

MONEY POLITICS IS THE FORERUNNER OF ELECTORAL CORRUPTION

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MONEY POLITICS IS THE FORERUNNER OF ELECTORAL CORRUPTION

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Email: amalia.syauket@dsn.uhharajaya.ac.id**Abstract**

Buying and selling votes seems to be an endemic practice in many democracies and is not new. Money politics is essentially a disease of democracy in any country. There is a ghost of money politics hanging around every election. It manifests through the exchange of votes for money, goods or services offered by candidates or support teams to voters. Money politics has become a language that brings together interactions between politicians and voters and is the central point of campaigning in the General or Regional Elections in Indonesia. Money politics is a fraudulent act in General Elections, essentially the same as corruption. Money politics is not in rhythm and is compounded to hold elections. This study uses a qualitative approach to discuss how the relationship between the practice of money politics and electoral corruption is rampant at every democratic party in Indonesia in the current reform era. First, in this study's results, money politics is a typical Indonesian terminology. Second, criminal sanctions do not provide a deterrent effect for perpetrators. Third, an open proportional system opens the door for vote buying and selling. Money politics is a very scary ghost for the democratic process in Indonesia. Politics and money are two different things but cannot be separated from one another because politics requires money

Keywords: money politics; elections; corruption

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INTRODUCTION

Corruption as part of the crime problem has become a commodity. Corruption becomes the campaign theme during the campaign of political parties or the president and vice president. However, without realizing it, corruption occurs because of the election of leaders through high political costs, usually done by bribing the voting public. Without realizing it, bribing the people by practicing money politics during the election process led to the election of corrupt leaders (Pahlevi & Amr Robbins, 2020).

Money politics is one practice that can create political corruption. As the mother of corruption, money politics is Indonesia's main and most common problem (Aspinall, 2015). Money politics becomes the main mouthpiece to create a leader who is pro to personal and

group interests. Money politics causes the political costs of a leader during the election process to be expensive. Moreover, when a candidate is elected with a bribery process, he or she will think about how the capital that has been issued is returned and not think about the benefit (Pahlevi & Amr Robbins, 2020).

According to Birch (2009), political corruption in elections is usually carried out through the practice of money politics. This will result in the "wrong" person winning. The resulting government became less representative and accountable. The reason is that the elected politicians will not prioritize the community's interests. In addition, trust in them is low.

Moreover, political corruption can also encourage corruption in other sectors.

Selecting a candidate to become a public official is important to consider jointly by the voting community. Voters must understand that political corruption in money politics will harm them. The relationship between leaders and their people is only a clientelist relationship, not a good citizen (Pahlevi & Amrullobbi, 2020).

Pahlevi and Amrullobbi (2020) argue that Money politics, or buying and selling votes, is buying people's sovereignty. In addition, the people who received the money mortgaged their sovereignty for a certain period. Moreover, if we pledge our sovereignty to the authorities, we can no longer claim that sovereignty back. At least, it does not have the right to demand authorities pay attention to our interests and needs because we have received rewards for the legitimacy we have given to the rulers. Consequently, we have no right to be irate if they (the rulers) corrupt or abuse their position to enrich themselves or their group.

Post-Election in the New Order Era, namely in the current Reformation Era, the General Election is heavily spiced up by the phenomenon of money politics. Not infrequently, the practice is carried out massively in society. Lately, it is not just elections that are peppered with money politics. Simultaneous Regional Head Elections and Village Head Elections also do not escape the pungent smell of money politics. In short, money politics always appears at the forefront of defeating the visions and missions or work programs of candidates and political parties (Satria, 2019).

In the opinion that when reviewing money politics in elections, it means that we look at Election Law number 7 of 2017 in the realm of administrative law, but some of its rules have criminal sanctions (Satria, 2019). Dogmatically, such a model is often referred to as administrative penal law.

METHOD

Although the discourse of money politics has long attracted the attention of researchers, empirical data on this topic are still very limited both in quality and quantity, as has been done by (Aspinall, 2015; Hidayat, 2006). Even if there are writings related to the practice of money politics, they are only based on journalistic or anecdotal data or sourced from rumours and unproven claims (Corstange, 2012).

This research was conducted based on a qualitative-descriptive approach. The problems that will be answered in this manuscript are: How is the relationship between the practice of money politics and electoral corruption rife at every democratic party in Indonesia in the current reform era. Theoretically, the basic purpose of writing this manuscript is to provide a complete description and discourse on the concept of money politics as regulated in the General Election Law number 7 of 2017, as well as with various kinds of literature, especially its relation to political corruption.

RESULTS AND DISCUSSION

1. Money Politics is like a Ghost.

Money politics is one of the serious problems in every general election in Indonesia. Starting from the election of Village Heads, Legislative Members, Regional Representatives Council (DPRD) and Regional Heads to the president, the practice of buying and selling influence the votes.

In three elections in the reform era, Indonesia Corruption Watch noted an increase in money politics findings.

Table 1
Elections in the reform era

Election (Year)	Number of Politics Money cases	Actors
1999	62	Political party administrators of the Golongan Karya and PDI-P.
2004	113	Political party administrators, candidates and success teams.
2009	150	Political party administrators, candidates and success teams.

Source: ICW,2014

The results of research and monitoring conducted by ICW in eight regions show that most violations are related to money politics. The perpetrators are not only candidates, success teams or parties with voters but also election organizers such as the supervisory committee and the PPK (Irawan et al., 2014).

In addition, the mode of money politics in the post-conflict local election has also undergone many 'improvements'. One of the innovations made by the candidate/success team/party in money politics is postpaid money politics. Giving money by the candidate/success team/party is done after the voting is over. Voters just need to show a photo as proof that they have chosen a certain candidate or political party.

Citing the opinion of Bumke (2010), there is no standard definition of money politics. Money politics describes political corruption, clientelism, and vote buying. Bumke (2010) generally categorizes

money politics in three dimensions: vote buying, vote brokerage, and political corruption. Vote buying is the exchange of goods, services, or money for votes in general elections. The person who represents a candidate/party to buy votes is a vote broker. In comparison, political corruption is any form of bribery to politicians to obtain favorable policies or other benefits.

The same is confirmed by Aspinall (2014). According to him, money politics is an Indonesian term related to voting buying and related phenomena. Just like Bumke (2010), in addition to vote buying, vote brokers or success teams are an important part of money politics. Choi (2004) states the same thing. Money politics is a term used by many Indonesians.

Hodess (2004) defines political corruption as the abuse of power by politicians (Political Leaders or Elected Officials) for personal gain to increase power or wealth. In terms of time, political corruption can occur before, during and after the perpetrator serves as a public official. The phenomenon during the election process is called money politics. Money politics is an attempt to bribe voters by giving money or services so voter preference can be given to a bribe (Aspinall, 2015).

According to Hidayat (2006), money politics starts from the candidate nomination process, during the campaign period, until the 'H' day of the election, when votes are counted. There are two types of money politics: directly giving money to voters. Second, indirectly by providing various goods with high use and exchange value.

Although there is no clear definition related to money politics, there are at least four important things that must be considered related to money politics. First, vote buying or buying votes. Second, vote for brokers or people/groups representing

candidates to distribute money/goods. Third, money or goods are to be exchanged by vote. Fourth, voters and election organizers are the targets of money politics (Irawan et al., 2014).

Like a ghost, political corruption in elections is very difficult to prove that the elements are detrimental to state finances unless law enforcers can think progressively with a progressive legal framework. This should be done even though it rarely occurs in law enforcement practices in Indonesia, especially in applying election law. The distinction between election corruption as regulated "general" corruption and political corruption in general elections requires a more in-depth study to "capture" the element of state financial loss (Irawan et al., 2014).

2. Money Political Crime = Electoral Corruption

From some literature, money politics is often referred to as electoral corruption. It is said that money politics is a fraudulent act in the General Election, which is essentially the same as corruption (Estlund, 2012). Thus, the terms money politics and electoral corruption are essentially the same.

Regarding criminal acts in the Republic of Indonesia, Law number 7 of 2017 concerning Elections, 66 articles are systematically regulated, namely in articles 488 to 554.

Table 2
Election and criminal acts in the Republic of Indonesia

It is conducted by:	Number of Articles	It is regulated in the article:
Election Organizer	24	489, 499, 501 to 508, 513-514, 518, 524, 537-539, 541-543, 545, 546, 549 and 551
General public	22	488, 491, 497-498, 500, 504, 509-511, 515-517, 519-520, 531-536, 544, 548.
Government apparatus	2	490, 494
State Administrators or public officials	2	522, 547
Corporation	5	498, 525 paragraph (1), 526 paragraph (1), 529-530
Campaigns executors and election participants	9	495, 496, 521, 523, 525 paragraph (2), 526 paragraph (2), 527, 528, 550.

Source: Processed by Researchers, 2022

¹⁹ Specifically, regarding the crime of money politics, it is regulated in Article 523 of the Law of the Republic of Indonesia number 7 of 2017 concerning Elections, quoted directly by the author,

Article 523 paragraph (1) reads: any election campaign executors, participants, and teams who intentionally promise or give

money or other materials as compensation to Election Campaign participants directly or indirectly as referred to in Article 280 paragraph (1) letter j shall be punished with imprisonment for a maximum of 2 (two) years and a fine of a maximum of IDR. 24.000.000, 00 (twenty-four million rupiahs).

Article 523 paragraph (2) reads Every election campaign implementer, participant, and team who intentionally during the quiet period promises or gives money or other material rewards to voters directly or indirectly as referred to in Article 278 paragraph (2) shall be subject to criminal sanctions. With maximum imprisonment of 4 (four) years and a maximum fine of IDR. 48,000,000.00 (forty eight million rupiah).

Article 523 paragraph (3) reads: Any person who deliberately promises or gives

money or other materials to voters on a voting day not to exercise their right to vote or elect certain Election Contestants shall be punished with imprisonment for a maximum of 3 (three) years and a fine of not more than 3 (three) years. IDR. 36,000,000.00 (thirty-six million rupiah). From Article 523, the following conclusions can be drawn, as seen in table 3.

Table 3
Classification of money politics

Articles	Times	Element	Factors	Addressed	Criminal Threats
523 paragraph (1)	Political crimes committed during the campaign	<i>Actus reus</i>	a. giving promise b. giving money or other materials c. giving a reward for participating as an election campaign participant d. carried out either directly or indirectly	Every implementer, participant, and election campaign team	2 years imprisonment
		<i>Men's rea</i>	Purposely		
523 paragraph (2)	Political crimes committed during election silence	<i>Actus reus</i>	a. during election silence b. giving or promising money or other material rewards to voters c. carried out either directly or indirectly	Every implementer, participant, and election campaign team	4 years imprisonment
		<i>Men's rea</i>	Purposely		
523	Political	<i>Actus</i>	a. Every people	Everyone is	3 years

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Articles	Times	Element	Factors	Addressed	Criminal Threats
paragraph (3)	crimes committed during voting	<i>reus</i>	b. giving or promising money or other material rewards to voters not to exercise their voting rights or to choose certain participants.	directed to anyone who commits a criminal act of money politics while voting.	imprisonment

Source: Processed by Researcher, 2022.

Based on Table 3, it can be seen that the legislators intend to punish the perpetrators of criminal acts of money politics more severely during quiet times than during voting or campaigns, with a maximum penalty of punishment. Likewise, regarding the acceptable amount, it is more when the money politics crime is carried out during a calm period than during the campaign or at the time of voting.

According to Satria (2019), when viewed epistemologically, RI Law 7 of 2017 concerning General Elections is in administrative law. However, some of the rules have criminal sanctions. Legally dogmatic, such a model is often referred to as administrative penal law is all forms of regulation and product devices that are within the scope or field of administration but have criminal sanctions. In such conditions, criminal sanctions are usually made more maximal (Adji, 2014). The weight of criminal sanctions in the Law of the Republic of Indonesia Number 7 of 2017 concerning Elections is not under the character of administrative, criminal law and modern criminal law doctrine. This will impact the pattern of sanctions imposed by the Panel of Judges so that it has the potential not to provide a deterrent effect for the perpetrators. In the law enforcement process, in certain cases, the

Election Law is placed as a specialty (Lex Specialist) of the Criminal Procedure Code as a general provision (Lex Generalis) (Adji, 2014).

In all regulations regarding general elections in Indonesia, such as elections for members of the legislature, regional heads, and presidents, none of them explicitly mention money politics. However, it is called "influencing voters by distributing money or materials." All these regulations regulate the prohibition of buying and selling votes in elections. Not only giving money/goods, candidates, campaign teams, and organizers are also prohibited from making promises to influence voters (Irawan et al., 2014).

In the Republic of Indonesia Law Number 8 of 2013 regarding the general election of members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council, article 84 it is emphasized that during the quiet period, the organizers, participants, and election campaign officers are prohibited from promising or giving rewards to election campaigners. Voters do not exercise their right to vote; Second, they exercise their right to vote by selecting Election Contestants in a certain way so that their ballots are invalid; electing certain Election Contesting Political Parties,

and electing certain candidates for DPD members.

Based on the RI Law No. 8/2013 mentioned above, there are two sanctions for those proven to be involved in money politics. First, the cancellation of the names of candidates for members of The House of Representatives (DPR), Regional Representative Council (DPD), Provincial Regional House of Representatives (DPRD), and Regency/Municipal DPRD from the final list of candidates; Second, the cancellation of the determination of candidates for members of DPR, DPD, Provincial DPRD, and Regency/Municipal DPRD as elected candidates.

Apart from the rules regarding the election of members of the DPR, DPD, and DPRD, the word money politics is not included in RI Law Number 42 of 2008, which is the basis for the general election for president and vice president. The scope of regulations relating to money politics in the Presidential and Vice-Presidential Election Law only applies to the campaign and voting stages.

The relationship between money politics, which in an anti-corruption perspective is often referred to as electoral corruption and political corruption. This is very important because the two influence and relate to each other. Because usually, electoral corruption is the forerunner of political corruption. Meanwhile, the growth and development of political corruption in a country strongly correlate with the ineffectiveness of social control and law enforcement (Alkostar, 2008).

Dressler (2001) separates political corruption from electoral corruption. Political corruption is more inclined to abuse of power or position in government. Meanwhile, electoral corruption can include buying votes with a certain amount of money in elections, promising special positions, coercion, intimidation or other forms; as explained by Dressler that political corruption concerns the illegal

pursuit or misuse of public office. Electoral corruption includes the purchase of votes with money, promises of office or special favors, coercion, intimidation and other forms (Dressler, 2001).

It must be admitted that purchasing votes with a certain amount of money in the General Election requires a very high cost. In the context of elections in Indonesia, it becomes high-cost alias and requires large capital, which is mutatis mutandis when later elected, the first thing that comes to the mind of the winner is how to return the capital that has been used for the election contestation process. Moreover, it is at this point that political corruption will occur by trading influence, abusing the positions that have been obtained or buying and selling mode positions that often occur. In short, political corruption is always intertwined with electoral corruption, for example, fraud in campaigns or during voting (Larry, 2012).

Regarding electoral corruption, which ends in political corruption, identifying the perpetrators is not too difficult. The actors of electoral corruption are, first, political parties. The second is the candidate or candidate pair. Third bureaucracy. Fourth, black people in business. Fifth, corrupt politicians. The result between these actors will be very easy to realize the occurrence of electoral corruption, which in the end is to form political corruption. Electoral corruption will be even easier if a combination of abused power and black business people. For this reason, a historian named Lord Acton emphasized that power tends to corrupt and absolute power to corrupt absolutely. That every power tends to corrupt and absolute power, the corruption must also be absolute (Satria, 2018).

The same thing was conveyed by Muhtadi (2013). Money politics operates in two domains, first at the elite level, such

as presidential candidates, ²⁵ members of the people's representative council, regional people's representatives, governor candidates, regent candidates, and mayoral candidates who come forward in the election process. Each candidate has to dig deeper into his pocket, whether renting party boats, campaigns, consultants, and even litigating to the Constitutional Court. Second, money politics at the mass level is buying and selling votes to voters.

3. General Elections in Indonesia

A general election is a process of involving citizens in the government process. Citizens are actively involved in determining who has the right to control the government for a certain period. This process presupposes the existence of sovereignty ³¹ the hands of the people. Sovereign people have the right to determine who holds power and regulates the lives of citizens. The sovereignty of the people is left partially to the rulers. Because, in truth, ³⁸ real sovereignty of the people remains in the hands of the people. The ruler has the legitimacy to rule and exercise power as long as it does not harm the interests of the people who surrender part of their sovereignty. The transfer of some of the sovereignty through an election procession (Pahlevi & Amrurobbi, 2020).

Pahlevi and Amrurobbi (2020) The people who have given up part of their sovereignty are still able and must control the day-to-day running of the government outside the election procession. Sovereignty to oversee the running of this government can be exercised directly or indirectly, such as through political parties or civil society organizations. It becomes a crucial issue when handing over part of the sovereignty to govern and run the government through a transactional process called buying and selling votes, usually called money politics.

Money Politics or buying and selling votes is buying people's sovereignty. In addition, the people who received the money mortgaged their sovereignty for a certain period. If we pledge our sovereignty to the rulers, we cannot claim that sovereignty back. At least we have no right to demand that the authorities pay attention to our interests and needs because we have received a reward for the legitimacy we have given them (rulers).

Consequently, we have no right to be angry if they (the rulers) corrupt or abuse their position to enrich themselves or their group. Clientelism caused by money politics causes the relationship between the people and power to become unbalanced becomes lame. It makes the people powerless against the authorities. This imbalance will be maintained continuously because it benefits the rulers and harms the people. Public interest becomes irrelevant to discuss because clientelism makes power and territory private.

Money politics is not new in elections in Indonesia. In the first general election in 1955, money played an important role in winning political parties (Bumke, 2010). The party pays people who have influence, such as the sub-district head and foreman, to use their influence to win the party. This is usually done at the end of the campaign. The main source of party funds comes from political corruption. They use ministerial positions to channel money into party coffers or use patronage to gain influence or indirect funding. Sources of party funds can also come from business. PNI has additional sources of income from Indonesian and Chinese business groups, PKI from donations from Chinese business groups, and Masyumi from land owners and batik entrepreneurs.

During the New Order era, there was a paradigm shift. The phenomenon of

money politics was rarely heard and recorded because the general election was decorated with the use of power to win the government party. All forces are united, concerned with winning the Golkar party. Thus, the election is just a mere democratic ceremony. Elections were held, but campaigning was severely restricted, many candidates were disqualified, and various regulations were imposed disproportionately against the government's political opponents (Ellis, 2016).

They were forced to place the cadres of the Working Group and the military. The latter had important positions in the New Order in important positions. Another way is to force influential figures to join the Golkar party. State funds in the form of projects were used as compensation for the supporters of the Working Group to win the election (Irawan et al., 2014).

Meanwhile, vote buying was widespread in the reform era and took place systematically. In fact, without a vote-buying strategy, a candidate or party cannot win the election process. There are various forms of vote buying, ranging from t-shirts and cigarettes to transportation fees. Meanwhile, in implementing elections in the reform era, money politics was carried out in various more sophisticated ways. In addition, the parties involved (vote brokers) are more numerous. The results of ICW's monitoring in the elections for members of the DPR, DPD, and DPRD, the president and vice president, and regional heads, show that money politics cases continue to increase in quantity. (Irawan et al., 2014).

Muhtadi (2020) stated that money politics has become a language that brings together interactions between politicians and voters and has become the central point of election campaigns in Indonesia, as the opinion of Schaffer (2007) defines money politics only as a last resort in

influencing the voter's decision to cast his vote in the election, which is carried out a few days or even hours before the vote, by giving cash, goods, or other material benefits to voters.

Due to post-Soeharto electoral system reforms, the open proportional system has contributed to the increasing incidence of money politics in Indonesia. In an open proportional system, candidates must compete against candidates from other parties for personal votes. In this system, the candidate who gets the most votes is entitled to represent the seats obtained by his party. As a result, they only need to win a handful of votes to beat internal competitors. In a very tight internal competition system like Indonesia, money politics can make the difference between winners and losers (Muhtadi, 2020).

In the context of the open proportional system implemented in Indonesia, the voters determine whether or not the legislative candidates in one party represent the seats won by a party. In the context of electoral competition, it is more determined by the victory over internal party competitors (Selb & Lutz, 2015). To beat their party rivals, candidates need different tactics, and one way is to conduct vote-buying operations (Aspinall, 2015).

CONCLUSION

This article describes Indonesia's electoral democracy, which is corrupted by the practice of buying and selling votes, which is not only prominent in legislative elections at national level but also in regional head elections. Whether recognized or not, money politics is a very scary ghost for the democratic process in Indonesia. Politics and money are two different things but cannot be separated from one another because politics requires money. With money, people can do politics, especially with an open proportional system, which requires candidates to

differentiate tactics. One way is to conduct vote-buying operations. Suppose the practice of money politics is not immediately addressed. In that case, it will lead to complicated accountability and bureaucratic representation problems. Money politics in Indonesia undermines the accountability of the policy-making and representation process, both in the Legislature and the Executive.

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