



The Impact of Money Politics to the Indonesian Democratic System: With Special Reference to South Kalimantan Governor Election 2020

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Abstract. Money politics is a terrifying scourge for Indonesia's democratic process. Politics and Money are two distinct groups that cannot be separated. Money politics practice has been undertaken since the first general election, so everyone must be aware of them. Money politics started from the election of village apparatus, district/city, provincial, to central level institutions. Even though there is an Election Supervisory Body (Bawaslu), the practice of money politics in the field still exists. The research evaluates the impact of money politics in the Local Election of South Kalimantan 2020. The research is a combination of normative and empirical research which uses the statute approach. The result shows that in South Kalimantan Governor Election 2020, the researchers believe there has been a structured practice of injustice or unfairness in the election process. Also, the petitioner proposes some points of Money Politics. Although it is difficult to prove it, we can analyze the main issues of the petition received by the Constitutional Court carefully. Therefore, the Constitutional Court decided to hold re-election in several polling stations, indicating that several parties violated the election principle.

Keywords: Money Politics · Local Election · Democracy

1 Introduction

Money Politics and vote-buying have also made election results have little or nothing to do with the performance in office of politicians. Precisely because performance is not a critical factor in the electoral outcome, the incentive to perform is very weak. And because vote-buying is very effective in achieving electoral victory the resort to it is very high. Consequently, elected public office holders who spent huge sums of money to secure victory at the polls would usually have a greater propensity to pursue their private business and financial interest and sometimes those of their corporate sponsors or mentors and financiers. In this situation, public interest takes the back seat in the calculation, thus degrading the responsibilities of the elected officials to the people [1].

Because money politics violations occur in several regions in Indonesia, people do not want to report to *Panwas* (Election Supervisor) as law enforcement officers. Weaknesses in the electoral system provide opportunities for legislative candidates to

play money politics due to defects in supervision. Violations of Article 301 paragraph (1) of Law Number 8 of 2012, which legislative candidates mostly carry out during the campaign period, are money politics, the majority distributing money and goods to prospective voters during the campaign [2]. To influence people's decisions to vote for these candidates in the General Election, the practice of money politics is a practice that is very much against democratic values.

The practice of money politics is mysterious. After all, it is difficult to find data to prove the source of the practice because those who accept prospective voters are waiting for gifts from the candidates or their success teams, let alone report them to the supervisory committee authorized parties. Still, ironically this money politics practice has become a habit and an open secret in Indonesia. In reality, the democratic electoral system in Indonesia still needs a lot of improvement; it is still far from the expectations of an open and fair democratic election system. The biggest obstacle in implementing the General Election is society's embedded culture of money politics. Money politics is a terrifying scourge for Indonesia's democratic process. Politics and money are two distinct groups that cannot separate. It's because people need money and can only do politics with money. The minister of home affairs also conveyed the same thing, that a candidate for regent or mayor needs at least 20 to 100 billion in political capital or costs to participate in the election [3]. The money politic is essentially a rather enticing forum to conduct various transactions. Election fraud is illegally interfering in elections by increasing someone's vote, reducing votes to other candidates, or both. At the same time, corrupt campaign practices are a campaign carried out using state facilities and money country by the candidate holding power. In short, corruption politics are always intertwined with corruption electoral, for example, fraud in a campaign or at the polls [4].

Money politics is nothing new in Indonesia's political structure. Money politic practices have been undertaken since the first direct election, so we must be aware of them. We must not get involved in money politics because it harms this country's political process. One of the crucial issues in Indonesian polls that have not been wholly combated is money politics as stated by Jeffrey A. Winters, money politics is the political act of mobilizing voters to elect certain political parties and candidates at the polling stations by giving a sum of money in return, goods or services [5]. We often encounter money politics in Indonesia just before the General Election. Not only in the election of state leaders but also in the election of legislative candidates. They started from the election of village apparatus, district/city, provincial, to central level institutions. Even though there is an Election Supervisory Body (Bawaslu), we can still find the practice of money politics in the field. This was done to gain the support and sympathy of the people with shortcuts [6].

Although it is evident in Points 1 and 2, the applicant has submitted an application related to the indication of Money Politics in South Kalimantan Governor Election 2020 conducted by candidate pair No. 01 and was rejected by the Constitutional Court because there is still a lack of evidence and or formal requirements to prove the occurrence the practice of money politics [7]. Still, we can see in Constitutional Court Decision Number 124/PHP.GUB-XIX/2021 that the Constitutional Court Justices did not reject all of the

points in the main points of the petitioner's application and have accepted some of the points of the petitioner's petition, namely those contained in points 5, 6, and 7:

1. 100% Voter Attendance at 24 TPS in Benuang District, Tapin Regency.
2. South Banjarmasin District, Banjarmasin City open a Ballots box by PPK.
3. There is an inflated vote in Banjar Regency.

From the case in the 2020 South Kalimantan Governor Election, I suspect there has been a structured practice of injustice or unfairness in the election process. The petitioner also proposes some points of Money Politics. Although it is difficult to prove it, we can analyze the main issues of the petition received by the Constitutional Court carefully. Therefore, the Constitutional Court decided to hold re-election in several polling stations, which indicated that the Luber-Jurdil (Direct, Public, Free, Secret - Honest and Fair) principle was carried out by several parties. That from the manipulation of voter attendance to 100%, inflating the vote, to the opening of the election ballot box, from here I suspect that the person who committed and carried out the violation saved it for nothing, or it can be said that this is where the indication of money politics is applied. Because money politics is complicated to prove clearly, the recipients will be afraid to complain to the authorities, and sanctions or punishments can ensnare them. Many Constitutional Law Experts say that; Money Politics is like a fart, there is a smell but no form; that's the term. Money Politics Demears People's Dignity, Money Politics is a Trap for the people, money politics kills political cadre, money politics will lead to Corruption, Money Politics Kill Society Transformation [8].

2 Method

The type of research is normative and empirical legal research method primarily related to the issue of The Impact of Money Politic to The Indonesian Democratic System with special reference to the South Kalimantan Governor Election. Normative-Empirical Legal Research is a research method that combines elements of normative law which are then supported with the addition of data or empirical elements [9]. Moreover, the method used in this research is Descriptive Analysis with a Qualitative Approach. This matters because analyzing an object of research used this method to explain the data used. As for the data referred to, namely in terms of explaining the data from interviews, legal regulations relating to research issues, study data literature, namely literature related to this research [10].

The data used in the research is Primary data and Secondary data. The research also was conducted through interviews with the constitutional legal expert, and respondents related in the case of The Impact of Money Politic to The Indonesian Democratic System with Special Reference to South Kalimantan Selatan Governor Election. The data is divided into 3 (three) legal materials: Primary Legal Material, Secondary Legal Material, and Tertiary legal material.

The collection method in this research will be done through library research by literature learning and interviewing people related to these issues. Literature Study is a collecting data technique carried out by existing legal materials, namely primary legal

materials, secondary legal materials, and tertiary legal materials. And the interview is a collecting data technique carried out by asking questions that are carried out directly between the author and the resource person or informants, aiming to obtain information. This research will interview by asking the informants directly.

3 Discussion and Analysis

3.1 Elections in the Indonesian Democratic System

In most democratic countries, elections are considered a symbol, as well as a benchmark of democracy, so elections are a procedural principle of democracy. Democracy as a political system is implemented by holding general elections. The essential principles of democracy consist of freedom and equality. The two essential principles of democracy must also be reflected in the implementation of elections as a democratic procedure. The way to measure it is to what extent the principles of election administration (Luber Jurdil) have been implemented correctly and optimally or not. If the Luber Jurdil principle has been implemented correctly, it will also impact fulfilling the principles of freedom and equality [11]. Democracy has also become the mainstream of modern countries because democracy stands on the principle of equality. Every citizen has the same rights and position in the government; therefore, every citizen actually has the same power to govern. The power of the people is the source of the legitimacy and legality of state power. The results of elections held in an atmosphere of openness with freedom of expression and freedom of association are considered to reflect the people's participation and aspirations.

With the election, it is hoped that it will produce people's representatives who can understand the people's aspirations, especially in formulating public policies with a system of alternating powers [12]. Elections are an arena of competition to fill political positions in the government based on the formal election of eligible citizens. Universally, the election is an instrument to realize the sovereignty of the people, which intends to form a legitimate government and a means of articulating the aspirations and interests of the people. General elections are one way to determine the people's representatives who will sit in the legislature, so there are various electoral systems [12]. The State of Indonesia is based on the people's sovereignty, following Article 1, paragraph 2 of the 1945 Constitution, which explains: Sovereignty is in the hands of the people and is implemented according to the Constitution. The sovereignty possessed by the people is reflected in the holding of general elections at certain times.

Elections are also one of the fundamental human rights of citizens. Therefore, in the context of implementing human rights, it is a must for the government to conduct general elections. In our Constitution, the 1945 Constitution stipulates the existence of elections, namely in chapter VIIB Article 22E, which is about General Elections. Following the principle that the people are sovereign, everything must be returned to the people to determine it. It violates human rights if the government does not hold general elections or delays elections without the consent of the people's representatives. The people's representatives act on behalf of the people [12]. The people's representatives determine the style and method of government and what goals are to be achieved both in a relatively short time and in the long term. In this republic, the practice of elections

in Indonesia has been running for a long time. Elections in Indonesia are divided into three periods, namely:

1. Election of the old order
2. Election of the new order
3. Elections for the reform order

Of course, the electoral orders have their own characteristics according to the political situation, Law, social situation, and the laws in force when the election was held. The first general election in the reform era in 1999 implemented an electoral system different from the last legislative election in 2004 to 2019. Starting in 2004, Indonesia began to elect the President until now directly. In 2005, Indonesia only held direct regional head elections. If we look at its development, elections are one of the instruments of Democracy [12]. According to Larry Diamond, elections are the participation of citizens in political and state life, the fulfillment of the fundamental rights of citizens or citizens' human rights, and the last is the Rule of Law, where standard norms of legal procedures are applied equally.

In the context of the election as an elite circulation, it must be able to be held in a free and fair election. The free and fair election certainly requires universal suffrage to be fulfilled. Then the right to be elected means being free from pressure and using the right to vote based on correct information. If in the context of Indonesia, these principles are translated into article 22 E paragraph 1, which contains direct general elections that are free of secrets, honesty, and fairness every five years or periodic elections [12]. Suppose we further dissect the practice of general and local elections according to the election principles adopted by the Constitution. In that case, the Local Election is regulated in Article 18, paragraph 4, which states that the elections for governors, regents, and mayors are held democratically. This Democracy can be correlated with Article 22 E paragraph 1 related to the principle of fairness and justice.

Although electoral management and governance in Indonesia are getting better, there are still many problems identified by the informants, namely that voters in Indonesia are still facing transactional political practice problems, where this transactional political practice is divided into several forms, namely:

1. There is a selling and buying of votes.
2. Candidacy buying or where a candidate comes forward and commits a bribery practice to get a candidacy ticket
3. There are still attempts to bribe the election organizers to win the electoral contestation.

Thus, an honest and fair election is harmed because the practice is not carried out honestly first, because the practice of transactional politics is contrary to one of the basic principles of Democracy, namely anti-corruption. The transactional political practice in the form of vote-buying or buying and selling of votes, political dowry or candidacy buying, and bribing election officials have clearly threatened free and fair election competition, which is required by Article 22 E paragraph 1, the longer the better [12].

3.2 Impact of Money Politics on Democracy in Indonesia

Affecting Election Quality: Election becomes indirect, dishonest, not public, not free, not secret, and not fair

The impact of the practice of money politics or vote-buying during the general election is that it can threaten the integrity of the election, where voters do not vote because of a political awareness but a pseudo-consciousness that stems from apathy or economic pressure [13]. The existence of disputes over the Regional Head Elections brought to the Constitutional Court indicates that the level of trust and legitimacy in the results of the Regional Head General Elections implementation is still low. This means that the Regional Head General Election participants are still dissatisfied with the performance of the Regional Head General Election both in the process and in the final result.

As in the decision of Constitutional Court which is about the dispute over the 2020 South Kalimantan gubernatorial election. In this case, the applicant submitted his application to the Constitutional Court because there were 8,127 vote differences between the Petitioner and the candidate for governor number 01 (Sahbirin Noor and Muhidin) as the pair with the most votes. However, in the application submitted by candidate pair number 02, several things violate the election principles as stated in Article 22E paragraph (1) of the 1945 Constitution, which is the “Luber” and “Jurdil” Principles. The party from the applicant or the legal team for the candidate for governor 02 South Kalimantan 2020 (Denny Indrayana – Difriadi) explained that his party had classified the arguments for their submission or accusations into two views, namely the classification of qualitative statements (based on Law number 10 of 2016 article 71 paragraph 3) and quantitative statements (based on Law Number 10 of 2016 article 135 A) [14]. The two arguments relate to money politics, such as abuse of office, abuse of authority, programs, and others. And all the qualitative arguments put forward by the applicant were not accepted by the Constitutional Court on the pretext of insufficient evidence, even though the applicant had provided evidence to the Constitutional Court, including the misuse of the Covid-19 handwashing reservoir, the Covid-19 social assistance, TSM (Structured, systematic, and massive), and the arguments related to the violation of the Direct, general, clean, honest, and fair principle, all of which his party wants to prove in qualitative statements, one of which is related to the misuse of the COVID-19 social assistance [14].

One fact stated by the Petitioner is that, because the opposing party is an incumbent, it can be ascertained that they have a good understanding of their areas. And because he has served in his own area, the incumbent will automatically have the power or authority that it can be said that the incumbent will be superior to his opponent who has never served. Because the candidate for governor of South Kalimantan 2020, serial number 01 (Shabirin - Muhidin), is the incumbent, he is very familiar with the head of the local service and some of his chosen officials. So an incumbent will easily carry out a “free campaign” apart from being widely known by the local community, they can also use APBD funds for campaigning, such as going out around using an official car, taking advantage of all regional facilities that he controls, every regional program only he who opened and gave speeches as if it was a program from the candidate himself, and that was all included in the campaign that preceded the start, a legalized campaign even though

the campaign in volume one was only permitted on September 26, because the date for the determination of the new governor candidate was set On September 24, 2020 [14].

The applicant also said that before the date of the campaign determination, the incumbent had already carried out a campaign by taking advantage of his position at that time and was deemed detrimental to other candidates. This is what violates the principle of justice in our Democracy. Further to the argument related to the Covid-19 Social Assistance of the South Kalimantan Provincial Government, the applicant said that the fact was that the Covid-19 assistance distributed in the South Kalimantan area was distributed in woven bamboo bags that wrote in the name of "Paman Birin", it was assistance from the provincial government. Is this reasonable? Why is it not enough to write it down with the sentence "Aid from the South Kalimantan Provincial Government"? So as if the assistance came from the incumbent, even though his status was still serving as governor at that time. Article 71, paragraph 3 of the Pilkada Law states that "Governor or Deputy Governor, Regent or Deputy Regent, and Mayor or Deputy Mayor are prohibited from using the authority, programs, and activities that benefit or harm one candidate pair either in their region or in their region. in other regions within 6 (six) months before the date of the determination of the pair of candidates until the determination of the pair of elected candidates." [14]. The determination of the pair of candidates around September 23, 2020, means that if it was withdrawn six months back, namely March 23, 2020, it means that from March 23 to September 24, 2020, the incumbent should no longer be allowed to use his authority to implement regional programs [14].

The applicant's party proved that the incumbent at that time had started campaigning by distributing social assistance for covid by using a photo of the incumbent similar to the image of the incumbent for the election and also displaying the tagline "Bergerak" which was also the tagline of the incumbent's campaign at that time. This completely fulfills the elements contained in Article 71 paragraph 3 of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulations instead of Law Number 1 of 2014 concerning Elections for Governors, Regents, And the Mayor became Law (UU No. 10 of 2016), and he (the incumbent) still has his authority as regional head and uses the COVID-19 assistance program to campaign for himself, If we stick to the principles of Honest and Fair Democracy, where is the justice of the two parties for the 2020 South Kalimantan governor candidates? [14]. According to the informant of the applicant's legal causation team, it can be said that there is an attempt to influence voters to vote so that, according to him, the Money Politics element here has been fulfilled.

Meanwhile, based on the quantitative argument submitted by the applicant, he will be charged with Article 135 A of Law Number 10 of 2016. In this Article, any person or anyone (candidate) who is proven to meet the requirements commits a Structured, Systematic, and Massive (TSM) violation can be charged with this Article. According to information submitted by the informant of the legal team for the South Kalimantan governor candidate 02, 2020, the purpose of Structured here is that in carrying out the violation activity, a candidate has a structural body in carrying out his duties. Here, the chairman must be the candidate and have members (executors) in carrying out the execution. Massive, namely the ways or strategies are carried out. And then Massif,

namely the crime does not only occur in one RT/Regency but more. Based on the decision of the Constitutional Court, the quantitative arguments are those proven by numbers, including:

- a. 100% Voters Attendance at 24 TPS in Binuang District, Tapin Regency.
- b. A Ballots box is opened by PPK South Banjarmasin District, Banjarmasin City.
- c. There is an inflated vote in Banjar Regency.

From the explanation above, the author can conclude that this incident violates the principles of Luber-Jurdil democracy, and the violation of democratic principles will impact the quality of elections in Indonesia. And sanctions for the implementation of PSU (re-voting) have the potential to happen again, things that cause violations of democratic principles even though the change of election organizers is also carried out.

Can affect the Quality of Leaders in Certain Areas

In the case described above or related to the violation of the Luber Jurdil principle in elections in a democratic country, it will not only injure the democratic system but will also be able to affect the quality of leaders in regions who are proven to have violated the principles of elections in a democratic country. From here, the resource person, an expert on Constitutional Law, Khoirul Fahmi, gave a general description that money politics will undoubtedly impact the quality of the resulting leader. At least, people elected with the practice of money politics no longer have the motivation to fight for the people's interests fully [11]. Based on the case of the 2020 South Kalimantan gubernatorial election dispute, it can be concluded that there must be many factors that are the background of election behavior that is contrary to democratic values, especially corrupt behavior, corrupt transactional behavior, so that it can produce less qualified leaders because the program does not judge it, but only priceless on the strength of its money [12], The following factors can cause this:

- a. The condition of party democratization that does not work
The internalization of democratic values in Indonesian political parties is not going well. This is due to the ineffectiveness of political education and democratic regeneration within the party, so this will impact the internalization of democratic values among political party cadres and affect their competitive behavior.
- b. Incomprehensive electoral regulations regulate competitive and equal political competition in closing the opportunities for transactional politics.
The regulation in Indonesia's election law still leaves gaps in many weaknesses for transactional political practices. For example, regarding the practice of political dowry in the Pilkada law, it is stated that the practice of dowry is prohibited. Still, for law enforcement, it is very difficult to enforce due to the regulation that is not fully comprehensive.
- c. Law enforcement that has not been oriented to electoral justice or has not been effective.
Election law enforcement is a crown to guarantee the implementation of fair and democratic elections. Then the enforcement of election law aims to enable election

actors to comply with various rules and regulations governing elections, and the community's political rights and voting rights can be realized.

- d. The community pragmatism factor is due to the relationship between public officials and voters that is not built based on a programmatic approach.

Culture in Indonesian society is due to poor political education and poor relations between public officials and citizens. This creates pragmatism in the election process, and people become pragmatic because the relationship built between public officials and citizens is a five-year relationship, not a five-year relationship. Relationships are built continuously so that when the election period, the community becomes pragmatic to take advantage of these moments with transactional approaches.

3.3 Problem Facing the Overcoming of Money Politics in Indonesia

The Failure of Political Education by the Political Parties

Based on the opinion of sources who observe Democracy, the upstream of the issue of elections and Democracy in Indonesia lies in the political parties. So, the reason why the competition is not competitive and not democratic is because from the start of recruitment within the party, there have been problems, so recruitment is not based on regeneration, and prioritizes popularity and capital, which is not wrong, but it is not balanced and is no longer proportional because cadres. These cadres tend to be limited to being promoted to become candidates for regional head and deputy regional head because of the threshold provisions because there are threshold provisions for the nomination of regional leaders and deputy regional heads which make not all political parties able to nominate candidates, and in the end they have to form a coalition and sometimes the nominating coalition is built not based on the similarity of programs or ideas, but only to fulfill the requirements for seat or vote ownership, so that is where the transactional space is created, so only for the sake of achieving the fulfillment of the requirements for 20% seat ownership or 25% valid votes [12].

Finally, it gives rise to transactional behavior (buying and selling support conditions). The competition process will also be transactional when the nomination process is already transactional. So that's what the state must address. So Cadreization and recruitment within political parties must be addressed [12]. 47And to create a good process of regeneration within the party democratically, that is by providing and implementing political education to its cadres within the internal party and also evaluating party cadres. Without this kind of assessment and evaluation process, it will bring harm to the direction of the nation's development [12].

Violation of Code of Ethics by KPU (General Election Commission)

When related to the Code of Ethics for Election Organizers, this "Code of Ethics" can be interpreted as a unified foundation of moral, ethical, and philosophical norms that serve as guidelines for the conduct of general election organizers that are required, prohibited, appropriate or inappropriate in all actions and words. The purpose of this code of ethics is to maintain the independence, integrity, and credibility of the Election Organizer, which is under the principles of Election Administration, namely being independent, honest, fair, legal certainty, orderly, public interest, openness, proportionality, professionalism, accountability, efficiency, and effectiveness. One of the successes of the Pilkada can be

seen in the resolution of disputes that occurred. Therefore, the Pilkada organizers should be guided by the principles of election management following existing regulations. Meanwhile, to maintain the independence, integrity, and credibility of the members of the Pilkada organizers, the Election Organizers' Code of Ethics must also be applied. The Code of Ethics is binding, and every Pilkada organizer must comply. Enforcement of violations of the Code of Ethics is carried out by the Election Organizers Honorary Council (DKPP) [15].

If viewed based on Constitutional Court Decision Number 124/PHP.GUB-XIX/2021, there are 3 (three) points from the applicant who the Constitutional Court accepted, and based on these points, it can be concluded that the election organizers committed ethical violations. Here are the facts in the decision:

- a. 100% Voter Attendance at 24 TPS in Biniang District, Tapin District.
- b. The opening of ballot boxes by PPK in Kec. South Banjarmasin, Banjarmasin City.
- c. Vote Inflating in Banjar Regency (Table 1).

Based on the decision of the Constitutional Court regarding the points of violation in the 2020 South Kalimantan governor election above, we can conclude that for the election participants, the re-voting has tarnished the integrity of the election itself. Voters have been tainted with information about election results elsewhere, so their preference for re-voting is distorted. Voters will have the opportunity to act differently in the re-voting due to various subjective considerations of voters. Not to mention there will be an 'opportunity' for candidates to approach voters either persuasively to vote for them or by intimidating them with various threats [16].

Loose supervision of the General Election from the Central Party

Based on the facts stated by the author's resource person, constitutional law expert Dr. Khairul Fahmi, said that "The mechanism for monitoring and enforcing the Law against violations of money politics in Indonesia is still not optimal. Many legal loopholes still make it difficult for money politics to be proven and prosecuted. Even if a money politics case is processed to Court, it only touches the operator level. as for the elite involved, barely or hard to touch." [11]. The case for the 2020 South Kalimantan Pilkada led to a dispute over the results at the Constitutional Court. The Constitutional Court finally ordered a re-vote at several polling stations. Although the basis for collecting re-voting is more on the professionalism factor of election officials, either from PPK or KPPS, therefore one of the Constitutional Court's orders is to order the replacement of PPK and TPS officers who will hold re-voting in South Kalimantan. In terms of law enforcement, there have actually been efforts to resolve the legal problems that occurred in the South Kalimantan elections [12].

It's just that in this case, the decision of the Constitutional Court does not reach the point of utilizing office facilities by the incumbent; the approach only looks at the professional aspect of the officers. According to the informant, in this case, the Court and also the South Kalimantan Bawaslu did not thoroughly look at the problems of irregularities committed by incumbents, especially those related to abuse of office and office facilities for the sake of candidacy. It is not surprising that the Constitutional Court is like that because, in several decisions of the Constitutional Court, the tendency is for

Table 1. Contents of the decision of the Constitutional Court according to the points above.

Point	Content of the decision of Constitutional Court
100% Voter Attendance at 24 TPS in Binuang District, Tapin District.	Therefore, to obtain the purity of the vote, and for the sake of the validity of the votes of each pair of candidates which will increase the legitimacy of the votes of each candidate, as well as to realize the principle of democracy that respects every vote of the voter, and also to uphold the principle of an honest and fair general election. 1136 is fair, then the TPS (Polling Station) mentioned above must be re- voted with the provisions as stated in the a quo case verdict. Based on the description of the legal considerations, the Petitioners' argument regarding the presence of 100% voter attendance at 24 polling stations in Binuang District, Tapin Regency, is legally grounded.
The opening of Ballot Box by PPK South Banjarmasin District, Banjarmasin City.	Based on the description of the legal considerations, the Petitioner's argument regarding opening a Ballot box in South Banjarmasin District, Banjarmasin City, is legally grounded.
Vote Inflating in Banjar Regency.	Judging from the number of regions that have been proven to have indicated violations in the election, so that repeat voting must be carried out at many polling stations, it can be concluded that this is a violation of the code of ethics for election administrators and can affect the ongoing process, so that the wheels of stages overlap, or return backward. The technical guidance provided by KPU is still often ignored by some organizers, especially those who have experience as KPPS officers before. This lack of technical understanding creates the potential for KPPS to easily accept recommendations from various parties which are not necessarily justified in the regulations. The factor in KPPS that they do not understand the rules or understand but do not have the power to fight pressure in the field is what causes various polling stations to have to organize PSU. Implementing this PSU will eventually raise new problems that will inevitably tarnish the integrity of direct, public, free, confidential, honest, and fair elections.

the Constitutional Court to avoid deciding matters relating to the abuse of office facilities or government facilities [12].

The informant saw that the movement of incumbents to abuse their positions and also office facilities during a pandemic was indeed increasing because, in a pandemic situation like this, the incumbent is the one who benefits more. Unfortunately, neither Bawaslu nor the Constitutional Court has fully addressed this issue as a disturbance or as an attack on the practice of elections or democratic elections in Indonesia [12]. In an interview session with the South Kalimantan Bawaslu, his party said that they had never explicitly mapped out the areas where the PSU (Re-Voting) would be carried out because previously, throughout the history of elections in South Kalimantan, there had never been a PSU based on the Constitutional Court's decision [17]. However, based on the information that the author got from informants in the applicant, the Legal Team for the 2020 Governor of South Kalimantan Candidate Number 02, it was proven that there were violations of election principles, namely that the majority of the people in the area had low education, so it would be easy to be influenced by their choices. And if people's choices can be influenced, then it is a crime against the sovereignty of the people.

According to the Author's Narasumber from PERLUDEM, the state needs to eradicate money politics by implementing the existing supervisory functions so that the competition can run well. And the next thing is that there must be law enforcement because the game rules in the field have indeed improved; However, there are still loopholes such as related to political dowry, dowry is prohibited, but when the Law will be processed, it turns out that there is no criminal article.

4 Conclusion

The impact of money politics on the democratic system is that money politics will destroy the quality of Democracy. In the case of the South Kalimantan Governor election 2020, it is proven that there is a strong indication the candidate used the practice of money politics to win the election; this indication can be supported by the decision made by the Constitutional Court, there are:

- a. 100% Voter Attendance at 24 TPS in Binnuang District, Tapin Regency.
- b. There is a Ballots box is opened by PPK in Banjarmasin District South, Banjarmasin City.
- c. There is an inflated vote in Banjar Regency.

It can be said that all of these are symptoms of the practice of money politics in elections; therefore, the judges decided to hold a re-voting at 827 polling stations spread over 3 (three) regencies/cities in South Kalimantan. From this case, it can be logically concluded that it is impossible for the parties who committed the violation to want to do it without any reward behind it all, and of course, people couldn't possibly do something like this by accident. Considering that many TPS were proven to have been violated, and this must have been done in a structured, systematic. Massive manner, so it has been strongly money politics indicated here. It is no longer an open secret in society that money politics practices are very difficult to prove because the person who does it has power directly.

Second, based on the previous discussion in chapter four, it can be concluded that to overcome the practice of money politics there are some options must be taken:

- a. Improve the quality of election organizers.
- b. Implementing and enforcing existing principles regulated in the Constitution.
- c. Implementation of the existing supervisory functions so that the competition can run well.

References

1. O. O. L. P. (. Professor): Money Politics and Vote Buying in Nigeria: The Bane of Good Governance. *Mediterranean Journal of Social Sciences* MCSER Publishing 5 (7), 104 (2014).
2. Asnawi.: Penegakkan Hukum Tindak Pidana Politik Uang Pemilihan Umum Legislatif pada Masa Kampanye di Kabupaten Serang. *Jurnal Mimbar Justitia* III (02), 25 (2018).
3. Kompas.com, nasional.kompas.com/read/2018/01//12/0949 4501/mahalnya-ongkos-politik, last accessed 2022/12/4 2022].
4. H. Satria.: Politik Hukum Tindak Pidana Politik Uang dalam Pemilihan Umum di Indonesia. *Integritas Jurnal Anti Korupsi*, pp. 50-55, 2019.
5. UNIVERSITAS GADJAH MADA, <https://ugm.ac.id/id/berita/3251-jeffrey-winters-indonesia-negara-demokrasi-tanpa-hukum>, last accessed 2021/12/10.
6. S. Birch.: Electoral Corruption. *The SAGE Handbook of Comparative Politics*, United Kingdom (2007).
7. *Sengketa Pemilihan Gubernur Kalimantan Selatan 2020*, (2021).
8. N. Nabila., P. Prananingtyas, and M. Azhar.: Pengaruh Money Politic dalam Pemilihan Anggota Legislatif Terhadap Keberlangsungan Demokrasi Indonesia. *Notarius*, 13 (2020).
9. J. Ibrahim.: Teori dan Metodologi Penelitian Hukum Normatif. Bayu Media, Malang (2006).
10. M. Fajar., Y. Achmad.: Dualisme Penelitian Hukum Normatif & Empiris. Pustaka Pelajar, Yogyakarta (2013).
11. S. M. Dr. Khairul Fahmi, Interviewee, *Interview with Constitutional Law Expert of Universitas Andalas*. [Interview]. 13 April 2022.
12. M. Titi Anggraini S.H., Interviewee, *Interview with Titi Anggraini as a Democracy Observer, PERLUDEM*. [Interview]. 26 March 2022.
13. I. Z. F. Badoh and d.: Korupsi Pemilu di Indonesia. *Corruption Watch*, 15 (2010).
14. T. Elven, Interviewee, *Interview with Attorney Team for the 2020 South Kalimantan Candidate number 02*. [Interview]. 13 March 2022.
15. *DKPP Regulation Number 2 of 2012 Concerning for Proceedings of the Code of Ethics for General Election Organizers.*, (2012).
16. R. S. Handayani.: Pemungutan Suara Ulang pada Pemilihan Umum Tahun 2019 di Indonesia. *Prespektif Jurnal*, 9-18 (2021).
17. B. Kalsel, Interviewee, [Interview]. 20 May 2022.
18. T. Anggraini, Interviewee, *Interview with Democracy Observer, PERLUDEM*. [Interview]. 26 March 2022.
19. B. P. K. Selatan, Interviewee, *Interview with Bawaslu Provinsi Kalimantan Selatan*. [Interview]. 20 May 2022.
20. B. P. K. Selatan, Interviewee, [Interview].
21. B. P. K. Selatan, Interviewee, [Interview]. 2022 May 2022.
22. B. . K. Selatan, Interviewee, [Interview]. 20 May 2022.

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