





## Reconstructing Electoral Law Policy to Strengthen the Prevention and Enforcement of Money Politics in Indonesia



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### Abstract

Elections constitute a fundamental manifestation of democracy, serving as a crucial mechanism connecting candidates and voters. However, electoral contests continue to be undermined by violations, particularly money politics and political dowries. Article 228 explicitly prohibits the giving and receiving of political dowries in the nomination of presidential and vice-presidential candidates, yet the practice of vote-buying through money or goods persists and has increasingly become embedded as a political culture. This phenomenon threatens democratic integrity, weakens clean governance, and undermines the realization of fair elections. This study examines campaign finance regulation as a preventive legal policy against money politics practices. Employing a normative juridical research method, the study relies on primary and secondary legal materials through a statute approach and a comparative approach. The statute approach is conducted by analyzing the regulatory framework governing campaign finance, criminal provisions, and law enforcement mechanisms related to electoral violations. Meanwhile, the comparative approach is carried out through a micro-level examination of campaign finance limitation policies in the United States in order to construct a preventive model applicable within the Indonesian context. Using deductive legal reasoning and legal syllogism, the research positions legal norms as the major premise and correlates them with relevant legal facts to formulate conclusions. The findings indicate that limiting campaign funds serves as a strategic instrument to reduce excessive monetary influence in politics. Strengthening contribution limits, transparency mechanisms, and law enforcement is therefore essential to prevent money politics and safeguard electoral integrity and democratic accountability.

**Keywords:** Money Politics; Campaign Finance Limitation; Electoral Law; Comparative Legal Study; Democratic Integrity

## I. Introduction

The phenomenon of money politics remains one of the most serious problems in the conduct of general elections and local elections (Pilkada) in Indonesia. Numerous studies indicate that the practice of distributing money, goods, or promises with economic value has eroded the principles of electoral fairness and integrity, undermined the quality of democracy, and proven difficult to eradicate through existing legal mechanisms. Money politics not only diminishes

public trust in electoral processes but also fosters political corruption, injustice, and the entrenchment of clientelistic relationships between voters and elected officials.<sup>1</sup>

The persistence of money politics is influenced by both structural and cultural factors, including poverty and economic inequality, low levels of political education, permissive local cultures, and the high cost of electoral competition.<sup>2</sup> In the context of general and local elections, exorbitant campaign costs encourage candidates to seek shortcuts through vote-buying practices and create dependency on financial backers, which ultimately leads to policy quid pro quo and perpetuates cycles of political corruption.<sup>3</sup>

Normatively, Indonesia has established a legal framework prohibiting money politics, primarily through Law Number 7 of 2017 on General Elections and its implementing regulations. However, analyses of the dynamics of money politics during the 2024 General Election reveal that law enforcement remains weak. Many cases do not progress beyond the stage of initial findings, only a few result in judicial decisions, and the sanctions imposed often fail to generate a deterrent effect. Weak coordination among electoral management bodies (the General Election Commission/KPU, the Election Supervisory Agency/Bawaslu, and law enforcement authorities), coupled with evidentiary challenges, further widens the gap between legal norms and their practical implementation.<sup>4</sup>

From a legal politics perspective, electoral regulations are products of political compromise and have not fully aligned with the protection of public interests and democratic integrity.<sup>5</sup> Studies on legal politics and regulatory reform demonstrate that lawmaking processes in Indonesia are frequently influenced by political and economic elites, resulting in imbalances between public interests and powerful groups and weakening the social legitimacy of the regulations produced.<sup>6</sup> In the electoral context, this condition is reflected in the continued existence of opportunities for abuse of power, political dowries, and political dynasties, all of which contribute to the persistence of transactional politics.<sup>7</sup>

These conditions indicate an urgent need for the reconstruction of legal policy in the prevention and handling of money politics. Such reconstruction should encompass reforms in legal substance—through clearer formulation of offenses, expansion of regulated subjects and modes of conduct, and the strengthening of sanctions as well as reinforcement of enforcement structures by enhancing the capacity and independence of Bawaslu, the General Election Commission (KPU), and law enforcement agencies. At the same time, it requires the transformation of legal culture through political education and the active involvement of civil society.<sup>8</sup> Experiences from policy reforms in other sectors demonstrate that legal politics designed with due consideration for social justice, transparency, and the control of elite interests constitute essential prerequisites for the creation of effective and equitable regulations.<sup>9</sup>

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<sup>1</sup> Puansah, "Studi Literatur."

<sup>2</sup> Bambang Arianto, "Menakar Politik Kekerabatan Dalam Kontestasi Pemilihan Kepala Daerah 2020," *Jurnal Ilmu Politik Dan Pemerintahan* 7, no. 1 (2021): 81–98, <https://doi.org/10.37058/jipp.v7i1.2844>; Puansah, "Studi Literatur"; Simamora et al., "Menegakkan Prinsip Keadilan Dan Kejujuran Dalam Demokrasi."

<sup>3</sup> Arianto, "Menakar Politik Kekerabatan Dalam Kontestasi Pemilihan Kepala Daerah 2020"; Puansah, "Studi Literatur."

<sup>4</sup> Puansah, "Studi Literatur"; Simamora et al., "Menegakkan Prinsip Keadilan Dan Kejujuran Dalam Demokrasi."

<sup>5</sup> Bakharuddin Muhammad Syah, "Relasi Gerakan Aceh Merdeka (GAM), Masyarakat dan TNI-Polri dalam Pandangan Antropologi Kepolisian," *Jurnal Syntax Dmiration* 5, no. 5 (2024): 1741–49, <https://doi.org/10.46799/jsa.v5i5.1153>; Budiman Basarah and Ulfia Hasanah, "Politik Hukum Dalam Reformasi Regulasi Di Indonesia: (Antara Kepentingan Politik Dan Kepentingan Elit)," *Riau Law Journal* 8, no. 2 (2025): 148–61, <https://doi.org/10.30652/rj.8.2.148-161>.

<sup>6</sup> Basarah and Hasanah, "Politik Hukum Dalam Reformasi Regulasi Di Indonesia."

<sup>7</sup> Arianto, "Menakar Politik Kekerabatan Dalam Kontestasi Pemilihan Kepala Daerah 2020"; Bakharuddin Muhammad Syah, "Relasi Gerakan Aceh Merdeka (GAM), Masyarakat dan TNI-Polri dalam Pandangan Antropologi Kepolisian."

<sup>8</sup> Puansah, "Studi Literatur"; Bisyrul Maulana Ali et al., "Implementasi Kebijakan Politik Hukum Dalam Penguatan Sistem Peradilan Di Indonesia," *Hutanasyah: Jurnal Hukum Tata Negara* 3, no. 2 (2025): 73–81; Simamora et al., "Menegakkan Prinsip Keadilan Dan Kejujuran Dalam Demokrasi"; Basarah and Hasanah, "Politik Hukum Dalam Reformasi Regulasi Di Indonesia."

<sup>9</sup> Imroatin Arsali and Nur Lailatul Musyafaah, "Konsepsi Kebijakan Hukum Terhadap Tindak Pidana Pencucian Uang Untuk Menjaga Stabilitas Ekonomi Nasional," *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 5, no. 6 (2024): 516–639,

The handling of this crime cannot be placed solely on law enforcement authorities but must be supported by the active participation of all elements of society. In this regard, greater commitment from the government and political parties is required to address the problem of money politics through both legal and political avenues, including the formulation of effective and efficient preventive strategies. Moreover, criminal law must function as a safeguard and legal framework for electoral processes, providing clear legal consequences for electoral crimes and violations. Given the widespread normalization of money politics and black campaigns within society leading up to the 2024 General Election, this study aims to identify appropriate legal policies for addressing money politics in Indonesia's electoral system. Accordingly, the study is entitled "*Reconstruction of Legal Policy in the Prevention and Handling of Money Politics in Elections in Indonesia*".

## I. Research Problems

Based on the foregoing background, the research problems formulated to examine the issue of money politics as a criminal offense are as follows: 1) how is the legal policy framework concerning the prevention of money politics in the United States?; and 2) how is the legal policy governing the prevention and handling of money politics in the 2024 general election in Indonesia?

## II. Research Methods

This study employs normative juridical research to explain and analyze the law as it applies to particular events or legal issues. Normative juridical research examines library materials or secondary legal sources as the foundation of the study by conducting a systematic review of statutory regulations and legal literature relevant to the issues under investigation. The research approaches applied in this study consist of the statute approach and the comparative approach. The statute approach is carried out by examining laws and related regulations governing the legal issues addressed in this research, while the comparative approach is used to compare the legal systems of one country with those of another.

This research constitutes a form of micro-level comparative legal study, focusing on the examination of legal rules related to legal policy in the United States. Data analysis is conducted using deductive reasoning, which involves interpreting and discussing research materials based on legal concepts, statutory provisions, legal theories, and doctrines relevant to the issues examined. Legal norms serve as the major premise, which is then correlated with relevant legal facts as the minor premise. Through a process of legal syllogism, conclusions are drawn to address the research problems.

## III. Result and Discussion

### 1. Legal Policy Framework for the Prevention of Money Politics in the United States

Democracy constitutes a shared value embraced by many states; therefore, it is a right of all nations rather than the prerogative of particular groups or a select few individuals. The implementation of democracy varies across countries in terms of regulation, form, model, and characteristics. With regard to the widespread phenomenon of money politics during elections in Indonesia, it should be emphasized that such practices are not unique to Indonesia. Even in the United States, money politics remains difficult to avoid. From a conceptual perspective, democracy is not merely a matter of symbolism or publicity, but rather carries a pragmatic purpose aimed at resolving societal problems.<sup>10</sup>

In the United States, the role of money and campaign financing has become a serious issue in the conduct of elections. In this context, the involvement of money in elections has significant implications for political interest and motivation in candidacy. It affects the ability of

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<https://doi.org/10.15642/mal.v5i6.431>; Ali et al., "Implementasi Kebijakan Politik Hukum Dalam Penguatan Sistem Peradilan Di Indonesia"; Basarah and Hasanah, "Politik Hukum Dalam Reformasi Regulasi Di Indonesia."

<sup>10</sup> League of Women Voters, *Money in Politics*, July 2, 2021, <https://www.lwv.org/voting-rights/money-politics>.

ordinary citizens to run for office due to the lack of substantial financial resources. Consequently, not all individuals in the United States enjoy equal opportunities to compete electorally. In practice, most candidates rely on campaign funding from communities, organizations, or interest groups. This condition has been exacerbated by the 2010 decision of the United States Supreme Court concerning campaign finance, which has been widely regarded as weakening the fundamental pillars of American democracy.<sup>11</sup>

Campaign finance issues have become increasingly complex with the emergence of *dark money*, referring to funds intended to influence election outcomes while originating from undisclosed sources. Such funding mechanisms are deliberately designed to circumvent financial disclosure requirements.<sup>12</sup> According to a report by the Pew Research Center, the majority of Americans support regulatory measures to limit political campaign spending. Approximately seven out of ten adults in the United States – around 72% – favor restrictions on the amount of money that individuals and organizations may spend on political campaigns. Furthermore, 11% of respondents in open-ended surveys identified money politics and corruption among elected officials as the most serious problems affecting American democracy. Most Americans believe that the high cost of political campaigns discourages ordinary citizens from running for office; more than 85% of respondents indicated that excessive campaign expenditures constitute one of the principal challenges facing democracy today. In some cases, personal financial gain has become a primary motivation for seeking public office.<sup>13</sup>

The turbulence surrounding campaign finance in the United States has contributed to public alienation and democratic fatigue. The decline of American democracy has been further exacerbated by the prevalence of money politics, identity politics, inter-party conflicts, political polarization, social fragmentation, racial tensions, and increasingly acute wealth inequality.<sup>14</sup> Discussions of “American-style democracy” have thus become closely associated with the dominance of money in politics. Money politics has permeated electoral processes, legislative activities, and administrative governance in the United States. One illustrative example is the 2020 presidential and congressional elections, which reportedly cost approximately USD 14 billion – twice the expenditure of the 2016 elections and three times that of the 2008 elections. Statistical data indicate that 91% of elections in the United States are won by candidates with greater financial resources. As a result, money politics has become a highly contested and widely debated issue in the United States. This concern aligns with the views of Robert Reich, Professor of Public Policy at the University of California and former U.S. Secretary of Labor, who in his book *The System: Who Rigged It and How We Fix It* explicitly characterizes political donations and campaign financing as a form of “legalized bribery”.<sup>15</sup>

The implication of such “legalized bribery” is that wealthy individuals, corporations, and organized interests that contribute substantial financial resources to political campaigns are able to exercise disproportionate political influence. This dynamic enables oligarchic elites to consolidate power and influence, often at the expense of the broader public interest. Consequently, democratic institutions risk becoming dysfunctional, leading to a crisis of public trust.<sup>16</sup> Fundamentally, a functioning democracy requires robust institutional procedures, one of the most essential being meaningful and inclusive public participation.

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<sup>11</sup> Andy Cerda and Andrew Daniller, “7 Facts about Americans’ Views of Money in Politics,” *Pew Research Center*, October 23, 2023, <https://www.pewresearch.org/short-reads/2023/10/23/7-facts-about-americans-views-of-money-in-politics/>.

<sup>12</sup> Cerda and Daniller, “7 Facts about Americans’ Views of Money in Politics.”

<sup>13</sup> Cerda and Daniller, “7 Facts about Americans’ Views of Money in Politics.”

<sup>14</sup> Nour Abdul-Razzak, Carlo Prato, and Stephane Wolton, “After Citizens United: How Outside Spending Shapes American Democracy,” *SSRN Electronic Journal*, ahead of print, 2017, <https://doi.org/10.2139/ssrn.2823778>; Rachel Funk Fordham, “Anti-Democratic Influence: The Effect of Citizens United on State Democratic Performance,” *Legislative Studies Quarterly* 49, no. 3 (August 2024): 455–80, <https://doi.org/10.1111/lsq.12447>.

<sup>15</sup> Deborah Hellman, “A Theory of Bribery,” *Cardozo Law Review* 38, no. 6 (2017), <https://ssrn.com/abstract=2828840>.

<sup>16</sup> Srishti Sharma, Musssaib Mir, and Santosh Kumar, “Money and Politics: The Influence of Billionaires in the 2024 U.S. Election Cycle,” *Journal of Political Science and International Relations* 8, no. 3 (2025): 206–10, <https://doi.org/10.11648/jjpsir.20250803.20>; Muhtar Muhtar, Atikah Khairunnisa, and Joana Tuhumury, “Kuasa

In addressing the challenges of democratic decline and the crisis of public trust, the United States government relies on two key institutions in the electoral process: the Electoral College and the Federal Election Commission (FEC). When American citizens cast their votes at polling stations, they are in fact electing a group of officials who will serve as members of the Electoral College. The term “college” refers to a collective body entrusted with a common function, while “electors” denotes the individuals who comprise that body. The primary duty of the Electoral College is to elect the President and Vice President of the United States. Meanwhile, the Federal Election Commission (FEC) is an independent agency responsible for overseeing and regulating campaign finance in U.S. elections. The FEC was established to enforce federal campaign finance laws, including the reporting of campaign contributions and expenditures, and to ensure that electoral campaigns are conducted in a fair and transparent manner.<sup>17</sup>

In theory, the requirements for becoming a presidential candidate in the United States are relatively straightforward. Candidates must satisfy three basic constitutional qualifications. Upon meeting these requirements, candidates are required to register with the Federal Election Commission (FEC). Subsequently, a candidate must either raise or spend at least USD 5,000 to qualify as a presidential contender. In practice, however, campaign costs are extraordinarily high.<sup>18</sup> In the 2008 presidential election, Barack Obama reportedly spent approximately USD 745 million, while John McCain spent around USD 350 million. Other Democratic presidential candidates collectively spent approximately USD 311 million, while Republican candidates spent around USD 248 million. In addition, campaigns for seats in the U.S. Senate and House of Representatives required expenditures exceeding USD 1.4 billion.<sup>19</sup>

The Federal Election Commission (FEC), which oversees elections in the United States, was established by Congress in 1971. Concurrently, Congress enacted the Federal Election Campaign Act (FECA) in 1971 to regulate campaign finance in federal elections. FECA governs the raising and spending of money in U.S. federal elections by imposing limits on the amount of money or other contributions that may be lawfully provided to federal candidates and political parties. It also mandates the disclosure of campaign contributions and expenditures for federal offices. Moreover, FECA introduced direct prohibitions on certain corporate and labor union contributions, expenditures, and political communications.

The Federal Election Campaign Act (FECA) has undergone several amendments, notably in 1974 following the Watergate scandal, in 1976 after the U.S. Supreme Court invalidated certain provisions deemed unconstitutional in *Buckley v. Valeo*, and in 2002 through the Bipartisan Campaign Reform Act (BCRA). The BCRA came into force immediately after the 2002 general election and governed all U.S. federal elections until the Supreme Court’s decision in *Citizens United v. Federal Election Commission* (2010), which struck down BCRA restrictions on corporate and labor union spending for independent political advertisements. Subsequently, in *McCutcheon v. Federal Election Commission* (2014), the Supreme Court invalidated amendments to FECA – including those introduced by the BCRA – that imposed aggregate limits on individual contributions to multiple federal candidates, political parties, and political action committees (PAC).<sup>20</sup>

As previously discussed, in *Citizens United v. FEC* (2010), the Supreme Court overturned a federal ban on corporate political expenditures that had been in effect for more than half a century. The Court held that corporations possess First Amendment rights comparable to those of individuals, that political spending constitutes a form of protected free speech, and that independent corporate political expenditures do not pose a sufficient risk of corruption to justify

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Uang Dalam Pemilihan Kepala Daerah: Oligarki, Premanisme Dan Kekuatan Lokal,” *Journal of Literature Review* 1, no. 2 (2025): 628–47, <https://doi.org/10.63822/y2bh5j70>.

<sup>17</sup> Karen Denice Sebold, *Evaluating Campaign Finance Oversight: An Assessment of the Federal Election Commission*, 1st ed. (Lexington Books, 2024), <https://doi.org/10.5040/9798216432784>.

<sup>18</sup> Denice Sebold, *Evaluating Campaign Finance Oversight*.

<sup>19</sup> CBS News, *Obama Amassed \$745M For Campaign*, 2008, <https://www.cbsnews.com/news/obama-amassed-745m-for-campaign>.

<sup>20</sup> Britannica, *Federal Election Campaign Act United States 1971*, 2023, <https://www.britannica.com/topic/Federal-Election-Campaign-Act>.

restriction. This ruling led to a significant increase in political spending by corporations and other organizations, often resulting in the dominance of corporate voices in the political process. Consequently, political influence has become increasingly unequal, enabling actors with substantial financial resources to exert disproportionate influence over electoral outcomes and public policy. As a result, public trust in democratic processes has continued to erode, reinforcing the perception that public policy disproportionately favors corporate interests over the general public.

It is important to note that federal campaign finance laws apply only to candidates and groups participating in federal elections, namely congressional and presidential elections. Individual states establish and enforce their own campaign finance laws for state and local elections. During the 2015–2016 election cycle, FECA imposed contribution limits on federal candidates. Contributions may take the form of money, goods and services, or loans. Certain contribution limits apply to each election in which a federal candidate participates; for example, primary elections and general elections are treated as separate contests. An individual may contribute USD 2,700 to a candidate during a primary election and subsequently contribute an additional USD 2,700 to the same candidate in the general election.<sup>21</sup>

The Federal Election Campaign Act (FECA) constitutes a comprehensive regulatory framework that governs the amount of money candidates may receive from individuals and organizations, the scope and frequency of disclosure obligations for such contributions, and the limits on financial contributions made by individuals, organizations, and political parties to electoral campaigns. Under the Federal Election Campaign Act (FECA), the following provisions are stipulated.

**Table 1.** Federal Election Campaign Act (FECA)

<b>Campaign Finance Regulatory Principles</b>	<b>Regulation</b>	<b>Description</b>
Types of general elections	Article 301	General elections include general elections, special elections, primary elections, and runoff elections. This also includes primary elections for selecting delegates to a political party’s national nominating convention, as well as primary elections to express a preference for a Presidential candidate.
Candidate qualification	Article 301	An individual shall be considered to be seeking nomination for election if the individual has received contributions or made expenditures exceeding USD 5,000, or has authorized another person (a supporting political party) to receive contributions or make expenditures on their behalf, and such contributions or expenditures exceed USD 5,000.
Expenditure regulation	Article 301 (8) and (9)	An expenditure occurs when more than USD 5,000 is spent in a calendar year, or when contributions exceeding USD 1,000 are made in a calendar year, or when expenditures exceeding USD 1,000 are made in a calendar year by a local political party committee or an individual candidate.

<sup>21</sup> Rendy Sueztra Canaldhy, Suandi Suandi, and Umi Purwanti, “Perbandingan Sistem Pemilihan Umum Presiden Amerika Serikat Dengan Indonesia,” *Jurnal Ilmiah Ilmu Administrasi* 13, no. 1 (2023): 47–63, <https://doi.org/10.33592/jiia.v13i1.3494>.

Campaign Finance Regulatory Principles	Regulation	Description
Local party committee	Article 304 (1)(a), Article 304 (2), Article 316 (b)	A local party committee meets the criteria if it receives contributions exceeding USD 5,000 in a calendar year, or makes payments exempt from contribution limits. Each campaign committee must have a treasurer responsible for preparing reports of receipts and expenditures. The treasurer must sign each report. The campaign committee treasurer must prepare a post-election report, which must be submitted no later than January 31 of the following calendar year. The treasurer must also prepare pre-election reports, quarterly reports, and other required reports.
Expenses incurred by a committee or candidate	Article 315 (b)	Any expenses incurred by an authorized committee or candidate in connection with soliciting contributions on behalf of the candidate must be carefully accounted for. An exception applies if the expenses incurred by the authorized committee do not exceed an amount equal to 20% of the applicable limit for the candidate. If the expenses exceed this limit, the exception does not apply and the expenditures must be regulated in accordance with applicable regulations. Nevertheless, all expenses, whether below or above the 20% threshold, must be reported in detail.

Source: Primary Data, processed, 2025

The Federal Election Campaign Act (FECA) in the United States plays a significant role in preventing money politics. By establishing limits on campaign contributions and expenditures and requiring transparent financial reporting, FECA functions to reduce the influence of money in the electoral process. The existence of FECA ensures that all financial activities related to election campaigns are monitored and regulated, thereby minimizing opportunities for corrupt practices and the misuse of funds. This law also strengthens the accountability of candidates and political parties by obligating them to publicly disclose the sources and uses of campaign funds.

In contrast, the model of campaign finance in Indonesia remains strongly characterized by money politics. In practice, and as a matter of public knowledge, supporters and sympathizers of candidates often contribute funds that are then distributed to the public as a form of vote-buying, aimed at securing electoral support. Such practices indicate that the legal framework governing campaign finance under Indonesia's Election Law remains weak and insufficiently binding.

**Table 2.** Regulation of the General Election Commission Number 18 of 2023 on General Election Campaign Funds

Legal Basis	Provision
Article 5 paragraph (1) (Sources of campaign funds for President and Vice President)	Campaign funds for the Presidential and Vice-Presidential Election may be obtained from: a. The respective Candidate Pair; b. Political Parties and/or Coalitions of Political Parties nominating the Candidate Pair; and

Legal Basis	Provision
	c. lawful contributions from other parties.
Article 6 paragraph (3) (Campaign fund contributions)	Campaign funds originating from lawful contributions from other parties as referred to in Article 5 paragraph (1) letter c may come from: a. individuals; b. groups; c. companies; and/or d. non-governmental business entities.
Article 8 paragraphs (1) and (2) (Maximum campaign fund sources from individuals, groups, companies)	(1) Campaign funds for the Presidential and Vice-Presidential Election originating from individuals as referred to in Article 6 paragraph (3) letter a shall not exceed IDR 2,500,000,000 (two billion five hundred million rupiah) during the Campaign period. (2) Campaign funds for the Presidential and Vice-Presidential Election originating from groups, companies, and/or non-governmental business entities as referred to in Article 6 paragraph (3) letters b, c, and/or d shall not exceed IDR 25,000,000,000 (twenty-five billion rupiah) during the Campaign period.
Article 16 (Campaign expenditures)	(1) Campaign expenditures for the Presidential and Vice-Presidential Election include: a. financing campaign activities; b. payment of debts; and c. other expenditures, assessed based on reasonable market prices. (2) Financing campaign activities as referred to in paragraph (1) letter a includes the purchase of goods and/or payment for services. (3) Payment of debts as referred to in paragraph (1) letter b constitutes payment of debts of the Candidate Pair and/or the Political Party or Coalition of Political Parties nominating them arising from the purchase of goods from other parties and becoming the responsibility of the respective Candidate Pair and/or nominating Political Party or Coalition. (4) Campaign activities as referred to in paragraph (1) letter a include: d. limited meetings; b. face-to-face meetings; c. distribution of campaign materials to the public; d. installation of campaign props in public places; e. social media; f. advertisements in print mass media, electronic mass media, and online media; g. public rallies; and h. other activities that do not violate campaign prohibitions and applicable laws and regulations.

Legal Basis	Provision
	<p>(5) The value of each campaign material distributed as referred to in paragraph (4) letter c, if converted into monetary value, shall follow applicable laws and regulations.</p> <p>(6) Campaign funds may not be used to finance witnesses of the Candidate Pair during voting and vote counting.</p>
Article 22 paragraph (1) (Types of campaign finance reports)	<p>Campaign Finance Reports for the Presidential and Vice-Presidential Election consist of:</p> <ol style="list-style-type: none"> <li>a. LADK (Initial Campaign Fund Report);</li> <li>b. LPSDK (Report on Receipt of Campaign Fund Donations); and</li> <li>c. LPPDK (Report on Receipt and Expenditure of Campaign Funds).</li> </ol>
Article 31 paragraph (1) (Sources of campaign funds for DPR, Provincial DPRD, and Regency/City DPRD members)	<p>Campaign funds for the election of members of the DPR, Provincial DPRD, and Regency/City DPRD shall originate from:</p> <ol style="list-style-type: none"> <li>a. Political Parties;</li> <li>b. candidates for DPR, Provincial DPRD, and Regency/City DPRD from the respective Political Parties; and</li> <li>c. lawful contributions from other parties.</li> </ol>
Article 34 paragraphs (1) and (2) (Maximum campaign fund sources from individuals, groups, companies)	<p>(1) Campaign funds for the election of members of the DPR, Provincial DPRD, and Regency/City DPRD originating from individuals as referred to in Article 32 paragraph (3) letter a shall not exceed IDR 2,500,000,000 (two billion five hundred million rupiah) during the Campaign period.</p> <p>(2) Campaign funds for the election of members of the DPR, Provincial DPRD, and Regency/City DPRD originating from groups, companies, and/or non-governmental business entities as referred to in Article 32 paragraph (3) letters b, c, and d shall not exceed IDR 25,000,000,000 (twenty-five billion rupiah) during the Campaign period.</p>
Article 54 paragraph (1) (Sources of campaign funds for DPD member elections)	<p>Campaign funds for the election of DPD members shall originate from:</p> <ol style="list-style-type: none"> <li>a. the respective DPD candidate; and</li> <li>b. lawful contributions from other parties.</li> </ol>
Article 57 paragraphs (1) and (2) (Maximum campaign fund sources for DPD members)	<p>(1) Campaign funds for the election of DPD members originating from individuals as referred to in Article 55 paragraph (2) letter a shall not exceed IDR 750,000,000 (seven hundred fifty million rupiah) during the Campaign period.</p> <p>(2) Campaign funds for the election of DPD members originating from groups, companies, and/or non-governmental business entities as referred to in Article 55 paragraph (2) letters b, c, and d shall not exceed IDR 1,500,000,000 (one billion five hundred million rupiah) during the Campaign period.</p>

Source: Primary Data, processed, 2025

Within Indonesia's electoral legal framework, there are no provisions that accommodate limits on campaign spending by election candidates, whether for presidential and vice-presidential candidates, candidates for the House of Representatives (DPR), Regency/Municipal DPRD, or the Regional Representative Council (DPD). Referring to General Election Commission

Regulation (PKPU) Number 18 of 2023 on General Election Campaign Funds, the regulation only governs policies related to the sources of campaign funds. The absence of firm rules on limiting campaign expenditures has implications for the increasing potential of violations related to the criminal act of money politics. Another issue is the lack of discipline among election candidates in submitting Campaign Initial Fund Reports (LADK). It can be observed that in the 2024 Election LADK reports, not a single political party's report was declared complete, even though the reporting deadline had passed. This condition indicates that election candidates are not transparent regarding the actual amount of funds they use.

Based on data from the General Election Commission regarding the use of campaign funds by political parties in the 2024 Election, as of 12 January 2024, the revised LADK shows that the largest campaign fund receipts were held by the Indonesian Democratic Party of Struggle (PDI-P), amounting to IDR 183.86 billion, with expenditures of IDR 115 billion. Meanwhile, the political party with the smallest allocation of campaign funds was the Crescent Star Party (PBB), with receipts of IDR 300 million and expenditures of IDR 228 million. Subsequently, election candidates submitted revised reports; however, there were political parties whose reported receipts and expenditures did not change. This situation indicates that, despite the submission of reports and revised reports, many irregularities are still found in the LADK data. Naturally, this raises the potential that actual campaign funds are far greater than those reported to the KPU.

Furthermore, research by Amru and Dartanto from the Institute for Economic and Social Research (LPEM), University of Indonesia, records that campaign expenditures incurred by candidates for the House of Representatives range from IDR 750 million to IDR 4 billion. In addition, to compete for seats in the Provincial DPRD, campaign expenditures range from IDR 250 million to IDR 500 million.

Regarding the 2024 Election, reports from the Financial Transaction Reports and Analysis Center (PPATK) found a significant increase in fund flows in the accounts of political parties and legislative candidates. According to the PPATK report, there was a sudden surge in political party accounts, increasing by 2,400–4,000 percent from 2022 to 2023, while the total transactions of the final candidate list (DCT) reached IDR 24 trillion. Moreover, PPATK also found that several legislative candidates had links to various criminal offenses, including gambling, illegal mining, narcotics, and embezzlement. In addition, PPATK identified suspicious transactions related to corruption amounting to IDR 3.5 trillion, based on cumulative data from early 2022 through January 2024.

## 2. Legal Policy in the Prevention and Handling of Money Politics in the 2024 Elections in Indonesia

The term *policy* in the Indonesian Dictionary (*Kamus Besar Bahasa Indonesia*) is defined as a series of concepts and principles that serve as guidance and a basis for planning the implementation of work, leadership, and courses of action. Etymologically, the term *policy* originates from the Greek word *polis*, meaning city-state. It then entered Latin as *politea*, meaning state, and in English, it became *policy*, meaning governance, while *politics* refers to political activity. Carl Friedrich defines policy as a series of proposals from an individual, group, or government to address difficulties, obstacles, or potential scenarios in order to achieve the intended goals of implementing those proposals. A democratic political system must at least guarantee the people the freedom to make choices among all candidates seeking public office in peaceful elections. In this context, all individuals are placed on an equal footing, with the same rights and opportunities to participate in political activities.<sup>22</sup>

Policy and legal politics are two important and inseparable components. Mahfud MD argues that legal politics (*politik hukum*) constitutes a legal policy implemented either through the enactment of new laws or through the replacement of existing laws in order to achieve the

<sup>22</sup> Katherine Casey, Abou Bakarr Kamara, and Niccoló Meriggi, *An Experiment in Candidate Selection*, no. w26160 (Cambridge, MA: National Bureau of Economic Research, 2019), w26160, <https://doi.org/10.3386/w26160>; Jamaludin Ghafur, "Democratization of Legislative Prospective Candidate Selection: Urgency and Its Parameters," *Jurnal Hukum Novelty* 12, no. 01 (2021): 67, <https://doi.org/10.26555/novelty.v12i01.a17036>.

objectives of the state.<sup>23</sup> In relation to legal politics, Marc Ancel connects legal politics with crime prevention in society by using the term *criminal policy*. According to Marc Ancel, criminal policy is the “rational organization of the control of crime by society”. G. Peter Hoefnagels also introduced criminal legal policy (*penal policy*), defining *criminal policy* as “a policy of designating human behavior as crime,” and further stating that criminal policy is “the science of crime prevention.” Hoefnagels proposes three paradigms of criminal legal policy: (1) rational societal efforts as a reaction to crime; (2) policies that classify certain human behaviors as criminal acts; and (3) the scientific study of crime prevention. Based on the views of Marc Ancel and G. Peter Hoefnagels, the core elements of criminal legal policy include: (1) determining which acts should be classified as criminal offenses; (2) determining the sanctions that should be applied to offenders; and (3) determining the legal procedures to be followed when violations of criminal provisions occur.<sup>24</sup>

From the explanation above, it can be concluded that criminal legal policy is closely related to the elements of a criminal offense as stipulated in legislation, particularly the Election Law (*Undang-Undang Pemilu*), which encompasses both the element of conduct and the element of culpability. With regard to the legal policy governing money politics offenses in elections, attention must be given to the formulation of prohibited acts, the formulation of criminal sanctions, and the legal procedures available when such offenses occur. According to Didik Supriyanto, there are four cycles of money politics referred to as *political buying*, namely the direct purchase of votes from voters. In Indonesia, the practice of political buying is widespread during elections, manifesting in the provision of campaign transportation allowances, promises of money or goods, distribution of basic necessities or construction materials for religious facilities, “*serangan fajar*” (early-morning vote buying), and other similar practices. Such practices often escape law enforcement due to difficulties in proof resulting from the absence of clear legal boundaries defining money politics. Moreover, a portion of Indonesian society continues to regard political buying as a normal practice, leading to increasing public permissiveness toward money politics during elections. In this context, the public frequently does not reject the distribution of money or goods by legislative candidates or political parties.<sup>25</sup>

The criminal offense of money politics is specifically regulated under Article 523. This provision outlines the elements of money politics across different stages of the electoral process, namely during the campaign period, the cooling-off period, and the voting process itself. Article 523 paragraphs (1) and (2) impose criminal liability on election organizers, participants, and/or campaign teams, while paragraph (3) applies to any individual who commits money politics during the voting process. The criminal sanctions stipulated in each paragraph of Article 523 differ: paragraph (1) carries a maximum imprisonment of two years, paragraph (2) imposes a maximum imprisonment of four years, and paragraph (3) provides a maximum imprisonment of three years. This indicates that the most severe criminal sanction is imposed on money politics offenses committed during the campaign and voting periods. In terms of fines, the highest monetary penalty is imposed for money politics offenses committed during the cooling-off period.

Article 228 explicitly prohibits the giving and receiving of political dowries (*mahar politik*), whether by or to political parties in the nomination of presidential and vice-presidential candidates. The term “reward” (*imbalan*) in Article 228 is used to describe political dowries, referring to transactions involving the provision of funds to political parties in exchange for political support aimed at winning elections. However, the Election Law does not regulate criminal liability for either the giver or recipient of political dowries involving presidential and vice-presidential candidates. As a result, such conduct cannot be subject to criminal sanctions or processed as an election crime. The Election Law clearly distinguishes between campaign fund contributions and political dowries. Articles 327 paragraph (1) and 331 paragraph (2) expressly

<sup>23</sup> Mahmud MD, *Politik Hukum Di Indonesia* (Jakarta: PT. RajaGrafindo Persada, 2012).

<sup>24</sup> Fitriyah Fitriyah, “Fenomena Politik Uang Dalam Pilkada,” *Politika: Jurnal Ilmu Politik* 3, no. 1 (2013): 5–14, <https://doi.org/10.14710/politika.3.1.2012.5-14>.

regulate matters that do not apply to political dowry practices. Political dowries are not considered violations of electoral procedures, administrative processes, or mechanisms; therefore, they cannot be classified as administrative election violations. Nevertheless, Article 228 paragraph (2) provides sanctions for political parties that receive political dowries, not in the form of criminal penalties, but rather a prohibition on nominating presidential and vice-presidential candidates in the subsequent election period.

Articles 325 and 327 use the term “contribution” (*sumbangan*) to refer to campaign fund contributions. The term “contribution” denotes voluntary financial, material, or service-based assistance provided by individuals or legal entities without the expectation of personal gain. These provisions clearly state that campaign fund contributions may originate from the presidential or vice-presidential candidates themselves, political parties, coalitions of political parties, or other lawful sources, with a maximum limit of IDR 2,500,000,000.00, whether in the form of money, goods, or services. Such contributions must be reported to the General Election Commission (KPU) along with clear donor identification. Campaign finance regulation in Indonesia thus constitutes a crucial element in maintaining transparency, accountability, and fairness in the electoral process.

Money politics has become an entrenched feature of elections in Indonesia. In his study, Burhanuddin Muhtadi found that approximately 33% (thirty-three percent) of Indonesian voters were involved in vote-buying transactions during the 2014 general election. This figure indicates that money politics is not merely an anomaly, but rather a structural characteristic of Indonesia’s electoral process. Furthermore, Edward Aspinall and Ward Berenschot argue that money politics is not limited to the distribution of cash, but also encompasses more complex forms of patronage and clientelism. According to Dennis Chapman, there are two primary approaches to preventing criminal acts: identifying the driving factors behind criminal behavior and optimizing law enforcement mechanisms. Efforts to identify the drivers of crime can be undertaken through two systems, namely the abolitionist and moralistic approaches. The abolitionist approach seeks to eliminate the factors that encourage criminal behavior, while the moralistic approach emphasizes moral and religious reinforcement to strengthen ethical values and suppress harmful human impulses.

In efforts to prevent the repeated occurrence of money politics offenses, Dennis Chapman’s framework suggests the application of an abolitionist system. Several measures that may be undertaken are as follows:

#### **Regulation on Campaign Finance Limits**

One of the primary drivers of money politics is the excessive flow of funds during election campaigns. In the absence of campaign finance limits, money politics is likely to recur in every electoral cycle. This condition is driven by escalating campaign costs, which compel legislative candidates and politicians to seek financial resources from various sources. By way of comparison, in the United States, candidates are generally unable to finance election expenditures independently. Therefore, an appropriate policy framework for preventing money politics in Indonesia is to elaborate and adapt elements of the United States’ campaign finance limitation policies. Campaign funds should be restricted and sourced solely from lawful origins, with clear maximum limits imposed on individual contributions as well as donations from groups, corporations, or non-governmental business entities.

Under the United States legal system, there are restrictions on the amount of funds that may be spent during election campaigns, namely not exceeding USD 5,000 in certain contexts. Limiting campaign expenditures may serve as a preventive measure to curb the use of illicit funds and suppress money politics practices. In this regard, Indonesia may adopt campaign finance regulations that remain compatible with its legal system. Transparency in campaign finance management is realized through the obligation of election participants to periodically report the receipt and use of campaign funds to the General Election Commission (KPU). These reports include the Campaign Fund Contribution Receipt Report (*Laporan Penerimaan Sumbangan Dana Kampanye/LPSDK*) and the Campaign Fund Receipt and Expenditure Report (*Laporan Penerimaan dan Pengeluaran Dana Kampanye/LPPDK*), which are subsequently audited by public accounting firms to ensure accuracy and integrity. The Election Supervisory Body (Bawaslu) is tasked with

overseeing the implementation of these regulations and is authorized to impose sanctions, including warnings, fines, or even disqualification of election participants who violate campaign finance rules.

### **3. Optimization of Law Enforcement Against Money Politics Reformulation of Regulatory Provisions in the Election Law**

This reform should be undertaken both at the level of statutory formulation and technical implementation. In relation to the criminal law policy framework discussed earlier, the sanctions stipulated in the Election Law should be reformulated so that criminal penalties are not perceived as outdated, but instead reflect contemporary societal needs and developments. In this context, the reformulation of criminal sanctions under the Election Law may be constructed using an indeterminate sentencing model or special minimum penalties. The use of an indeterminate sentencing framework may enhance legal certainty by clearly defining the scope of punishment while also producing a deterrent effect.

Furthermore, the current electoral framework contains differing provisions across electoral stages, not only in terms of subject classification but also in criminal sanctions. Ideally, the subject of money politics offenses should not be limited to specific individuals or actors. Reporting and supervision mechanisms for elections should be open to broad public participation. This approach is justified by the increasingly diverse forms of money politics offenses, thereby necessitating strong synergy among the government, Bawaslu, and the general public to ensure the realization of elections that are honest, fair, and democratic.

### **4. Optimization of the Role of Anti-Corruption Institutions in Electoral Law Enforcement**

In optimizing the enforcement of money politics offenses, strong synergy with the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi/KPK*) is essential, particularly in monitoring financial flows utilized by electoral candidates. This can be achieved through the organization of specialized training on investigative techniques, the development of integrated intelligence systems and centralized databases to trace campaign fund flows, and the utilization of advanced technologies such as big data analytics and artificial intelligence to detect irregular transaction patterns. Consequently, effective coordination is required among the Election Supervisory Body (Bawaslu), law enforcement agencies, the Corruption Eradication Commission (KPK), and the Financial Transaction Reports and Analysis Center (PPATK). Legislators must also re-evaluate and reconsider election-related legislation, particularly provisions that govern strict and enforceable sanctions.

### **5. Optimization of the Role of Electoral Authorities**

As the primary institution responsible for election oversight, Bawaslu has an obligation to enhance and strengthen the capacity of its human resources in supervising electoral processes. This may be achieved by increasing public participation in election monitoring as a preventive and supervisory measure. In parallel, lawmakers should re-examine election laws to ensure that they contain firm, proportional, and enforceable sanctions capable of deterring money politics practices.

### **6. Strengthening Public Participation in Preventing Money Politics Offenses**

Beyond law enforcement institutions, the public plays a crucial role in preventing and combating money politics in elections. Measures that may be undertaken include political education and awareness campaigns, the establishment of independent grassroots election monitoring groups, the formation of civil society coalitions focused on money politics issues, and policy advocacy aimed at electoral reform. Reducing the prevalence of money politics requires synergy among multiple stakeholders.

Indonesia must implement strict regulations on campaign expenditure limits to safeguard integrity and fairness in electoral processes. Without clear expenditure limits, candidates with access to substantial financial resources may dominate political competition, creating inequality that disadvantages less financially capable candidates. Such limitations are

also essential to prevent corruption, as elected officials may feel compelled to reciprocate large donors through policy decisions that undermine public interests. Moreover, transparency and accountability in campaign finance must be reinforced through clear reporting mechanisms and routine audits conducted by electoral authorities. Through strict and effective regulation, Indonesia can build a cleaner and fairer political system in which candidates compete on equal footing and public policy decisions are driven by public interest rather than financial pressure from powerful donors. Existing legal frameworks that contain significant loopholes enable actors to engage easily in money politics offenses. Therefore, the formulation of regulations governing money politics must be grounded in careful consideration, harmonization, and alignment with empirical conditions in the field.

#### **IV. Conclusion**

One of the major problems in elections in the United States concerns the role of money and campaign financing. Campaign funding issues have become increasingly complex due to the emergence of so-called “dark money,” which refers to funds intended to influence electoral outcomes while originating from undisclosed sources. Such funds are used to circumvent financial disclosure requirements. Legal policy aimed at preventing money politics in the United States is implemented through the Federal Election Campaign Act (FECA). This policy plays a significant role in curbing money politics by establishing limits on campaign contributions and expenditures and by mandating transparent financial reporting. FECA functions to reduce the influence of money in electoral processes by ensuring that all campaign-related financial activities are monitored and regulated, thereby minimizing opportunities for corruption and the misuse of funds. The Act also strengthens the accountability of candidates and political parties by requiring public disclosure of the sources and uses of campaign funds.

In contrast, amid the increasingly pervasive phenomenon of money politics in Indonesian elections, there are two primary approaches to reconstructing legal policy for the prevention and handling of money politics in Indonesia. First, through an abolitionist approach that seeks to identify and eliminate key drivers of money politics. One of the main drivers is the excessive flow of funds during election campaigns; therefore, imposing limits on campaign financing can help prevent the use of illicit funds and suppress the practice of money politics in Indonesia. In this context, campaign finance limits refer to restrictions on the total amount of campaign expenditures for each candidate. Such limitations aim to curb the influence of money in politics, prevent financial domination by powerful actors, and reduce the risk of corruption. Second, by optimizing electoral law enforcement through law enforcement agencies and election management bodies, amending election-related legislation, and enhancing public participation in preventing money politics during elections. These measures are essential to strengthening a democratic constitutional system, ensuring fair and integrity-based elections, and realizing electoral processes that are both effective and efficient.

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