effort to make it easier to report from community members, the Jambi Malay Customary Institution can accept residents' reports. The report must be accompanied by evidence, data on where the violation occurred, identity data regarding the complainant and the violator. Furthermore, the report will be forwarded to Bawaslu for handling.

The various efforts made by the Jambi Malay Customary Institution are aimed at preventing the practice of money politics in elections. In addition, it is also to increase public legal awareness so that they do not get involved in the practice of money politics, both as givers (money political actors) and as recipients of money politics. To maximize these efforts, customary institutions collaborate with local governments, prosecutors' offices, police and Bawaslu. Good synergy between these institutions is believed to be able to minimize the practice of money politics in elections. If it is associated with Article 448 of Law No. 7 of 2017 concerning Elections, the form of participation carried out by the Jambi Malay Customary Institution should be in accordance with that provision. As stated, public participation in elections can be carried out in the form of election socialization, political education for voters, surveys or polls about elections and quick counting of election results. Community participation is carried out on the condition that it does not take sides that benefit or harm Election Participants, does not interfere with the process of organizing the Election stages, aims to increase public political participation at large and encourage the realization of an atmosphere conducive to the implementation of safe, peaceful, orderly,

and smooth Elections.²³

4. Conclusion

The Jambi Malay Customary Institution participates in efforts to prevent money politics in elections. This participation includes conducting political education to the community through various customary meetings both at the village, district/city and provincial levels; the development of Jambi Customary Law, so one of the efforts made is to socialize the provisions of "prohibition of bribery in customs and sharia"; Increasing the capacity of human resources of its members, including money politics; encouraging communities and indigenous leaders to play a role as participatory supervisors of elections; and receiving reports of violations of money politics from community members. The participation of Jambi Customary Institutions can be considered strategic and important in preventing money politics because Jambi Malay Customary Institutions are close to the community and of course are in accordance with Article 448 of Law No. 7 of 2017 concerning Elections.

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²³ Anindya Ratri Widyadari, "Transfer of Debt Collateral Object in a Deed of Sale and Purchase (Study of Tangerang District Court Decision number : 1096 / Pdt . G / 2022 / PN . Tng)", *Asian Journal of Engineering, Social and Health* 4, no 1 (2025): 36-46.

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