

Law Education To Prevent Money Politics: A Systematic Literature Review

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Abstract: Money politics in the organization of general elections persists through the utilization of diverse strategies. Various issues arise during elections, including the prevalence of money politics, as money holds fundamental importance in human life. The most straightforward approach to undermining the integrity of an election is to manipulate voters into selecting a specific candidate exclusively based on financial considerations. In order to address the issue of money politics among the public during campaigns, quiet periods, and voting, the solution lies in providing law education. The objective of this study is to examine the field of law education in order to mitigate the occurrence of corrupt practices involving the use of money in politics. In order to accomplish this objective, this study employed a systematic literature review. The findings demonstrate that law education is efficacious in deterring corrupt practices in politics, as it aligns with the fundamental tenet of human development through education. Regulations on law education should be enforced to combat the issue of money politics in general elections. This enforcement should not only apply to individuals directly involved in money politics but also to all parties, including those who provide intellectual support.

INTRODUCTION

Even though the holding of General Elections in Indonesia, particularly the General Elections held in Indonesia after constitutional reform in Indonesia (after the amendment to the 1945 Constitution), has always been successful in successfully filling the positions of President and Vice President, members of people's representative institutions (DPR and DPRD), as well as regional representative institutions (DPD), the implementation of Post-constitutional reform elections also have a record of stains on their records (Sulistyo, 2017; Karto & Khisni, 2020; Alifianti & Ramadhan, 2022; Arum, 2023).

During every election campaign, the issue of money politics consistently emerges as a subject of public discourse (Howard et al., 2018; Bazian, 2018; Carlson, 2018; Mcdonald, 2016; Collingwood et al., 2018) involving various stakeholders, including general election organizing commissioners, election supervisory commissioners, election activists, community leaders,

academics, law enforcement officials (police and prosecutors), and political actors (legislative candidates, success teams, and political party liaison officers). The consensus among the general public is that the practice of money politics is both a detrimental phenomenon and a threat to democracy (Wartoyo & Ginting, 2023). However, during the campaign period, the legislative candidates also exploited the opportunity to engage in the practice of using money for political gain (Gulzar et al., 2022). Paradoxically, certain individuals within the community are tolerant of the practice of money politics. One effective method to prevent a lenient approach towards the practice of money politics is to offer law education at the earliest opportunity.

Law education can facilitate the engagement of citizens in the governmental process (Le & Nguyen, 2021). Individuals play an active role in determining the rightful authority to govern within a specific timeframe. Law education, as regulated, assumes that individuals possess sovereignty (Sabzalian, 2019). Individuals with sovereignty possess the authority to decide which individuals wield power and govern the lives of the populace. It is evident that the people are aware that their sovereignty is only partially delegated to the rulers. The law educator can guide individuals in examining the true authority of the people (Suntana & Tresnawaty, 2020), which ultimately resides with the people themselves. This is because a ruler is only deemed legitimate to govern and wield power as long as their actions do not undermine the interests of the people, who have willingly delegated a portion of their authority. The transfer of a portion of sovereignty through the electoral process.

The general elections serve as the execution of the people's sovereignty, as stipulated by the 1945 Constitution. The elections and regional head elections encompass all segments of the Indonesian population who fulfill the criteria specified by the legislation. Moreover, the people have the entitlement to receive law education. The general elections serve as the practical realization of the people's sovereignty (Kodiyat MS et al., 2020). Elections are acknowledged in the realm of law education as offering the utmost opportunity for citizens, in their capacity as "individuals," to engage in the process of shaping policies and making decisions. The purpose of law education in the context of general elections is to ensure that democratic mechanisms can generate representatives who are capable of advocating for and protecting the interests of the people, rather than simply distributing benefits to a privileged few (Landa & Pevnick, 2020). Consequently, the essence of this education is to prevent a recurrence of the authoritarian practices of the New Order, which were rejected by the people. The purpose of law education is to ensure that general elections, which are the primary mechanisms of democracy, yield representatives who are competent in advocating for and safeguarding the interests of the public. Conversely, reforms in law education result in unethical access and enrollment practices. Moreover, these reforms lack sufficient political structure and economic justification.

Law education can serve as a deterrent to the influence of money in politics (Le & Nguyen, 2021), which has the potential to give rise to political corruption. Money politics, often regarded as the root cause of corruption (Marquette & Peiffer, 2018), is a prevalent issue that serves as a primary mechanism for producing leaders who prioritize personal and group interests (Šumah, 2018). The pernicious nature of money politics has led to an increased financial burden on leaders during the selection process. Naturally, when a candidate is elected through a process involving bribery, their primary concern will be the restoration of the capital rather than the welfare of the people. Law education serves as a fundamental tool in preventing this practice and plays a crucial role in addressing this issue.

Through law education, individuals can be guided to engage in the ongoing political conflict that is characterized by transparency and often involves intense opposition. The pursuit

of economic and political dominance occurs abruptly and disregards ethical considerations. The occurrence of bribery and the subsequent capture of several regional heads and candidates for regional heads have become a prevalent spectacle in the political arena. One reason for this is the present attributes of state government administration, which exhibit a greater inclination towards diminishing the president's legislative authority and transferring it to the House of Representatives (DPR). The general election in Indonesia serves as a mechanism for transferring power, both at the national and regional levels, through democratic processes that prioritize honesty, fairness, transparency, and adherence to the law.

METHODS

The method known as the systematic literature review (SLR) was utilized in this research project. This strategy entails conducting in-depth analyses of published works that are centered on particular subjects. The research presented here focused primarily on the teaching strategies that are utilized in law education topics to counteract the influence of money in politics. Since Scopus databases are so well known all over the world, we decided to use them as our reference sources. The process of looking for scientific articles on law education to prevent money politics can be broken down into a number of different categories. Some of these categories include law education as learning, law education for learning, and law education by learning. The research articles discovered as a result of the search were put through a rigorous scientific evaluation utilizing the PRISMA methodology, which entails methodical planning and identification, testing of feasibility, meta-analysis that takes into account relevant theories, and so on.

RESULTS

Political Law

The construction of the national legal system should be grounded in the nation's ideals, the state's objectives, the principles of law, and the directives outlined in the Preamble to the 1945 Constitution. Consequently, any legal provisions that are in conflict with the legal elements should be avoided (Adriano, 2015). The national legal system has three main components: the substance or content of the law, the law structure, and the law culture. The State Policy Guidelines (GBHN) during the New Order era aimed to enhance the legal system by focusing on four key components: legal material, law enforcement apparatus, legal facilities and infrastructure, and legal culture. Indeed, when discussing the development of the legal system through legal politics, the scope can encompass all the subsystems within a comprehensive legal system.

The law politics lies in determining which actions should be classified as criminal offenses. Furthermore, what specific punitive measures should be employed or enforced against the wrongdoer? Furthermore, the legal protocols that will be implemented in the event of a breach of the criminal statutes will hold the offender accountable for criminal penalties (Farhana, 2021). The legal aspects of corruption in general elections and regional head elections will be assessed based on the formulation of actions (Lewis & Hendrawan, 2019), the establishment of criminal penalties (Tinambunan et al., 2018), and the available legal procedures when corruption offenses related to the use of money occur (James & Clark, 2020). This evaluation will be conducted in accordance with the general election law (pemilu) and the regional head elections law (pilkada).

Money Politics

It is necessary to do in-depth research on the topic of money politics since there is growing evidence that it poses a significant risk to the maintenance of a healthy democracy and a

trustworthy government (Kuehn & Salter, 2020). In a number of areas, the phenomena of money politics can be observed and is carried out openly in plain view, both by candidates and their support teams (Agasi et al., 2023). This is the case for candidates in various locations. In the run-up to elections, politicians engage in harmful behaviors in an effort to sway people's opinions (Akwei, 2018). Bribing voters directly is the most widespread and obvious kind of election fraud (Sheranova, 2020), and it is also one of the most noticeable. The use of the political strategy known as money politics is predicated on subvariables (Wang et al., 2019). A comprehension of money in politics as well as the experiences of voters in relation to money in politics. The knowledge and perspective of the individual voters are ultimately the most important factors that go into determining how they will vote in a political election (Colombo, 2018). The practice of attempting to influence voters with the promise of financial gain or favorable treatment in exchange for their vote is known as "money politics."

When profit or political influence is purchased in exchange for financial gain, this practice is referred to as "money politics." This research draws a connection between the influence of money in politics and the corruption that may be found in the political process. This covers elections for president, regional heads, and legislative positions. According to the findings of Goodpaster, money politics is nothing more than a bribery operation that is carried out by actors with the intention of acquiring votes in elections. This conduct in the realm of money politics will give rise to the phenomena of clientelism and patronage. Clientelism may be defined as a kind of commerce that is conducted on a personal level and is characterized by the presence of obligations as well as power interactions that are established between parties on uneven footing. In addition to this, it is distinguished by patron activities that give access to the people via the use of a variety of different ways. in order to establish a relationship based on the exchange of services that is advantageous to both parties.

The custom of distributing money, products, and services has gone through a process that has resulted in a refraction of meaning as money politics has made its way through history. While this is going on, the only persons who can be considered actors in money politics are those who provide money to political candidates, supporters, or support teams, as well as those who receive any kind of political funding. Parties that engage in money politics do so with the full knowledge that they are engaging in this kind of political activity. To start, there are the business dealings that take place between the economic elites (the people who hold the money) and the candidates for regional heads. The issue is financial dealings between candidates for regional head positions and political parties that have the ability to nominate candidates. This pattern of behavior may be summed up as "parties that eat away at money from candidates." The dealings that go on between candidates, their campaign teams, and the election officials who really have the authority to tally the ballots. A reasonable purchase is any interaction between a candidate or voter and a member of the campaign staff. Candidates provide money to potential voters personally in the hopes of securing their support right away.

The use of financial influence in electoral politics will lead to the election of corrupt authorities. The general election and elections for regional heads are rife with opportunities for unethical behavior in government since they are controlled by money politics. As a consequence, significant political expenses are incurred. As a result, one method to combat corruption is to educate law enforcement officials on financial matters related to political campaigns. It is imperative that political practices be avoided since, in essence, the election that is about to be carried out may generate leaders who have qualified competence, have legitimacy in the genuine sense, and have great sensitivity to the people who will be under their leadership in the future.

Money politics is a common activity in Indonesia, and it manifests itself most often in the form of restricted meetings, the distribution of campaign materials, and public gatherings. Because this is the participants' final opportunity to influence the target voters, either directly or indirectly, the "quite-day" is one of the most vulnerable times in the election.

Law Education

Law education is a deliberate endeavor that seeks to influence the ethical principles and political inclinations of individuals (Sherr, 2018). Law education promotes active civic engagement and encourages individuals to assume responsibility for the governance of the state. Law education refers to a purposeful and systematic educational endeavor aimed at molding individuals to become ethically and morally responsible participants in the pursuit of political objectives (Bhargava, 2018). Meanwhile, law education is aimed at the process of educating and advising citizens to develop a comprehensive understanding, affection, and sense of allegiance towards their nation, country, or state, and all existing institutional structures.

Law education for the younger generation aims to enhance and fortify their political and state consciousness, with the goal of upholding Pancasila and the 1945 Constitution as the nation's political culture. Political socialization and law education are distinct but interconnected. Law education influences the dynamics of political socialization. In order for individuals to genuinely comprehend ethical principles in politics and effectively implement them, It is imperative to provide legal education to the community in order to imbue them with the principles of integrity and the courage to reject corrupt practices, thereby fostering a transparent, ethical, and equitable democracy. Presently, efforts to combat money politics are confined to a mere declaration. The operational definition of a money-politics campaign has not been simplified to a practical level. Organizers are required to clearly define the intended community or electorate for the program. There are specific objectives that need to be accomplished and can be quantified.

DISCUSSION

The implementation of different regulations for regional head elections will inevitably give rise to fresh challenges, particularly for the Election Supervisory Agency (Bawaslu). The General Elections Law of 2016, specifically Law 10, has certain deficiencies that affect election organizers, particularly Bawaslu. Its scope is limited to offering suggestions to the General Election Commission (KPU) regarding instances of administrative infractions committed by election participants. Law No. 7 of 2017 concerning elections differs from this in its approach to handling cases of administrative violations. Bawaslu is empowered to make decisions and provide recommendations in accordance with the Election Supervisory Agency.

According to the law, both the giver and the recipient of compensation will face legal consequences (Kodiyat MS et al., 2020). The law does not specify a minimum amount of compensation, so any rewards given will result in sanctions for both parties involved (Carlson, 2018). Furthermore, it is prohibited for political parties or coalitions of political parties to receive any form of compensation during the nomination process of a governor, regent, or mayor, in addition to regulating sanctions pertaining to money politics. If it is later discovered that a political party intentionally violates the law by accepting any form of compensation during the nomination of a regional leader, they will be liable to imprisonment.

The occurrence of corruption in political campaigns, both in general elections and regional head elections, often prompts the application of preventive measures as a guiding principle. Regarding this matter, the author can present several arguments to enhance the efficacy of law education in

both national and local elections. Law education, as a means of learning, must establish a clear connection between general election laws and regional head elections in order to effectively regulate crimes related to money politics (Alifianti & Ramadhan, 2022). Law education by learning should include a clear set of regulations for governing the formulation of money politics crimes, along with appropriate and maximum criminal sanctions.

A transparent, equitable, and unrestricted democracy free from the influence of corrupt practices like money politics is the goal of law education reforms of regulations concerning regional head elections and general elections. Election officials, especially the General Election Supervisory Agency, should be especially vigilant in monitoring voting in disaster-stricken and outlying areas (Sheranova, 2020). This is important because contributors and regional candidates may try to buy votes by appealing to voters' emotions with campaign contributions if they feel the going gets tough.

CONCLUSION

The discussion on law education to prevent money politics in the general election yields several discernible conclusions. It is imperative to provide legal education to ensure the prevention of financial influence in politics throughout all stages of general elections, including the campaign, quiet period, and voting process. The primary objective of legal education is to mitigate the impact of financial resources on political affairs. It is crucial for this education to prioritize the materials that instruct individuals engaged in a democratic party about the potential legal consequences for both contributors and receivers of money. Moreover, the objective of legal education in combating money politics is to provide instruction on the duties of the Bawaslu institution, which encompasses multiple parties and necessitates fairness in addressing cases pertaining to money politics. The author advocates for enhanced transparency and assertiveness in the governance of financial influences in the realm of legal education. Furthermore, they promote the consolidation of electoral laws, rather than having distinct laws, to streamline the responsibilities and operations of law enforcement authorities.

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