

MONEY POLITICS EXISTENCE AND THE DEMORALIZATION OF DEMOCRACY

Sanusi, Endang Sutrisno, Ibnu Artadi

Faculty of Law in Law Science Program, Universitas Swadaya Gunung Jati, Cirebon, Indonesia
endangsutrisno94@gmail.com

ABSTRACT

Money politics in a democratic party has been considered common in the community, although this is considered contrary to applicable law norms. The problem is the reality of money politics in the Kuwu elections in Cirebon regency always happens and how money politics can be a demoralizing democracy. The research method that used in this research is qualitative research, with a sociolegal approach, data obtained from "primary data and secondary data". How to get it is by jumping into the field, through interviews. The results of this research into the reality of the occurrence of money politics in the election of kuwu are strongly influenced by the low awareness of the law community, the lack of political education in social environmental factors, and the lack of consistency in law enforcement. Such conditions ultimately impact on the demoralization of democracy. The community should be changed their image by counseling and socializing about the prevailing law norms.

Keywords : Democracy, Demoralization, Money Politics

A. INTRODUCTION

The Election of Village Heads / Kuwu Simultaneously in Cirebon Regency, in 2019 was held on October 27, 2019 followed by 176 villages, which previously had 177 villages spread across 39 Subdistricts, one village could not carry out such as Astanalanggar Village, Losari Subdistrict. The village failed to carry out the Kuwu election because only one Kuwu candidate competed, one of whom could not participate. The absence after registration is closed and before the determination of the candidate dies. Because there are only one candidate, while in the conditions determined by the District Regulations of Cirebon, at least two candidates are joined¹.

The implementation of the kuwu simultaneously, competed for the 176 positions of village / kuwu heads, which were followed by 598 kuwu candidates. They use all the means and efforts to become kuwu, from deploying a successful team to spending a fee that is not small, hundreds of millions or even more than 1 billion.

The implementation of Kuwu in Cirebon Regency is considered safe and conducive, people are enthusiastic to come to the polling station in their place to channel their aspirations to choose the champion and have obtained the results. However, the implementation of the election of village heads "pilwu" was also marked by the dissatisfaction of the losing Kuwu candidates. There are 19 villages that submitted the election of village heads "pilwu" disputes to the kuwu election committee which was forwarded to the District Supervisor to the Regency Supervisor.

This condition has become commonplace, every organization in the Kuwu election has alleged dissatisfaction, including money politics, but ironically it has never been followed up into the realm of law enforcement.

Money politics is prohibited in the election of village / kuwu heads. " Regent Regulations (Perbup) No.21 of 2019

concerning Procedures for the Selection of Kuwu", Article 42 letter j states that:

1) Campaign implementation is prohibited:

"J. promising or giving money or other material to campaign participants".

The problem is then the omission of the phenomenon of the democratic party will become a latent danger and harm the principle of democracy that should be upheld in every organization of the Kuwu election, which will have an impact on the demoralization of democracy.

B. THEORETICAL FOUNDATION

The Kuwu election was "a direct election of the kuwu by local villagers and was appointed by the Regent. "Pilkades" is very helpful for the village community because it is a forum for democracy for the village community in terms of freedom to be elected or elect the Village Leader, to lead the village governance in the future in accordance with the conscience of the people in the village. " But it is unfortunate, money politics in the lowest level of democracy or electoral election takes place².

"Election of Kuwu as the application of democracy, where the people play an active role in choosing their candidates freely. The hope is that justice and prosperity can be felt by all villagers. Democracy demands that every election must be based on the principles of being overly honest. Direct, which means that voters have the right to directly or without being represented in choosing their candidates. Public, which means all citizens or communities who have the right to vote and be elected, Free means the voter can be free or free to choose their choice without influence from any party, Secret means the secrecy of their choice or the votes given are guaranteed security, Honest means that all election institutions or election committees act Honest in accordance

¹ <https://radarcirebon.com/?hari-ini-176-desa-di-kabupaten-cirebon-gelar-pilwu-serentak.html>

² Luqman, Sahid. "Ilmu Politik Memahami dan Menerapkan". (Bandung:CV.Pustaka.2004), hlm. 63.

with statutory regulations, Fair means the same treatment for voters and election participants”³.

Riyas Rasyid, said:⁴ "Money politics is like being disguised, only sounding, but to prove who is doing it is very difficult. Because after all the recipient of the money from the candidates to be chosen will not dare to open their mouths, due to the existence of a law that regulates the giver and the recipient equally corrupt and threatened with imprisonment." Money politics seems to have been used as a tool or suggestion to win the candidates that it promotes. Candidates for village heads in the village head election can spend up to more than 1 billion⁵. The mode of giving money to an audience or voters varies. Halili in his research: stated that "the mode or pattern of money politics practices in the village head election took place: (1) by buying hundreds of ballots that were allegedly supporting supporters of the opposing village head at a very high price by the organizing committee, (2) using a successful team sent directly to the community to distribute money, (3) dawn attacks, and (4) sporadic large-scale flushing of money by parties outside the camp of prospective village heads, that is bookie / gamblers. Money politics in the village head election "pilkades" is carried out other than by the candidate concerned and also by people outside the candidate, that is bookie / gamblers⁶.

When money politics in society is considered normal, it can be ensured that the law strength of formal law will find it difficult to enforce it. It takes an understanding from the public about what is meant by money politics. Without a correct understanding of money politics, what is given to voters is justified not deviant political behavior, which is laden with corruption, such as bribery and not allowed by Islamic teachings. Voters still regard it as giving assistance to them⁷.

With the perception of the public that money politics is an aid or fortune that should not be rejected, it will be increasingly difficult to enforce the law against these acts. Lawrence M. Friedman said: "In law enforcement there are three elements that must be considered, these three elements include the structure, substance and culture of law"⁸.

The above factors are closely interrelated, because it is the essence of law enforcement, it is also a benchmark of the effectiveness of law enforcement. In the first element, which determines whether the written law can function properly or not is dependent on the rule of law itself.

The community in understanding the rules is still lacking, because the people still want money in village head election to always have money politics. This behavior becomes an obstacle in carrying out law enforcement by the authorities. Enforcement without the role of the community will certainly find it difficult to create effective law, so a balance is needed from the Stakeholder in addition to the laws and regulations, as well as the community.

C. RESEARCH METHOD

The research approach that used in this research is socio-law, this approach emphasizes the analytical description of describing actual situations and conditions in the field, as well as searching and reading that occur in relation to the research topic or problems regarding the reality of money politics⁹. Socio-law studies are more humane because the law enforcement process must consider aspects of norms and values that exist in society. This needs to be developed to study humans in limited cases. Socio-law research begins or based on the paradigm of constructivism is a continuous search for truth values¹⁰. This kind of research, of course, does not discriminate or separate the study of social science or law studies, but socio-law research is an activity that is a comprehensive social aspect of people's lives.

The research locations were taken in Cirebon Regency, specifically 39 Subdistricts and 176 Villages which carried out the Kuwu Election simultaneously in 2019. The data sources used in this study were taken from primary data, secondary data¹¹. interview from parties directly involved with the topic of the problem being examined. Whereas secondary data, obtained from primary law materials, secondary law materials and tertiary law materials¹².

D. DISCUSSIONS

Kuwu election is a very important and strategic instrument of democracy for a nation and state. Kuwu election not only shows the extent to which voters have sovereignty in determining their candidates as leaders in their villages, it can also guarantee the welfare of their people for the next six years. In addition, the importance and strategic importance of the Kuwu election for supporters and the village community in general. Determined by the organization and organizer of the election following the principles of democratic and quality elections. Kuwu election which is a representation of people's sovereignty must be carried out directly, publicly, freely, confidentially, honestly and fairly is an absolute requirement for the democratic process in Indonesia¹³.

The reality of the 2019 election in simultaneous Kuwu in Cirebon Regency, although said to run smoothly, safe and conducive, but still colored by dissatisfaction from the lost candidate Kuwu. So there are some kuwu who complain about the dispute to the election supervisor kuwu to the district level supervisor. Of the 19 disputes that went to the Kuwu election supervisors at the Cirebon district level, none involved money politics.

Even though the issue is not important. Money politics is already openly in one village, the candidates, the success team and even the village community as if money politics is permitted in the process of conducting the election of kuwu. So when the Kuwu candidates were asked how much money was spent on the Kuwu election, they on average said

³ Ebu Kosmasdan Darius Mauritsius (2009), "Pelaksanaan Asas Pemilu: Analisis Masalah Daftar Pemilih Tetap Dalam Pemilu 2009", Jurnal Konstitusi II; hlm.93.

⁴ Ibid.

⁵ Marijan Kacung Marijan,"Perilaku Transaksional dalam pilkada" Kompas, 7 Agustus 2008

⁶ Penelitian Halili, *Praktik Politik Uang Dalam Pemilihan Kepala Desa*, (2009)

⁷ Garna, Umam." *Ilmu-Ilmu Sosial, Dasar Konsep dan Posisi*:" (Bandung: Primako Akademia. 2006), hlm.82.

⁸ Lawrence M Friedman. "Sistem Hukum; Perspektif Ilmu Sosial (The Legal System; A Social Science Perspective)," Nusa Media, Bandung, 2011, hlm. 33.

⁹ Satjipto Rahardjo." *Hukum dan Masyarakat*", Bandung.Alumni.1980.hlm. 17

¹⁰ Esmi Warassih, "Penelitian Sosiolegal; Dinamika sejarah dan Perkembangannya,"(Workshop Metodologi Penelitian Hukum Bandung, 20-21 Maret 2006) hlm.7-8

¹¹ Soerjono Soekanto." *Pengantar Penelitian Hukum*," Jakarta, UI Pres, 1986.hlm. 12.

¹² Mukti Fajar, Yulianto, Achmad, "Dualisme Penelitian Hukum-Normatif dan Empiris", Yogyakarta, Pustaka Pelajar,2015.hlm.34

¹³ Sanusi, 2017, *Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Manipulasi Suara Pemilihan Umum Anggota Legislatif*, Disertasi, Malang, hlm. 5

hundreds of millions of rupiahs, some even reached 1 (one) billion rupiahs.

Money politics is prohibited, but people still want to accept money politics. It is ironic indeed, based on research, it turns out that money politics always exist and occur in the election of kuwu in Cirebon Regency, this is caused by several factors: First, community law awareness is still low. Law awareness is an abstract conception in human beings, about harmony between order and order that is desirable or appropriate, law awareness is often associated with law compliance, law formation and law effectiveness. Law awareness is the values contained in humans about existing law. Law awareness is related to law compliance, the thing that distinguishes it is that in law compliance there is a fear of sanctions¹⁴.

Law awareness is divided into 2 (two), such as:

1. "Positive law awareness", will result in obedience to the law.

2. "Negative law awareness", will result in disobedience to the law¹⁵.

More villagers in the Cirebon District in the Kuwu election, had more negative law awareness. This shows how money politics still exist. Many people are happy if they are given something by the kuwu candidates if they are not given it is said that the kuwu candidates are stingy and finally they do not vote for the kuwu candidates. The public is not yet aware of the law that money politics is prohibited, in " Regent Regulations (Perbup) No.21 of 2019 concerning Procedures for the Election of Kuwu", Article 42 letter j states that:

2) Campaigning is prohibited: "j. promising or giving money or other material to campaign participants ".

Sanctions are contained in Article 43, such as:

"Implementing a campaign that violates the campaign ban referred to in Article 42 Paragraph (1) is subject to sanctions: a. Written warning if the executor violates the prohibition even though there has not been any disturbance; and b. Termination of campaign activities at the place where violations occur or in an area that can cause disruption to security that has the potential to spread to other areas.

Indeed, if you see sanctions in Regent Regulations "Perbup" it is not as strict as in the Election Law. Where sanctions are imposed both on the giver and recipient of money politics. As in Article 18A. While in Law no. 7 of 2017 concerning Elections, sanctions for money politics actors are found in Article 515 and Article 523 Paragraphs (1) and (2).

Second, the factor of lack of public political education. Money politics is a violation in the election which until now still haunts the implementation of the election, but on one hand in the implementation of the election politics money seems to be commonplace. The role of political parties should be able to reach the public about political education, where political parties have an obligation to provide political education in accordance with Article 11 Paragraph (1) letter a. and Article 13 of Law No. 2 of 2018 concerning Political Parties. Likewise related stake holders, local governments, election organizers still lack of socialization regarding money politics.

Third, social environmental factors of the community are willing to accept money politics. In village communities, money politics is expected, why is that because they think that the election of the kuwu is a party for democracy. It is said that the party must be lively , so that when the Kuwu election takes place it is lively, both from its supporters and from the activities carried out by the prospective kuwu. How

much money is distributed also other material, sometimes not counted.

Kempat, Law enforcement is weak. Law enforcement against money politics seems to be absent, this is because all the Kuwu candidates who participate in the contestation all do money politics. The Regents, clearly regulates the selection of kuwu, but in the implementation of village head election "pilwu" sometimes there are always those who are violated or not obeyed, because of interests.

The fact that there is no law enforcement related to violations of money politics, it is seen that law enforcement cannot be separated from the law system that affects it, such as the structure, substance and culture of law¹⁶.

Village head election's law enforcement is constrained by regulations on "pilwu" which are not well socialized, even many people do not know that money politics is prohibited. In addition, there are no strict sanctions, " Regent Regulations (Perbup) own No. 21 of 2019 concerning Procedures for the Selection of Kuwu ", Article 42 letter j states that:

3) Campaign implementation is prohibited:

"J. promising or giving money or other material to campaign participants ".

Indeed sanctions in this Regent Regulations (Perbup) , in Article 43 states: "the implementation of the campaign that violates the prohibitions referred to in Article 42 Paragraph 1 is subject to sanctions: a. written warning if the campaign violates the prohibition even if there is no disruption and; b. Termination of campaign activities at the place where violations occur or in an area that can cause disruption to security that has the potential to spread to other areas Human resources in the election are less professional, such as the village head election "pilwu" committee, the "pilwu" supervisors who are on average just joined in don't understand the rules. In addition, the culture of the people who actually want money politics, because it has become a paralysis in the election of kuwu, it is very difficult to enforce this money politics law. In the absence of a law enforcement process against violations of money politics, those who have large capital certainly have a great opportunity to become kuwu. This hurts the principles of overflowing democracy. Those who do money politics should be penalized.

Observing the reality of money politics in village head election in Cirebon Regency is a phenomenon that will never disappear. Efforts to minimize money politics in the administration of village head election have often been done, but have not yet received significant results. The indicators are: community's law awareness never changes, given money as if it was a fortune that should not be rejected. However, efforts to minimize must continue, so that money politics can mature voters in making their choices. The choice is based on one's own desires or conscience, so that what is chosen is not wrong. The candidates become role models in the area/village, the community is prosperous, and the village can develop and progress.

Money politics is a crime that endangers the morality of the nation, although economically in the short term it can provide little help to the people who share it. However, this short-term goal of economic nature must sacrifice the long-term goal of: efforts for democracy and the formation of national morality. Demoralization caused by money politics will be very dangerous if viewed from the deontological (intent) and theological (consequences) side. Because of its destructive nature, which is intended to influence one's political choices with certain rewards, or influence the

¹⁴ Ellya Rosana, "Kepatuhan Hukum Sebagai Wujud Kesadaran Hukum Masyarakat", Jurnal TAPIS Vol.10 No.1 Januari-Juni 2014. hlm. 3

¹⁵ Soerjono Soekanto, "Pokok-Pokok Sosiologi Hukum"; Jakarta.Rajawali Pers.2012.hlm.13

¹⁶ Lawrence M. Friedman, *Sistem Hukum;*, Loc. Cit. hlm. 33.

mission, the vision of a particular candidate so that the political choices of their policies can no longer be accounted for in the interests of society.

If this money politics is still widely carried out even rampant it will undoubtedly have an impact on the demoralization of democracy such as:

1. Society is pragmatic. That is the people want to choose when there is a reward, if there is not they will not vote. Society chooses on the basis of its practical usefulness, not on the basis of its conscience.

2. Producing leaders who are not qualified.

The leaders chosen finally have many leaders who have substantial capital, do not prioritize the ability to lead and develop villages. In the end the goal of prospering the village and prospering the community was not achieved.

3. Large opportunities for corruption.

Kuwu election spent a sizeable capital, not comparable to later that would be accepted into kuwu, finally how to find money to cover the capital that has been issued, which ultimately takes money from existing funds and cannot account for it (corruption).

E. CONCLUSION

Money politics will still be present in the Kuwu elections, which will have an impact on the regional head elections, the general election of legislative members as well as the presidential and vice presidential elections. This money politics is caused by factors such as low law awareness of the community, lack of political education to the community, social environment of the community willing to accept money politics and weak law enforcement.

The reality of money politics will always be in democracy, of course it will lead to the demoralization of democracy. This demoralization is a pragmatic nature of society, unqualified leaders and a large opportunity for corruption.

F. REFERENCES

1. Ebu Kosmasdan Darius Mauritsius (2009), Pelaksanaan Asas Pemilu: Analisis Masalah Daftar Pemilih Tetap Dalam Pemilu 2009, Jurnal Konstitusi II
2. Ellya Rosana, Kepatuhan Hukum Sebagai Wujud Kesadaran Hukum Masyarakat, Jurnal TAPIS Vol.10 No.1 Januari-Juni 2014
3. Esmi Warassih, Penelitian Sosiolegal; Dinamika sejarah dan Perkembangannya, (Workshop Metodologi Penelitian Hukum Bandung, 20-21 Maret 2006)
4. Garna, Umam. Ilmu-Ilmu Sosial, Dasar Konsep dan Posisi. (Bandung: Primako Akademia. 2006).
5. Halili, Praktik Politik Uang Dalam Pemilihan Kepala Desa, (2009)
6. Hidayat, Dedi N, Paradigma dan Metodologi Penelitian sosiologis Empirik Klasik, Jakarta, Departemen Ilmu Komunikasi FISIP UI, Universitas Indonesia, 2003
7. Lawrence M. Friedman, Sistem Hukum; Perspektif Ilmu Sosial (The Legal System; A Social Science Perspective), Nusa Media, Bandung, 2011
8. Luqman, Sahid. Ilmu Politik Memahami dan Menerapkan. (Bandung: CV. Pustaka. 2004),
9. Mukti Fajar, Yulianto, Achmad, Dualisme Penelitian Hukum-Normatif dan Empiris, Yogyakarta, Pustaka Pelajar, 2015.
10. Rian Sapiroto, Kajian Money Politics Dalam Penyelenggaraan Pemilihan Umum Sebagai Cikal Bakal Tindak Pidana Korupsi, Semarang, Adil Indonesia Jurnal, Volume 1 Nomor 1, Tahun 2019
11. Sanusi, 2017, Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Manipulasi Suara Pemilihan Umum Anggota Legislatif, Disertasi, Malang.
12. Satjipto Rahardjo, Hukum dan Masyarakat, Bandung, Alumni, 1980.

13. Sutrisno, E., & Jazilah, I. (2019). The licensing policy for groundwater extraction and management for hospitality industry in cities in developing countries. *Water Policy*. <https://doi.org/10.2166/wp.2019.087>
14. Sutrisno, E. (2019). Relations between legal culture and economic empowerment among marginalized group of farmers. *Journal of Legal, Ethical and Regulatory Issues*.
15. Soerjono Soekanto, Pengantar Penelitian Hukum, Jakarta, UI Pres, 1986.
16. Soerjono Soekanto, Pokok-Pokok Sosiologi Hukum; Jakarta, Rajawali Pers, 2012.