

## **Mentally Reconstruction of Money Politics as an Intervention The People's Democratic Rights In The Village Head Election**

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### **Abstract**

*Village Head Election is the Implementation of People's Sovereignty in the Village in order to elect someone to serve as Village Head in a direct, public, free, secret, honest and fair manner. The Village Head Election activity is not an arena of competition between Village communities but is a democratic method that is expected can give birth to leaders who are truly responsible for their positions and side with the interests of the community in the Village, but in reality the Village Head Election activities are not as good as imagined and expected because they have been colored by various negative methods from certain parties to win Candidate pairs for certain village heads, apart from money politics is so popular among the community, it turns out there is an element of pressure from political elites and the Government, it is hoped that the Village Head who will be elected can reciprocate the favor of his supporting elites in the next elections such as the Regional Head Election and the election of legislative members, with this pressure and coercion This has had implications for the emergence of social friction within the village community so that the stability and harmony of the community are divided and conflict with each other. This problem focuses on the mental reconstruction of money politics as a violation of democratic rights in intervening in village head elections. This researcher uses normative juridical research methods using primary data and secondary data with social approach methods, conceptual approach, regulatory approaches and case approaches, as supporting data with agencies. related to drawing deductive conclusions By explaining the mental politics of money in democracy as a way of thinking of people in a democracy who are healthier in using their voting rights in village head elections through Permendagri Number 112 of 2014 concerning Election of Village Heads as amended by Permendagri Number 65 of 2017 and amended by Permendagri Number 72 It is hoped that the 2020 Village Head Election will become the basis and reference for a democracy that is free, confidential, honest and fair.*

**Keywords:** Reconstruction, Money Politics, Intervention, People, Village Head.

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## **INTRODUCTION**

The village is the lowest government that has existed for a long time and is known as the owner of genuine autonomy, so that in the national government system, the position of the village is at the forefront in supporting various government policies, because the majority of Indonesian people live in rural areas. According to Soetarjo (1984:182) The village is an indigenous institution that has the right to regulate its own household based on customary law called village autonomy which includes regulations regarding defense from threats or disturbances from outside areas, security and order, justice, public works, religious ceremonies, and agriculture, fisheries, livestock, forestry. Meanwhile, according to Taliziduhu Ndraha (1991:7-8) The village as a legal community unit that has autonomy can carry out various legal actions such as: making decisions or making regulations that can bind all village residents or certain parties as far as their household is concerned, running the village government, electing the village head, owning property from their own wealth, having own land; explore and determine their own financial sources, prepare a budget for village financial income and expenditure, organize village justice, and carry out other efforts for the welfare of village communities.

The Village Government is the Village Head or what is called by another name, assisted by Village officials as an element of Village government administration (Republic of Indonesia

Law No. 6: 2014), so in carrying out a series of Village government tasks and activities, it does not only depend on the role of the Village Head alone, However, there is a role for other parties who help, namely the Village Apparatus, Village Consultative Body, Village Institutions and stakeholders within the Village Government. With such complex Village apparatus and partners, they are expected to be able to carry out their duties as mandated by the regulations and legislation. regulates Village neighbors, but of the 81,616 (Eighty one thousand six hundred and sixteen) Villages in Indonesia (BPS, 06 April: 2024) Until 2024, there will still be village officials who are caught up in criminal cases, whether in the form of corruption or other crimes. Strangely, the cause of these legal actions is due to lack of understanding and lack of knowledge and available human resources. in the Village Government environment, the reason is that in carrying out Village government duties which have been carried out in each period of office of the Village Head, he has never carried out coaching and guidance activities, of course these activities and similar activities have been carried out every year, Village activities consisting of from the field of Implementing Village Government, the field of Implementing Village Development, the field of Village Community Development and the field of Village Community Empowerment, these activities do not reach targets and are never optimal and ineffective so that lack of understanding and human resources are always the reason and in addition there is no method of development continuously from the Department related to the Village Government, the output of Village activities is never effective and efficient so in this case it is necessary to make complete corrections and observations so that all standard Village needs can be met.

In this case, the cause is not only external factors, but also internal factors that are directly related to the Village Government Apparatus that need to be questioned, for example regarding background, morality and integrity as well as the individual's ability to carry out their duties and authority, in addition to the power holders in the Village in In this case, a Village Head should be questioned regarding his ability to lead the Village. It could be that when he was running for the position of Village Head, he did not have the background and individual abilities and did not understand the tasks he would carry out, but because of money politics and so on, democratically he became the winner. and was elected head Villages that can harm the democratic rights of the people in the village.

Moving on from these various problems, the Village community should be observant of the condition of the Village government and be able to respond to the causes and problems that exist, for example by analyzing the history and culture of Village Head elections, as well as the role of community members who have so far not paid attention to the candidate's background, characteristics, integrity, morality, professionalism and so on and the community consciously legalizes the idea of money politics in the democratic rights of village head elections, even community members understand in stating the nominal amount of money provided by each to be distributed to each voter, this negative culture has resulted in with the main problem which has not been resolved, apart from that the practice of money politics has given birth to negative concepts in democracy and the emergence of a small mindset and beggar mentality in some individuals, so that the thought arises that if they are not paid they will not vote for candidates in these activities.

Then, to reconstruct the mentality of citizens in this kind of situation, the government is expected to immediately take strategic steps to ensure that the democratic rights process of the people can run fearfully and that there is a willingness from all levels of society to make improvements to the stunted mindset and culture. dishonest democracy and so on and the role of the political elite and the Regional Government should be to be able to utilize Village head candidates for the needs of the community and not instead pressure and force certain candidates to win for political purposes of retribution.

If we examine the competition for village head candidates to compete in contests in each village, starting in 2015, this was the first time the Indonesian State disbursed Village Funds, this is in accordance with the mandate of Law Number 6 of 2014 concerning Villages, it is hoped that these village funds will be used by the Village Government to finance the administration of Government, Implementation of Development and Empowerment of Village communities and the existence of this Village Fund has implications for certain parties to also nominate themselves as candidates for Village head while hoping can be elected as Village head and become the Village Financial Management Authority Holder, which is abbreviated as PKPKD is the Village head or other name who because of his position has the authority to carry out the overall financial management of the Village (Republic of Indonesia Law No. 20: 2018) Without a doubt these parties prepare themselves, both financially and mentally to compete in the Village Head Election, the hope is through a social approach and cultivating an honest, fair and just democracy and by using the right to vote intelligently and carefully for the future of the Village brighter and more prosperous.

## **RESEARCH METHODS**

This research is normative juridical research. The data used is secondary data consisting of; primary legal materials and secondary legal materials. Data collection was carried out through library research and document study. Data analysis was carried out using a social approach, a conceptual approach, a statutory approach and a case approach. So the data analysis uses qualitative analysis by drawing conclusions deductively, so that the theory used in this research is the theory of legal causality with the consideration that money politics is a violation of people's democratic rights through intervention in village head elections.

## **RESULT AND DISCUSSION**

### **1. Establishment of a Village Head Election System**

The beginning of the history of the formation of the Village begins with the formation of community groups, due to the nature of humans as social creatures who have natural drives or the same interests from external dangers, but when the formation of the Village began is currently difficult to know for sure, from this history and along with the development and human civilization, the name of this group has now changed slightly to become a society led by someone who is directly elected by the village community through a democratic system and a simple people's party known as village head election, especially in this democratic party which often causes social friction and stability, harmony and harmony. Community unity is fragmented due to dynamics The politics of village elections are very close and embedded in the perspective of society and certain groups, then the purity of this democracy has been colored by negative things including elements of racial issues, support and interests of certain groups, money politics, interference and so on, even the existence of village officials. those who are neutral and do not take sides with any of the candidates are directly affected by threats or dismissal from office.

This election at the village level is a forum for local political competition which really touches the feelings of the residents and apart from that, this people's democratic party can also be used as a means of political learning for local residents and on this occasion the community members will directly elect who their village head will be for a period of six years. In the future,

according to empirical facts, there are many democratic party formations that have been held by the General Election Commission, for example the Presidential Election, the Election of Provincial Regional Heads, the Election of Regency/City Regional Heads and the Election of Legislative Members, but what is no less flashy and glamorous is the Election of Heads. Village, this is what I fell in love with analyze more deeply the culture of village head elections because the activity stages are so detailed and the relationship between the parties involved in the implementation of the village head election activities, it is necessary to be more selective of each voter in determining which candidate for village head they will choose, village head election It has a more local flavor and is more specific than other general elections, namely there is a direct relationship between voters and village head candidates, so that the political flavor in the area is often felt more intensely when compared to other elections.

Then the Village Head Candidate is the village head candidate who has been determined by the election committee as the candidate who has the right to be elected as Village Head and the elected Village Head Candidate is the village head candidate who received the most votes in the Village Head election (Regulation of the Minister of Home Affairs No. 112: 2014) so to achieve these votes, the candidates and/or Village head candidates are usually familiar and known to every member of the local community who will vote directly, the campaign program and vision and mission of each candidate are often not used as benchmarks. on the candidate's qualifications and not as a means of socialization and/or mediation of political understanding for community members, but another factor, namely the level of relationship and personal closeness of each candidate which is often used by community members to determine choices and the element of nepotism which is still very strong and popular, as well as collusion and the existence of good relationships in various formations are also often used as reasons for determining the right to vote, as well as the political factor of money which is often used as an attraction in village head election activities, besides that there is also a taste of ethnicity and family tree big or family small, some of the reasons that have been explained above will automatically lead to excessive competition between candidates in the village starting from the lure of nominal amounts provided ranging from IDR 100,000 to IDR 500,000 / vote, thus having a direct impact on the candidates This is to prepare and spend quite a bit of finances, if that happens then efforts will be made to eliminate KKN (Corruption, Collusion and Nepotism). it will be difficult to realize, this is where political understanding needs to be expanded and the intention of the Village community to participate in local interests on a Village scale which is also part of the unitary state of the Republic of Indonesia which really needs to be realized, therefore not all sacrifices in a democratic party are measured by financially, if the culture of money politics at the village government level can be degraded, of course over time elections at higher levels can create honest and fair general elections.

The Village Head Election is part of the people's democratic party process to strengthen community participation in the Village which is expected to bring about very significant changes at the rural area level. At first we only knew about the democratic party directly in the form of the Village Head Election, so the series of activities included many which is not appropriate and is out of character and ethics and/or political norms, money politics which is so popular from the point of view of the community members with its various formations is very difficult to avoid, other very interesting things before the current village head election is the intervention of one candidate promoted by the government or others promoted by other political elites and the birth of tribal issues and the concept that the village head must be a native son of the local area or a native son of the village. Recently, a native son of the village seems to be an absolute requirement that a village head candidate needs to have, so it is not so surprising that A candidate for village head adds the description of a native son of the village to every speech and political campaign

which aims to propagate the situation to make it warmer, then starting from this classic reason, it is necessary to explain clearly and carefully what the meaning of native son of the village is.

It has been explained that a candidate for Village head must fulfill the requirements, namely being registered as a resident and residing in the local village for at least 1 (one) year of registration but to implement the decision of the constitutional court in case Number 128/PUU-XIII/2015, the provisions of article 33 letter (g ) Law Number 6 of 2014 concerning Villages is declared contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force so that it has legal implications in the implementation of village head election (Minister of Home Affairs Regulation Number 65:2017). In Samuel P. Huntington's theory, he once defined regional sons into 4 (four) types. namely: First, sons of genealogical regions, namely sons of genealogical regions, divided again into two categories who happened to be born in the area concerned from (one or both) parents who also came from that area and those who were not born in that area but had parents who comes from that area. secondly, Political Regional Sons, namely regional sons who have political links to that region. For example, members of the Regional Representative Council (DPD) from certain areas who previously had no political and economic involvement in that area or members of the People's Representative Council (DPR) the center which the party places as a candidate from a region that has genealogical links to the region, the third is a Regional Economic Son, a regional son whose economic capacity then has links to his region of origin through investment activities or business networks in his region of origin. In the context of the Indonesian political and economic system, sons of political and economic regions are usually only associated with their region of origin. the four Sociological Regional Sons, namely those who not only have a genealogical connection with their area of origin but also live, grow and grow up and interact with the people of that area (AD Lecturer at STIT Jambi <https://metrojambi.com>read>2017/01/03> Putra Regions and local wisdom in a perspective).

Departing from this theory, it has been determined in the regulations and legislation that a candidate for Village head must fulfill the requirements, one of which is being a citizen of the Republic of Indonesia, so in the case of a nomination for Village head the person is not bound by absolute requirements, for example local residents of the Village (Article 21 letter (a) Minister of Home Affairs Regulation Number 112: 2014), now these regulations have undergone regulatory updates for the purposes of Village governance as envisioned, in terms of village head election activities, what must be prioritized is the capability of each candidate for head. In this village, a village government cannot only be led by a village head who only has a figure and figure but is intellectually, morally and socially disabled. The village head that is needed by community members at this time is someone who has acceptability but is supported by good morals, has sufficient ability to lead and guide the community and also have the ability to carry out administrative and political tasks, as well as having broad insight and broad views on improving society.

## **2. Causality of Money Politics as Intervention of People's Democratic Rights in Village Head Elections**

The Village Government is the Village Head or what is referred to by another name, assisted by the Village Apparatus as an organizing element of the Village Government and the Village Head or another term is a Village Government official who has the authority, duties and obligations to organize the Village Household and to carry out tasks from the Government and from the Government. Area. (Article 21 letter (a) Minister of Home Affairs Regulation Number 112:2014). That in the implementation of democratic parties, especially in village head election activities, one can adhere to the causality method because causality is related to the cause and effect relationship between two or more events (Sulaiman Hasan and Anik Irawati: 2017:17).

By analyzing the empirical facts about the existing Village government, it is a picture of the results of a series of democratic parties in the election of Village heads in the previous year, then what is the relationship between the causality method in the election of Village heads and the democratic rights of the people, this is the relationship in the election of Village heads, namely if community members made a mistake in making their choice, then community members were waiting for the candidate to carry out the dawn attack on money politics with a minimum funding range of Rp. 150,000 (One Hundred and Fifty Thousand Rupiah) per vote, if multiplied by the number of DPTs such as 3,922 people, it will cost around Rp. 588,300,000.- (Five Hundred Eighty Eight Million Three Hundred Thousand Rupiah) not to mention other tactical costs, then this will result in the birth of Village leaders who do not meet their standards, instead of fixing the village problems that occur they will actually add new problems at home Village government steps, for example corruption, collusion and nepotism will definitely occur because to return political capital, if that is true, then what about the noble ideals of the government which wants to develop and empower villages through Village Funds, even though Village Funds are allocated by the Government to Villages (Article 5 paragraph (1) of Government Regulation of the Republic of Indonesia Number 60:2014) that the allocation of Village Funds as referred to in paragraph (1) is calculated based on the number of Villages and Village Population, through poverty rates, area area and level of geographic difficulty (Article 5 paragraph (2) Government Regulation of the Republic of Indonesia Number 60:2014), of course if it is not in accordance with the integrity of the Village head, there is a high possibility that the Village Fund will be wasted, which will have implications for corruption. Then another problem that often arises is the existence of a political contract in the campaign which includes an agreement between a particular candidate and his supporting group, if this is achieved and the candidate becomes Village head then the supporting group is given a strategic position, for example as a Village official or other strategic position. , it doesn't matter whether the candidate for the device meets the qualifications or not, the most important thing is to win the competition first and then make a design to mutate the existing device, for this reason it is still acceptable because it is the prerogative of the elected Village head.

The next causal relationship (causality) is that in upholding the concept of honest, fair and just village head elections there should be policies and legal reforms established by the government regarding special rules that provide the operational basis for village head election activities and sanctions regarding all forms of fraud. and other negative politics, in the provisions of Minister of Home Affairs Regulation Number 112 of 2014 and Minister of Home Affairs Regulation Number 65 of 2017 or Minister of Home Affairs Regulation Number 72 of 2020 concerning Election of Village Heads only regulated regarding implementation procedures and focuses on preparation, election and determination activities, but does not regulate sanctions and other provisions for candidates who commit fraud and/or things that damage democracy. This is inversely proportional to the enactment of Law Number 7 of 2017 concerning general elections, in the provisions of article 280 of Law Number 7 of 2017 concerning general elections, prohibitions on campaigning are regulated and in the provisions of Article 523 paragraphs (1), (2) and (3) sanctions are regulated against perpetrators of fraud in elections.

From the main problem, if the rules regarding all fraud in the election of Village heads are not clearly regulated, can the provisions of Article in Law Number 7 of 2017 concerning General Elections be applied to the election of Village heads, then of course they cannot be applied, because the rules This is only for general election activities, not special elections (Pilkades), in a democracy everyone should have the right to legal protection, because it is a citizen's right, and if a conflict arises as a result of fraud in village head election activities, where will the injured party go? will complain to fight for rights that's it. In the context of criminal law, it has been explained that "Acts that violate the law, actions that conflict with the rights of other

people, actions that conflict with the values of decency, decency and actions that violate general principles in the field of law" are forms of action against the law, so it has also been explained in the context of civil law that an unlawful act is an act that violates article 1365 of the Civil Code "every person who commits an act that violates the law is obliged to compensate for the losses arising from the error" (Yahya Harahap: Book Civil Law Article 1365:2008) there is a big possibility for resolving conflicts that arise in the Village head election competition, for candidates who suffer losses using one of the concepts of this article as an alternative step if a conflict arises in Village head election activities, there should be policies and reforms laws, for example Presidential Decrees and/or Regional Regulations related to village head elections.

According to an expert, Gustaf Radhbruch, in the concept of standard priority teachings, there are 3 (three) basic legal values or 3 (three) legal objectives, namely: Justice (*gerechtigheit*), certainty (*rechtmatigheid*) and legal utility (*zwech matigheid/doelmatigheid/utility*) (Legislation Journal Indonesia: 2016:191-202) and good law is law that is able to synergize these three legal objectives. So the hope is that along with the authority of the regional government, it can guarantee that the Village Head Election can run well, honestly, fairly and justly in order to guarantee the rights of citizens in democracy, to reconstruct the mentality of the community and change its negative culture and for the ideal of democracy in the Village community it is necessary social approach to all parties and the Village community, so that democratic actors no longer hold views and legalize money politics and other negative politics in a democratic party that is Honest, Fair and Just and can give birth to the figure of a Village Head who is Honest, Fair and Trustworthy.

### **3. Mentally Reconstruction of Money Politics in Village Head Elections as an Intervention in People's Rights**

The issuance of Law No. 6 of 2014 concerning villages, on the one hand, has a strong desire to return villages to their original autonomy, by placing village communities as subjects who have political sovereignty over the supra-village, and also reviving villages with the potential for local wisdom, which is truly a relief. . On the other hand, related to the election of village heads, where the opening of the village head position is increasingly longer, namely nine years of office in one period and the increasing amount of village funds that will flow in the village, it must be acknowledged that this has made the election of village heads more competitive and also has the potential for an influx of candidates. village head who wants to win the election by using any means possible, including using money politics. This reality was very clearly visible in the village head election process in Lingga Tiga village which was held in 2019. The 2019 village head election was participated by three candidates, namely Suroto (incumbent), Suyatno and Ilyas Sampurna Ritonga. Even though there were three candidates, there was tight competition between Suyatno and Petahanan, where Suyatno was a candidate who was born in Lingga Tiga village and his parents were also from Lingga Tiga Village, but Suyatno had long left the village and became a successful businessman in Labuhanbatu. In the 2019 village elections, Suyatno was the candidate who spent the most money, although in the end he had to admit defeat to Suroto. Victory cannot be separated from the very strong and open practice of money politics. The practice of money politics in village elections is very unfavorable for democratic learning because candidates to gather support from the community rely more on money rather than visions and programs that are directly conveyed to the community. The practice of money politics can also be the cause of the erosion of the moral values of village communities because money politics is a dishonorable act and is not in line with the values and principles of morality and democratic values.

Indeed, money in politics does not always have a negative meaning because it is needed. It's just that it becomes a problem when money is misused for things that are not justified as regulated by law, for example for buying and selling votes or to bribe the mass media. In general,

people understand money politics as the practice of giving money or goods to a person or group to gain political advantage. In the election process, money politics is the most frequently chosen way to mobilize support. Misuse of money in politics or money politics is an obstacle to the birth of true democracy, because the resulting democracy is only pseudo democracy (Larry Diamond, 2003:17). According to Ovwaska O. Lucky (2013:6-8) money politics is an unprofitable behavior, a dangerous practice in the process of selecting officials because it will hinder the birth of good governance. Meanwhile, according to (Michael Baily, 2004:653-645), money in politics is like two sides of one coin. On the one hand, money is needed during the campaign period, especially to provide information on various candidate programs to gain support. However, money is something that endangers democracy if it leads to transactions or buying and selling votes. For some candidates, money is often used as a tool to gain instant power, especially those who do not have social capital. Money is so powerful that it has given rise to the phenomenon of reluctance to make social investments that require quite a long time to reap the rewards. So it is natural that money politics is very widespread in various electoral processes, including the Presidential Election, Legislative Member Election, Regional Head Election, and Village Head Election.

The forms and packaging of money politics itself are increasingly varied, such as providing money for transport, basic necessities, assistance for places of worship, and in other forms. Society will increasingly lose the will to fight it, and on the contrary, it will become more permissive towards various forms of money politics. Moreover, the regulations governing the prohibition of money politics actually show a backward step, as stated in Law no. 10 of 2016 concerning simultaneous regional elections which only targets legal subjects, covering candidates and campaign teams. Even though Law No. 32 of 2004, the legal subjects of the perpetrators are all parties, including shadow team groups which in reality play more of a role in playing money politics. As the pinnacle of proving democracy at the village level, voting is a test of integrity for organizers, both election committees and supervisors, and also witnesses. Voting is also a crucial time because of the influx of gamblers who come with only one interest, namely winning bets. Interests like this are very dangerous for the functioning of village democracy. The election of village head in Kemiri village brings interesting political dynamics. The widespread practice of money politics certainly cannot be separated from the attitude of society which is increasingly tolerant towards the practice of money politics for various reasons that accompany it. The public's views are quite varied regarding giving money by candidates, some agree and consider money politics to be normal, there are also those who openly reject it and consider giving money to gather support to be a bad example for learning about people's democratic rights.

The public's views regarding giving money to village head candidates vary according to their background. In general, the public views that giving money by village head candidates to voters is not a normal thing and is a tradition that has existed for a long time. Because the experience they have gained so far in the village election process is always accompanied by a tradition of sharing money by candidates, so they do not see it as something that is deviant, let alone injuring the democratic process. What was different was that in the past the giving of money by village head candidates was done secretly and was more indicative of a request for blessings. if there is a request for support it is more voluntary. However, in the last two decades giving money has been done openly, by asking for votes in return. The pattern of giving money as a transactional activity is also increasingly diverse, where giving money is not only given to individuals but also to certain groups. The forms can take various forms, such as money, basic necessities, agricultural equipment, road paving, construction of sports facilities and so on. The reality of this shift in the meaning of giving money by village head candidates can be seen from two sides, both voters and candidates. From the voters' perspective, there has been a shift in people's attitudes towards becoming more tolerant of the practice of money politics because



people have been influenced by a culture of pragmatism, and consider giving money from village head candidates as not something that violates norms and is normal. However, money is not the only reason for voters to vote. For those who have kinship ties with the prospective village head, money is certain not to be the main attraction. Likewise, for voters who do not have kinship ties with the village head candidate, support is given not solely because of money, but also looking at family background and also the personality and abilities of the village head candidate.

Meanwhile, from the perspective of village head candidates, money politics is considered a fairly effective way to gain support. For village head candidates who are not supported by kinship ties, they themselves do not have potential supporters, so money politics is the main choice to gain support, especially from swing voters. However, the village head election process still requires quite a lot of political costs for anyone who will take part in the nomination, plus there is a pragmatic attitude of the community which views that sharing money by village head candidates is a tradition that should be carried out. Pragmatism and society's tolerant attitude towards money politics should be eroded in the future so as not to prevent people who have the capacity to dare to take part in village elections. Even though money is not the only consideration for voters to cast their votes, the tradition of handing out money has indirectly distorted people's moral rights in a democratic manner and also caused people who have the capacity not to dare to appear in the candidacy because they are shadowed by political costs. which is expensive. Therefore, providing awareness to the public about how dangerous money politics is is an urgent need.

It is important to develop political understanding skills in the community by providing political education and understanding to the community that the practice of money politics is one of the causes of the destruction of democracy in Indonesia and will create political corruption. One of the efforts that can be made to prevent money politics is legal education to the community or community groups. This commitment cannot be separated from the influence of mental and character improvement that has been instilled in the community so that there is a need to increase legal education activities and provide doctrine to the community or community groups regarding violations. and the dangers of money politics.

With many legal education activities, anti-money politics cadres will emerge, thereby having an impact on increasing public awareness of the crime of money politics. So that society will be able to minimize violations and fraudulent practices in elections or regional elections, so that it will have an impact on democratic maturity. Here it can be assumed that it is related to providing two options that can be used as a way out related to the reconstruction of the handling of criminal acts of money politics in elections which initially fell into the realm of general criminal acts which could later become criminal acts of corruption. The options are as follows, first, namely adding clauses to the articles in the next paragraph regarding criminal acts of money politics as criminal acts of corruption. As explained above, in order to reconstruct the law enforcement of criminal acts of money politics in elections from the perspective of criminal acts of corruption, inevitably we must first reformulate the legal substance of the provisions of the election law and the law on eradicating criminal acts of corruption. It has also been explained that in essence the model of the practice of money politics is the same as the model of the practice of bribery, even in the clause regulating criminal acts of money politics in the first election law the word "bribery" is used, namely "... by giving or promising to bribe someone so that the person does not exercise his right to vote nor does he exercise his right in a certain way."

Currently, the crime of bribery has been included in the category of criminal acts of corruption with the recipient categories including civil servants, state administrators, judges, advocates, while in the crime of money politics in the election law the recipients are voters. Voters here should not be interpreted narrowly as ordinary people, but people who have rights, because of these rights they have the power to exercise their right to vote or exercise their rights

in a certain way. It is this legal object of accepting bribes that needs to be expanded in the law to eradicate criminal acts of corruption so that it can cover the practice of money politics in village head elections for all the reasons mentioned at the beginning. When criminal acts of money politics in village head elections have been included in the category of bribery against voters in the Corruption Law, then the next step is to reconstruct the provisions for criminal acts of money politics in the election law by using the entry point of Article 14 of Republic of Indonesia Law No. 31 of 1999 concerning the Eradication of Corruption as amended by Republic of Indonesia Law no. 20 of 2001 concerning amendments to Law no. 31 of 1999 concerning Eradication of Corruption Crimes, namely as stated in Article 14 "Any person who violates the provisions of the Law which expressly states that violation of the provisions of the Law as a criminal act of corruption applies the provisions regulated in this Law." law enforcement can be carried out through anti-corruption means, but criminal acts regulated in other laws cannot be criminal acts of corruption if the law does not include a provision stating that "violation of the provisions of the Law is a criminal act of corruption" . The application of Article 14 is both for material criminal law and formal criminal law for criminal acts of corruption as stated in the explanatory article.

However, in fact there has been a legal breakthrough that approaches this, although in this researcher's opinion this is still not as clear cut as stated in Article 43A of Republic of Indonesia Law No. 6 of 1983 General Provisions and Tax Procedures as amended several times, most recently by Republic of Indonesia Law NO. 16 of 2009 concerning the Determination of Perppu No. 5 of 2008 concerning the Fourth Amendment to Law no. 6 of 1983 concerning General Provisions and Tax Procedures Became Law. In order to build an ideal concept as *ius constetudum*, the reconstruction of some criminal acts in the election law, especially those related to money politics crimes which are included in the category of criminal acts of corruption, can adopt the basic legal provisions of Article 14 of the Corruption Law by adding an article clause to the paragraph. next, it reads as follows:

- 1) Regarding criminal acts of money politics in general elections, it is strictly regulated in the Election Law, namely in Article 523 paragraph (1) (2) (3) Republic of Indonesia Law Number 7 of 2017 concerning General Elections, so it is necessary to add an article clause in paragraph (4 ) namely: (1) Every election campaign organizer, participant and/or team who deliberately promises or provides money or other materials as compensation to election campaign participants directly or indirectly as intended in Article 280 paragraph (1) letter j shall be punished. with a maximum prison sentence of 2 (two) years and a maximum fine of IDR 24,000,000 (twenty-four million rupiah). (2) Any implementer, participant and/or election campaign team who deliberately during the quiet period promises or provides monetary or other material rewards to voters directly or indirectly as intended in Article 278 paragraph (2) shall be punished with a maximum imprisonment 4 (four) years and a maximum fine of IDR 48,000,000 (forty-eight million rupiah). (3) Any person who intentionally on voting day promises or gives money or other materials to voters not to exercise their right to vote or elect certain election participants shall be punished with imprisonment for a maximum of 3 (three) years and a fine of a maximum of IDR 36,000,000. 00 (thirty-six million rupiah). (4) The provisions as intended in paragraph (1), paragraph (2) and paragraph (3) in this law constitute a criminal act of corruption.
- 2) Furthermore, specifically the practice of money politics in regional head elections is regulated in Article 187 letter A of Republic of Indonesia Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Determination of Perppu Number 1 of 2014 concerning the Election of Governors, Regents and Mayors into Law. Law, so it is necessary to add a clause to the article in paragraph (3), namely: (1) Every person who deliberately commits an unlawful act promises or gives money or other material as a reward to an Indonesian citizen either directly or indirectly to influence voters not to

exercise their right to vote, to use their right to vote in a certain way so that the vote becomes invalid, to vote for a particular candidate, or not to vote for a particular candidate as intended in Article 73 paragraph (4) shall be punished with imprisonment for a minimum of 36 ( thirty-six) months and a maximum of 72 (seventy-two) months and a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum IDR 1,000,000,000.00 (one billion rupiah). (2) The same punishment is applied to voters who deliberately commit unlawful acts in accepting gifts or promises as intended in paragraph (1). (3) The provisions as intended in paragraph (1) and paragraph (2) in this law constitute a criminal act of corruption.

- 3) Furthermore, specifically the practice of money politics in regional head elections is regulated in Article 187 letter A of the Republic of Indonesia Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Determination of Perppu Number 1 of 2014 concerning the Election of Governors, Regents and Mayors into Law. Law, so it is necessary to add a clause to the article in paragraph (3), namely: (1) Every person who deliberately commits an unlawful act promises or gives money or other material as a reward to an Indonesian citizen either directly or indirectly to influence voters not to use their right to vote, to use their right to vote in a certain way so that the vote becomes invalid, to vote for a particular candidate, or not to vote for a particular candidate as intended in Article 73 paragraph (4) shall be punished with a minimum imprisonment of 36 ( thirty-six) months and a maximum of 72 (seventy-two) months and a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum IDR 1,000,000,000.00 (one billion rupiah). (2) The same punishment is applied to voters who deliberately commit unlawful acts in accepting gifts or promises as intended in paragraph (1). (3) The provisions as intended in paragraph (1) and paragraph (2) in this law constitute a criminal act of corruption.

In the context of criminal law, there are three parameters within which a law can be qualified as systematic *lex specialis*. First, the material criminal provisions in the law deviate from existing general provisions. Second, the law regulates formal criminal law which also deviates from general criminal procedural provisions. Third, the address or legal subject in the law is special

## CONCLUSION

The conclusion of this research is that in implementing people's sovereignty in carrying out village head elections, the political elite and local government should not intervene and coerce and not apply the politics of retribution because it has caused conflict between communities and then to reconstruct the mentality of the people who adhere to the NPWP ideology ( Piro Wani Piro Number) is not an easy thing, it requires a selective and effective social approach as well as carrying out structured and systematic guidance because money politics is a form of fraud in democracy which has damaged the supremacy of democracy itself, the democratic party which is expected to be giving birth to leaders who are trustworthy, honest and fair, so that the opposite does not happen and in fact gives birth to leaders who calculate and calculate their own political capital and utilize their power to recover their financing without paying attention to the series of obligations and mandates as policy makers to carry out their duties as stipulated in regulations and legislation, besides that, the role of the government is to have the courage to carry out policies and legal reforms, for example by making a special regulation. If it is conclusively found that there is a practice of money politics in the election of Village heads, candidates who commit fraud can be disqualified, if the practice of money politics

continues to be allowed and becomes a culture that is considered normal and normal and is applied to all parties, this will justify and confirm the public assumption that positions only belong to people who have money, thus having implications for people of quality and integrity. don't dare to show themselves if they don't have a lot of capital, the community members' indifference to the money politics problems that characterize the Village Head Election will lead to more complicated problems resulting in leadership that only favors one's own desires and the needs of certain groups and ignores the priority scale of community needs. widely, because such leaders feel like they are buying votes from the people and the people feel they have no right to speak anymore so that the people are colonized by their own people from their own homeland due to money politics.

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