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THE EFFECTIVENESS OF THE ELECTION SUPERVISORY AGENCY'S AUTHORITY IN HANDLING *MONEY POLITICS* IN THE 2024 ELECTION AND ITS IMPLICATIONS FOR THE QUALITY OF DEMOCRACY

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Abstract

Background.. *The utilization of monetary influence remains a significant issue in the electoral process in Indonesia, as it threatens the foundations of honest, equitable, and principled democracy. The Election Supervisory Agency (Bawaslu), functioning as an electoral oversight body, has the power to prevent, monitor, address, and rectify electoral infractions, including monetary manipulation. Nonetheless, in practice, numerous impediments continue to affect the efficacy of this authority.*

Aims. *This research aims to evaluate the nature of Bawaslu's jurisdiction in addressing money politics during the 2024 election, assess the efficacy of its execution, and investigate its consequences for democratic standards in Indonesia.*

Methods. *This research employs an empirical legal methodology (socio-legal inquiry) via a case study technique. Information was obtained from literature reviews of statutes and regulations, as well as official records, and corroborated by empirical data collected through interviews with Bawaslu. The examination is conducted qualitatively by correlating relevant legislative statutes with practical evidence concerning the management of monetary political practices in the 2024 election.*

Result. *The findings of the research indicate that Bawaslu's jurisdiction is an attribution authority conferred directly by Law Number 7 of 2017, encompassing preventive, supervisory, administrative, coordinating, and advisory powers. The standard execution of this authority aligns with legal stipulations; however, its efficacy remains subpar due to insufficient evidence, minimal public engagement in reporting infractions, a transactional political environment, and the restricted jurisdiction of Bawaslu in the investigative and prosecutorial phases, which fall under the purview of the Integrated Law Enforcement Center (Gakkumdu Center).*

Conclusion. *These conditions have an impact on the quality of democracy, especially in lowering the integrity of elections, freedom of choice, legitimacy of election results, and accountability in the administration of government.*

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Implementation. *Therefore, it is necessary to strengthen the authority of Bawaslu, increase coordination between law enforcement agencies, and increase public legal awareness in order to realize honest, fair, and integrity elections.*

Keywords: *Election Supervisory Agency (Bawaslu), effectiveness of authority, money politics, 2024 elections, quality of democracy*

I. INTRODUCTION

General elections serve as a mechanism for exercising the sovereignty of the populace, as stipulated in Article 1, paragraph (2) of the 1945 Constitution of the Republic of Indonesia. In a democratic nation, elections serve as both a means for the constitutional transfer of authority and a primary measure of the quality of democracy. Consequently, the execution of elections should adhere to the tenets of direct, public, free, confidential, honest, and equitable (luber jurdil) to ensure that every person can freely exercise their voting rights without coercion, intimidation, or transactional pressure. A significant peril to the integrity of electoral administration is the phenomenon of monetary politics, characterized by the provision of funds, commodities, gifts, or specific assurances intended to sway individuals' political decisions (Surbakti, 2020).

The phenomenon of monetary politics continues to be a persistent infringement in every electoral process in Indonesia. Despite the explicit regulation of this practice in Article 280 paragraph (1) letter j of Law Number 7 of 2017 regarding General Elections, the occurrence of money politics persists at multiple phases of elections, posing a significant obstacle to the enforcement of electoral legislation (Aspinall & Berenschot, 2019). This criterion indicates that the success of conducting elections is assessed not solely by the adherence to all electoral processes as stipulated, but also by the efficacy of legal enforcement against any instances of infringement.

In the legislative framework of Indonesian elections, the Election Supervisory Agency (Bawaslu) is the entity empowered to avert, oversee, manage, and adjudicate electoral infractions as outlined in Law Number 7 of 2017. Through this mandate, Bawaslu is anticipated to uphold the integrity of electoral administration by effectively overseeing all types of infractions, including practices of monetary politics. Nonetheless, the execution of this authority has not been entirely effective in practice. Numerous impediments, including insufficient evidence, unwillingness of witnesses to testify, minimal public engagement in reporting infractions, and the restricted powers of Bawaslu in prosecuting electoral offenses,

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have rendered many accusations of monetary corruption unenforceable until a definitive legal ruling is achieved (Anggraini, 2021)

Information from the Election Supervisory Agency of the Republic of Indonesia indicates that by February 27, 2024, there have been 1,023 documented reports and conclusions of purported electoral infractions, comprising 482 public submissions and 541 observations from Bawaslu's oversight. Out of these, 479 were classified as violations, 324 were deemed non-violations, and 220 are currently under review. The information indicates that electoral infractions remain an issue for rigorous intervention, particularly the phenomenon of monetary politics, which regularly remains a focal point of Bawaslu's oversight.

The efficacy of Bawaslu's jurisdiction is shaped not solely by normative elements like statutes and regulations, but also by diverse empirical circumstances, including clandestine money politics, patron-client dynamics, inadequate public legal awareness, and constraints on evidence that satisfies legal criteria. This situation results in the law enforcement mechanism against money politics failing to deliver an effective deterrent impact. The influence extends beyond the electoral process to the caliber of democracy, since individuals' political decisions may be swayed by financial exchanges rather than by the candidates' ideals, objectives, or abilities. Consequently, the validity of electoral outcomes, public confidence in election administrators, and the caliber of political representation may deteriorate (Prasetyo & Nugroho, 2022).

Prior studies have predominantly analyzed the phenomenon of money politics via the lenses of electoral behavior, political culture, and its influence on corruption following elections. Currently, studies that specifically evaluate the efficacy of Bawaslu's jurisdiction in addressing monetary political practices, as per the provisions of Law Number 7 of 2017 during the 2024 election, remain rather scarce. The identified research vacuum underscores the significance of studies examining the efficacy of Bawaslu's authority and its ramifications for democratic quality in Indonesia.

This research intends to evaluate the efficacy of Bawaslu's jurisdiction in addressing the issue of monetary politics during the 2024 election. The articulation of the issue in this research encompasses:

1) What is the nature of Bawaslu's jurisdiction in addressing monetary political activities during the 2024 Election?
2) What are the consequences of Bawaslu's restricted capacity to address money politics on the democratic character in Indonesia?

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This research employs an empirical juridical methodology (socio-legal investigation) utilizing a case study approach to examine the execution of Bawaslu's authority in accordance with relevant legal stipulations and actual circumstances during the 2024 Elections. The findings of the study are anticipated to aid in the advancement of constitutional law, serve as assessment resources for Bawaslu and policymakers in enhancing the electoral oversight framework, and promote the achievement of transparent, equitable, principled, and democratic elections.

II. RESEARCH METHODS

Categories and Methodologies: This study employs the empirical juridical approach (socio-legal research), which analyzes law as a standard and legal conduct in reality. This approach was selected as the study seeks to evaluate the efficacy of the Election Supervisory Agency's (Bawaslu) authority in addressing money politics during the 2024 Election, in accordance with Law Number 7 of 2017 regarding General Elections and its associated regulations. The study investigates both the normative dimensions of Bawaslu's authority and its application during the electoral process to assess the efficacy of this authority. The methodology employed is the case method. This methodology is used to scrutinize the execution of Bawaslu's jurisdiction in addressing monetary political practices through an analysis of findings and reports of infractions in the 2024 Election. The examination is conducted by juxtaposing the relevant legal stipulations (das sollen) with the actual circumstances in practice (das sein), thereby determining the degree to which Bawaslu's authority has been properly exercised and the factors influencing its implementation.

The focus of this investigation is the efficacy of the Election Supervisory Agency's (Bawaslu) authority in addressing money politics during the 2024 election. Areas of research concentration encompass:

1) Examination of Bawaslu's jurisdiction in addressing monetary political activities in accordance with Law Number 7 of 2017 and its associated rules;
2) The execution of Bawaslu's jurisdiction in the realms of prevention, oversight, report reception, violation management, and collaboration with the Integrated Law
3) Enforcement Center (Gakkumdu Center);
4) The consequences of effectively managing monetary political behaviors on democratic quality.

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The study was conducted at the Election Supervisory Agency (Bawaslu), an entity empowered to avert, oversee, enforce, and adjudicate electoral infractions as outlined in Law Number 7 of 2017 regarding General Elections. Data gathering is conducted via the Bawaslu of the Republic of Indonesia, Provincial and/or Regency/City Bawaslu, the Integrated Law Enforcement Center (Sentra Gakkumdu), along with numerous official documents pertinent to the execution of the 2024 Election and the management of monetary political practices. The research sites were chosen intentionally, as Bawaslu possesses direct power over election infractions, making it highly pertinent to the research objectives.

This research employs two categories of data sources: primary data and secondary data. Primary data were collected via comprehensive interviews with commissioners and Bawaslu personnel responsible for addressing electoral infractions, particularly the issue of monetary politics. Secondary data was acquired via a literature review of primary legal documents, including the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 on General Elections, Bawaslu Regulation Number 7 of 2022 regarding the Management of Findings and Reports of Election Violations, Bawaslu Regulation Number 8 of 2020 on the Management of General Election Administration Violations, and additional laws and regulations pertinent to electoral oversight. Furthermore, the study incorporates secondary legal resources such as books, academic journals, prior research findings, reports from Bawaslu oversight, judicial rulings, and various official documents pertinent to the phenomenon of money politics.

Data gathering methods were executed via literature reviews, document analyses, and comprehensive interviews. Literature reviews were employed to establish a conceptual and legal foundation concerning Bawaslu's jurisdiction and the implementation of monetary politics. The analysis was conducted on the report detailing the outcomes of the oversight, the information regarding discoveries and infractions pertaining to the 2024 election, together with additional official documents relevant to the study. The interview was performed thoroughly with the chosen informant via the purposive sampling method, predicated on the premise that the informant possesses expertise, experience, and authority concerning the management of money politics practices.

The acquired data were subsequently examined utilizing a descriptive qualitative analytical approach, encompassing the phases of data reduction, data presentation, and conclusion formulation. The examination was conducted by correlating the legal stipulations

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concerning Bawaslu's jurisdiction with the findings from interviews, documentation reviews, and literature analyses, thereby yielding an assessment of the efficacy of Bawaslu's authority in addressing money politics during the 2024 Election. Moreover, the findings of the analysis are elucidated through oversight theory, deterrence theory, clientelism theory, and election integrity theory to clarify the elements influencing the efficacy of Bawaslu's authority and its repercussions for democratic quality.

III. RESULTS AND DISCUSSION

Form of Authority of the Election Supervisory Agency in Processing Money Politics Practices in the 2024 Election

The findings from the study on Law Number 7 of 2017 regarding General Elections, Bawaslu Regulation Number 7 of 2022 on the Management of General Election Violations, and information from the Election Supervisory Agency of the Republic of Indonesia indicate that Bawaslu's power to address money politics in the 2024 Election is an authority conferred directly by legislation. The authority manifests in various forms as outlined below.

Preventive Power

Article 93 of Law Number 7 of 2017 empowers Bawaslu to avert electoral infractions. The execution occurs via political education, the socialization of participatory oversight, surveillance patrols, and the identification of regions susceptible to corrupt monetary activities. This authority seeks to reduce the likelihood of infractions prior to initiating the enforcement phase.

Regulatory Body

Bawaslu is empowered to accept public notifications and identify any infractions via direct oversight findings. Additionally, the registration of reports, assessment of formal and substantive criteria, elucidation, evidence gathering, and formulation of legal analyses as mandated by Bawaslu Regulation Number 7 of 2022 were executed.

Regulatory Body

Should the purported infraction encompass aspects of electoral offenses, Bawaslu engages in deliberations with the Integrated Law Enforcement Center (Sentra Gakkumdu), comprising representatives from Bawaslu, the National Police of the Republic of Indonesia, and the Prosecutor's Office of the Republic of Indonesia. The outcomes of the dialogue are thereafter transmitted to the appropriate authorities based on the categorization of infractions. This stipulation indicates that Bawaslu lacks the power to carry out investigations or directly

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execute criminal penalties, instead serving as a regulatory body that monitors the law enforcement procedure in alignment with legal statutes.

Regulatory Body

Bawaslu possesses the jurisdiction to oversee the management of purported electoral offenses via the Integrated Law Enforcement Center (Gakkumdu Center). The forum comprised representatives from Bawaslu, the National Police of the Republic of Indonesia, and the Prosecutor's Office of the Republic of Indonesia, who collaboratively deliberated on purported electoral offenses prior to deciding on subsequent actions to address them. The coordinating authority indicates that the electoral law enforcement framework in Indonesia employs a cohesive law enforcement apparatus, ensuring that any suspected instances of money politics are addressed by mutual agreement among law enforcement entities.

Advisory Body

The advisory power is manifested by submitting the study's findings to the relevant authorities based on the categorization of identified infractions. Purported administrative infractions were sent to the General Election Commission for resolution in accordance with its jurisdiction, whereas purported electoral offenses were relayed via the Gakkumdu Center framework. This authority indicates that Bawaslu lacks the power to carry out investigations, prosecutions, or directly impose criminal penalties, instead serving as a regulatory body that guarantees all purported infractions are handled in accordance with legal protocols. According to Philipus M. Hadjon's Theory of Authority (2005), all types of authority are attribution authority (attributie van bevoegdheid) as they are conferred directly by Law Number 7 of 2017 to Bawaslu, the electoral organizing body. This jurisdiction does not stem from delegation or assignment (mandate) by other governmental entities, thereby possessing a legal foundation derived directly from the legislation. This character demonstrates that the execution of Bawaslu's power adheres to the norm of legality under administrative law. According to the findings of the conducted research and analysis, Bawaslu's jurisdiction in addressing monetary political practices during the 2024 Election encompasses:

1) Prophylactic jurisdiction.
2) Regulatory oversight.
3) Governance power.
4) Supervisory entity.

Advisory power.

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The five types of authority demonstrate that Bawaslu's jurisdiction extends beyond mere enforcement to encompass prevention, oversight, coordination, and regulation of the electoral law enforcement process. The extent of this authority positions Bawaslu as a regulatory body that performs a pivotal role in upholding the integrity of the 2024 Election in alignment with the ideals of the rule of law and democracy.

The Effectiveness of the Election Supervisory Agency in Handling *Money Politics* Practices in the 2024 Election

The efficacy, as determined by the findings from a document analysis of Law Number 7 of 2017 and Bawaslu Regulation Number 7 of 2022, along with interviews conducted with members of the West Java Provincial Bawaslu, indicates that the execution of Bawaslu's mandate in addressing monetary political practices during the 2024 Election has adhered to the established procedures. Each purported infraction undergoes a series of phases including the receipt of reports or findings, assessment of formal and substantive criteria, clarification, evidence collection, legal analysis preparation, and consultation with the Integrated Law Enforcement Center (Sentra Gakkumdu) to determine if it satisfies the criteria for electoral offenses.

The findings of the research indicate that the efficacy of this authority is not entirely perfect. The primary challenges encountered in the evidential process consist of insufficient evidence, an absence of cooperative witnesses, the complexity of establishing the connection between material distribution and voters' political decisions, and restricted time for case management. This situation prevents all purported political financial misconduct from advancing to the law enforcement phase.

The research analysis indicates that these constraints do not entirely represent Bawaslu's inadequate performance, but rather stem from its jurisdictional limitations. Bawaslu is solely empowered to oversee, manage preliminary actions, and conduct legal analyses, whereas the investigation and prosecution fall under the jurisdiction of the National Police of the Republic of Indonesia and the Prosecutor's Office of the Republic of Indonesia via the Gakkumdu Center framework. The efficacy of addressing monetary political behaviors is significantly affected by the collaboration between law enforcement bodies and public engagement in supplying information and evidence.

These results align with Soerjono Soekanto's (1983) theory about legal efficacy, which posits that the effectiveness of law is shaped by legal elements, enforcement mechanisms,

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resources, societal context, and legal culture. The challenges identified in the research indicate that societal influences and legal norms remain significant barriers, particularly due to the clandestine nature of monetary politics, the public's reluctance to report, and the entrenched culture of transactional politics during elections.

The findings of the study indicate that the efficacy of Bawaslu's jurisdiction in addressing monetary political practices during the 2024 election can be summarized as follows. The exercise of authority has adhered to Law Number 7 of 2017 and Bawaslu Regulation Number 7 of 2022.

The efficacy of management has been subpar owing to Bawaslu's restricted authority during the supervision and preliminary case handling phases. The primary challenges consist of insufficient evidence, minimal public engagement, and a transactional political environment.

Enhancing effectiveness requires strengthening collaboration among law enforcement agencies and raising public legal awareness.

Implications of the Effectiveness of the Election Supervisory Agency in Handling *Money Politics Practices* on the Quality of Democracy in Indonesia

The findings of the research indicate that the efficacy of the Election Supervisory Agency (Bawaslu) in addressing monetary political behaviors influences the caliber of democracy in Indonesia. A review of documents pertaining to Law Number 7 of 2017 and Bawaslu Regulation Number 7 of 2022, along with interviews conducted with members of the West Java Provincial Bawaslu, revealed that the efficacy of addressing money politics is assessed not solely by the volume of cases managed, but also by Bawaslu's capacity to avert infractions and uphold public confidence in the electoral process.

The findings of the research indicate that the ongoing practice of monetary politics at different phases of the 2024 election affects the caliber of democracy. Political rivalry is not solely founded on the honesty and competence of electoral candidates, as certain individuals still perceive the provision of money or goods as an acceptable activity prior to voting. This circumstance diminishes the fundamental nature of elections as a vehicle for exercising the free and democratic sovereignty of the populace.

The analytical study indicates that the efficacy of Bawaslu's power is directly correlated with the caliber of democracy. The more proficient the oversight and management of monetary political practices, the higher the likelihood of achieving transparent, equitable, and principled

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elections. Conversely, the suboptimal management of monetary politics may undermine the legitimacy of electoral outcomes, since individuals' political decisions are swayed by financial exchanges rather than logical reasoning.

These ramifications influence not only the integrity of elections but also the governance processes. The engagement in monetary politics may lead to elevated political expenses (political cost recovery), perhaps resulting in the misuse of power, corruption, and diminished governmental accountability.

The results of this research align with Robert A. Dahl's (1989) democratic philosophy centered on Polyarchy, highlighting the significance of open political rivalry and broad political engagement. The engagement in monetary politics contradicts this ideal as it impinges upon voters' autonomy in their political decisions.

According to this argument, the efficacy of Bawaslu's authority serves as a crucial mechanism for achieving free and fair elections. The greater the efficacy of oversight and enforcement regarding monetary political practices, the superior the quality of democracy, which is defined by the assurance of political equality, freedom of choice, and governmental accountability. The research findings yield multiple conclusions regarding the efficacy of Bawaslu's authority on democratic qualities.
The efficacy of Bawaslu's jurisdiction bolsters the attainment of transparent, equitable, and principled elections.

The suboptimal management of money politics diminishes the quality of political competition. The utilization of monetary influence in politics undermines voter autonomy and diminishes the credibility of electoral outcomes. Enhancing the authority of Bawaslu, fostering inter-agency collaboration, and elevating public legal consciousness are crucial elements in fortifying the quality of democracy in Indonesia.

IV. CONCLUSION

Drawing from the findings of research and dialogues regarding the efficacy of the Election Supervisory Agency (Bawaslu) in addressing money politics during the 2024 election and its ramifications for democratic quality in Indonesia, several conclusions can be articulated as follows. The Election Supervisory Agency (Bawaslu) derives its authority to address money politics from the attribution granted by Law Number 7 of 2017 regarding General Elections. These roles encompass preventive, supervisory, administrative, coordinating, and advisory functions carried out in accordance with the infraction management framework outlined in

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Bawaslu Regulation Number 7 of 2022. The utilization of this authority illustrates that Bawaslu plays a pivotal role in averting and addressing purported money politics activities; however, it lacks the jurisdiction to initiate investigations or prosecutions, as these powers reside with the National Police of the Republic of Indonesia and the Prosecutor's Office of the Republic of Indonesia via the Integrated Law Enforcement Center (Sentra Gakkumdu). The efficacy of Bawaslu's jurisdiction in addressing monetary political abuses during the 2024 election has not been entirely maximized. According to the examination using Soerjono Soekanto's Legal Effectiveness Theory, the normative execution of Bawaslu's authority aligns with legal statutes, yet encounters numerous challenges related to legal structure, resources, societal factors, and legal culture. These challenges include insufficient evidence, limited public engagement in reporting infractions, the clandestine nature of monetary political activities, limited time for case management, and collaboration among law enforcement entities that influences the efficacy of case resolution.

The efficacy of Bawaslu's power profoundly influences the caliber of democracy in Indonesia. The more proficiently Bawaslu exercises its authority to avert and address money politics, the higher the likelihood of achieving elections characterized by honesty, fairness, and integrity. Conversely, the engagement in suboptimal money politics may diminish the caliber of political competition, restrict voters' ability to make informed decisions, undermine the legitimacy of electoral outcomes, and adversely affect the quality of democratic governance. According to the examination using Robert A. Dahl's Theory of Democracy, the efficacy of overseeing monetary political practices is a crucial condition for achieving free and equitable elections and enhancing the quality of democracy in Indonesia. According to the findings of the conducted research, the author recommends that the Election Supervisory Agency of the Republic of Indonesia, in collaboration with the Government and the House of Representatives, enhance the framework for addressing money politics offenses by fortifying the Bawaslu institution, optimizing participatory oversight, augmenting human resource capabilities, and establishing a more adaptable evidentiary mechanism tailored to the nature of money politics activities. Furthermore, it is imperative to assess and enhance Law Number 7 of 2017 together with its associated regulations, particularly concerning the evidentiary procedures, the timeline for addressing infractions, and bolstering collaboration within the Integrated Law Enforcement Center (Gakkumdu Center). These measures are anticipated to enhance the efficacy of law enforcement in combating money politics, ensure

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legal certainty, and facilitate the execution of elections that are honest, equitable, principled, and of high quality, in alignment with the tenets of the rule of law and democracy.

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