

Adaptation of Siyasa Fiqh as a Strategy to Prevent Money Politics in Elections

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Abstract: One of the election violations that often occurs during the run-up to general elections in Indonesia is the rampant practice of money politics. In the 2024 elections, 29 provinces are prone to cases of money politics with a moderate category level and 5 provinces with a high level of vulnerability. The purpose of this research is to find out the forms and main factors of money politics, to analyze whether money politics is the same as bribery (*risywah*) in Islamic law and its framework, and to find out the role and strategy of Bawaslu in preventing the practice of money politics in the run-up to the election. This research method uses normative legal research, which is a process for finding legal rules, legal principles, and legal doctrines to answer the legal issues at hand. The conclusion of this research shows that the form of money politics can be in the form of money, goods, and services. The main factors are influenced by the thirst for glory, the low economy of the community, the lack of knowledge about politics, and the strength of tradition. According to fiqh siyasah, the practice of money politics includes the act of *risywah* (bribery) based on the Qur'an, Hadith, and the opinions of scholars. Four strategies must be carried out by Bawaslu, namely; first, overseeing the election and reporting when violations occur. Second, coordinate with internal and external parties. Third, conduct offline and online socialization about the dangers of money politics. Fourth, reconstructing the regulation of criminal acts of money politics that have a deterrent effect, disqualifying election participants, giving strict sanctions to the success team, and providing guarantees of protection and rewards to the reporter.

Keywords: Money Politic, Bawaslu, Election, *Fiqh Siyasah*, *Risywah*

Abstrak: Salah satu pelanggaran pemilu yang sering kali terjadi saat menjelang pemilihan umum di Indonesia ialah maraknya praktik politik uang (*money politic*). Pada pemilu 2024, terdapat 29 provinsi yang rawan kasus politik uang dengan tingkat kategori sedang, dan 5 provinsi dengan tingkat kerawanan tinggi. Tujuan penelitian ini untuk mengetahui bentuk dan faktor utama terjadinya *money politic*, ingin menganalisis apakah politik uang sama dengan suap (*risywah*) dalam hukum Islam berikut kerangka berpikirnya, dan ingin mengetahui peran dan strategi Bawaslu dalam mencegah praktik *money politic* saat menjelang pemilu. Metode penelitian ini menggunakan penelitian hukum normatif, yaitu suatu proses untuk menemukan aturan hukum, prinsip-prinsip hukum, maupun doktrin-doktrin hukum guna menjawab isu hukum yang dihadapi. Kesimpulan penelitian ini menunjukkan bahwa bentuk *money politic* bisa berupa uang, barang, dan jasa. Sementara faktor utamanya dipengaruhi oleh haus akan kejayaan, rendahnya ekonomi masyarakat, lemahnya pengetahuan tentang politik, dan kuatnya tradisi. Menurut *fiqh siyasah*, praktik *money politic* termasuk perbuatan *risywah* (suap) berdasarkan Al-Qur'an, Hadis, dan pendapat para ulama. Ada empat strategi yang harus dilakukan oleh Bawaslu, yaitu; pertama, mengawasi jalannya pemilu dan melaporkan saat terjadi pelanggaran. Kedua, melakukan koordinasi dengan pihak internal dan eksternal. Ketiga, melakukan sosialisasi secara offline dan online tentang bahayanya politik uang. Keempat, merekonstruksi regulasi tindak pidana *money politic* yang menimbulkan efek jera,

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mendiskualifikasi peserta pemilu, memberikan sanksi tegas kepada tim sukses, dan memberikan jaminan perlindungan dan imbalan kepada pelapor.

Kata Kunci: Money Politic, Bawaslu, Pemilu, *Fiqh Siyasah*, *Risywah*

Introduction

General elections held at the village, district, provincial, and national levels are a democratic event for the people of Indonesia. This is because at that time the people's votes determine the election of political contestants at each level. In other words, elections are a democratic process that comes from the people, by the people, and for the people as a hallmark of popular sovereignty.¹ However, the reality in the modern era is that the implementation of elections cannot be separated from violations, both those committed by election participants, campaign teams, and election organizers themselves.²

One of the election violations that often occurs during the run-up to general elections in Indonesia is the practice of money politics. In the 2024 elections, 29 provinces are prone to cases of money politics with a moderate level of category, and 5 provinces with a high level of vulnerability. The five provinces are; Maluku Utara, Lampung, West Java, Banten, and North Sulawesi.³ Ahead of the election on February 13, 2024, Bawaslu arrested an ASN (State Civil Apparatus) in Cianjur District, West Java, for allegedly committing money politics to win certain legislative candidates.⁴

The power of money politics is the main tactic of prospective legislators in scooping up the people's votes to smooth out their ideals. They give money to the people to elect a predetermined candidate so that the people are not free to choose other candidates that suit their desires.⁵ Some election participants use money politics tactics at dawn before election day with the main target of low-income people. The aim is to thwart the opponent's money politics strategy so that the people's votes move to him, and this tactic is known as the 'Dawn Attack'. Surprisingly, people also take money from the other camp and use this opportunity to get a lot of money. Those who have received money from prospective legislators have previously committed to vote for the candidate on election day.⁶

Indonesian people who are tempted by the practice of money politics have mortgaged their sovereignty for a certain period. They prefer money to run a democratic party that is Luber Jurdil (Direct, General, Free, Secret, Honest, and Fair) as the principle of organizing elections in Indonesia.⁷ So that people no longer choose legislator candidates based on the vision, ethics, and work programs that will be offered, but are guided by the economic strength of each candidate. That is, the more coffers of money that are disbursed, the easier it is to get people's votes. It can be assumed that elections in the modern era are no longer a

¹ Nanda Puji Istiqomah and M. Noor Harisudin, "Praktik Money Politic Dalam Pemilu Di Indonesia Perspektif Fiqih Siyasah Dan Hukum Positif," *Rechtenstudent* 2, no. 1 (2021): 83-97, <https://doi.org/10.35719/rch.v2i1.55>.

² Sama, "Strategi Pencegahan Money Politic Melalui Pengawasan Partisipatif Masyarakat Di Kecamatan Kalianget," *Jurnal Hukum Dan Sosial Politik* 1, no. 1 (2023): 199-209, <https://doi.org/10.59581/jhsp-widyakarya.v1i1.401>.

³ Aryo Putranto Saptohutomo, "Terungkap Ada 5 Provinsi Rawan Politik Uang Di Pemilu Dan Pilkada," *Kompas.com*, 2023, [https://nasional.kompas.com/read/2023/08/13/14211201/terungkap-ada-5-provinsi-rawan-politik-uang-di-pemilu-dan-pilkada#:~:text=%22Politik%20uang%20menjadi%20salah%20satu,Utara%20\(38%2C89\)](https://nasional.kompas.com/read/2023/08/13/14211201/terungkap-ada-5-provinsi-rawan-politik-uang-di-pemilu-dan-pilkada#:~:text=%22Politik%20uang%20menjadi%20salah%20satu,Utara%20(38%2C89)).

⁴ Fabio Maria Lopes Costa, "Diduga Lakukan Politik Uang, Bawaslu Tangkap Tangan ASN Di Cianjur," *Kompas.id*, 2024, <https://www.kompas.id/baca/polhuk/2024/02/13/diduga-politik-uang-bawaslu-ott-seorang-asn-di-cianjur>.

⁵ Rano Sumarno, "Penciptaan Teater Berdasarkan Kasus Money Politic Pada Pemilu Legislatif Di Indonesia," *Tonil: Jurnal Kajian Sastra, Teater Dan Sinema* 16, no. 2 (2019): 70-80, <https://doi.org/10.24821/tnl.v16i2.3108>.

⁶ Azlin Faqih Mutolib et al., "Analisis Fenomena 'Serangan Fajar' Dalam Pemilu Melalui Pandangan Islam," *Misykat Al-Anwar; Jurnal Kajian Islam Dan Masyarakat* 6, no. 2 (2023): 143-54, <https://doi.org/10.24853/ma.6.2.143-154>.

⁷ Lina Ulfa Fitriani, L Wiresapta Karyadi, and Dwi Setiawan Chaniago, "Fenomena Politik Uang (Money Politic) Pada Pemilihan Calon Anggota Legislatif Di Desa Sandik Kecamatan Batu Layar Kabupaten Lombok Barat," *RESIPROKAL: Jurnal Riset Sosiologi Progresif Aktual* 1, no. 1 (2019): 53-61, <https://doi.org/10.29303/resiprokal.v1i1.5>.

democratic party for the people, but an arena for economic competition for political elites to capture as many people's votes as possible to be elected as legislators.⁸

Besides contradicting the principles of elections, money politics can also produce unprofessional, non-credible, and corrupt leaders. As the mother of corruption, money politics is the main and most frequent problem in Indonesia.⁹ Another impact of money politics is that it creates a leader who is pro-personal and group interests, and no longer thinks about the public interest to realize the welfare of the community.¹⁰ So it is natural if the candidate is elected and makes policies that are not pro-people, but policies that benefit his group and other political elites. This is due to previous agreements, and in the end, it is the people who suffer.¹¹

The data above shows that the holding of elections in Indonesia has shifted from prioritizing the public good to prioritizing personal and group goals. It seems that the principle of Luber Jurdil has only become an election slogan and the sovereignty of the people has been mortgaged, while the lives of political elites are increasingly rich. This statement is in line with what Mahfud MD (former Chief Justice of the Constitutional Court) had said 12 years ago. He said that there has been a reduction of democracy in Indonesia, that is, there is no longer the term democracy from the people, by the people, and for the people. Democracy today is from the people, by the elite, and for the elite. According to him, the real involvement of the people in the democratic party only occurs for 5 minutes when they become voters behind the voting booth, while the remaining 41,839 hours and 55 minutes are the elite's time to rule. The people have the right to guard democracy until the specified time is over, which is 5 years.¹²

If the money politics case above is left unchecked, it can damage the principles of democracy and the values of Pancasila as the state philosophy. To overcome this problem, Bawaslu (Election Supervisory Agency) as an institution that oversees the implementation of elections throughout Indonesia is present and invites the public to observe the implementation of elections with integrity.¹³ Bawaslu's main goal is to ensure that the elections held must be by the mandate of the 1945 Constitution, namely direct, free, general, secret, honest, and fair elections. The hope is that the organization of elections will become more democratic, have integrity, and be transparent and inclusive.¹⁴

Departing from the debate above, the main problem that becomes the author's academic anxiety, namely what are the forms and factors of money politics in elections, how fiqh siyasah views the practice of money politics, and Bawaslu's strategy in preventing the rise of money politics in the run-up to elections. The purpose of this study is to find out the main forms and factors of money politics, to

⁸ Putu Eka Putri Maharani, Deli Bunga Saravistha, and I Gusti Ngurah Aristiawan, "Peranan Hukum Dalam Menanggulangi Dan Mencegah Money Politic Dalam Pemilihan Umum," *Al-Dalil; Jurnal Ilmu Sosial, Politik, Dan Hukum* 2, no. 1 (2024): 42–48.

⁹ Herman, "Money Politic as the Bribery in the Election for Regional Head in Indonesia," *Technium Social Sciences* 35, no. September (2022): 312–17.

¹⁰ M Jeffri Arlinandes Chandra and Jamaludin Ghafur, "Peranan Hukum Dalam Mencegah Praktik Politik Uang (Money Politics) Dalam Pemilu Di Indonesia: Upaya Mewujudkan Pemilu Yang Berintegritas," *Wajah Hukum* 4, no. 1 (2020): 52–66, <https://doi.org/10.33087/wjh.v4i1.167>.

¹¹ Nurfitriyani, Oyoh Bariah, and Kholid Ramdhani, "Problematisasi Money-Politic Dalam Pemilu Dan Solusinya Dalam Perspektif Islam: Studi Kasus Di Karawang," *Jurnal Penelitian Dan Pemikiran Keislaman* 9, no. 1 (2022): 57–68, <https://doi.org/10.3102/alulum.v9i1.2022>.

¹² M. H. Dodi, "Mahfud MD: Demokrasi Saat Ini Dari Rakyat, Oleh Elit, Dan Untuk Elit," Mahkamah Konstitusi Republik Indonesia, 2012, <https://www.mkri.id/index.php?page=web.Berita&id=7664>.

¹³ Nisa Nabila, Paramita Prananingtyas, and Muhammad Azhar, "Pengaruh Money Politic Dalam Pemilihan Anggota Legislatif Terhadap Keberlangsungan Demokrasi Di Indonesia," *Notarius* 13, no. 1 (2020): 138–53, <https://doi.org/10.14710/nts.v13i1.29169>.

¹⁴ Harrinda Noviona Aprilita Maharani Putri and Isna Fitria Agustina, "Peran Bawaslu Dalam Mencegah Praktik Money Politic Pada Pemilu Di Kota Surabaya," *Journal of Governance and Local Politics (JGLP)* 06, no. 1 (2024): 37–50, <https://doi.org/10.47650/jglp.v6i1.1057>.

analyze whether money politics is the same as bribery (*risywah*) in Islamic law and its framework, and to find out the role and strategy of Bawaslu in preventing the practice of money politics in the run-up to the election.

Research Methods

In this research, the author uses normative legal research, which is a process to find legal rules, legal principles, and legal doctrines to answer the legal issues at hand. In addition, normative legal research analyzes the text of laws and regulations, decisions, or other legal sources.¹⁵ This research is also called doctrinal legal research, where law is often conceptualized as rules, principles, or norms that guide human behavior that is considered appropriate.¹⁶ The purpose of normative legal research is to understand, analyze, and interpret existing legal norms, both written and unwritten. As the rules of normative legal research, this research focuses on three studies, including; [1] Forms and factors of money politics in elections. (2) The view of *fiqh siyasah* on money politics. (3) Bawaslu's role and strategy in preventing the rise of money politics. In this research, the author explores primary data from various books, books, journals, and actual news in several online media related to money politics in the 2024 elections

Results and Discussion

Money Politic; Factors and Varieties in Elections

Elections are a democratic process that upholds the principles of justice as a hallmark of a democratic and sovereign state to elect a leader or representative of the people.¹⁷ In line with Schumpeter's thinking, which formulates the notion of democracy in elections as a political method and mechanism for electing political leaders.¹⁸ Referring to the thoughts of John Locke and Rousseau cited in Ahmad Gelora Mahardika's research (2023), elections were born from the conception and big ideas of democracy, namely freedom, equality, security, and justice for individual communities in all aspects.¹⁹ In addition, in a democracy, there are also participatory values and popular sovereignty that are upheld and must be carried out by every citizen and state instrument, whether at the legislative, judicial, or executive levels.

According to Prof. Padmo Wahjono, democratic elections have six elements, including; [1] Providing freedom and discretion to the public to make their choices without coercion and pressure from any party. [2] Equal treatment by election organizers towards all political parties. [3] The existence of a relatively equal ability between political forces to compete with each other in general elections. [4] Transparency in the organization of the campaign. [5] Readiness of citizens to be actively involved in politics by their rights and obligations and to comply with existing rules. [6] Honesty in reporting the results of ballot counting.²⁰

In today's modern era, elections ranging from the legislative level to the presidential election are often found buying and selling votes commonly referred to as the practice of money politics. This kind of practice has spread to various parts of

¹⁵ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Group, 2007), 35.

¹⁶ Soerjono Soekanto and Sri Mamuji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2013), 15.

¹⁷ Miriam Budiardjo, *Dasar-Dasar Ilmu Politik* (Jakarta: Gramedia, 1996), 50.

¹⁸ Ahmad Sholikin, "Kajian Model Demokrasi : Teori Dan Paradigma," *Jurnal Politik Dan Sosial Kemasyarakatan* 13, no. 2 (2021): 168–84, <https://doi.org/10.52166/madani.v13i02.2693>.

¹⁹ Ahmad Gelora Mahardika, "Potensi Pelanggaran Pelaksanaan Pemilihan Umum Dalam Politik Hukum Kewarganegaraan Indonesia (Potential Violation of Election In The Indonesian Political Citizenship Law System)," *Majalah Hukum Nasional* 53, no. 1 (2023): 126–227, <https://doi.org/10.33331/mhn.v53i1.222>.

²⁰ M Fadhlan Irfan Darmawan, "Keterlibatan Aparatur Sipil Negara (ASN) Dalam Politik," *Varia Hukum* 3, no. 2 (2021): 75–87, <https://doi.org/10.15575/vh.v3i2.5511>.

the village and seems to have become a bad habit when the elections arrive. In addition, the perpetrators openly do this, they are not afraid of the threats contained in the law and the penalties contained in Islamic teachings. There are at least three practices of money politics in elections, including; [1] Buying seats in the form of dowries to political parties. [2] Buying opportunities and legal immunity so that election organizers, witnesses, and law enforcers do not blame the activities of money politics practices that occur. [3] Vote buying is buying people's votes to smooth the way to become a legislator.²¹

All of the above actions that deliberately give or promise money or other materials to someone to vote for certain legislator candidates without exercising their freedom of choice are categorized as money politics. In Indonesia itself, cases of money politics are familiar and often occur during the run-up to elections, and it can be said that the majority of them occur in every region. This statement is supported by the Kompas. TV report reported that in the 2019 election, there were 100 cases of money politics and 20 cases in the 2024 election.²² According to the author's opinion, there are still many cases of money politics that occur in Indonesia, but are not found and escape the online media coverage. Not to mention other cases, such as the number of ballots that have been pre-printed and changing the results of the ballot count.

Money politics is packaged in various ways so that it is not seen as a form of violation in elections and is free from criminal acts. After being observed from various sources and existing research, it turns out that money politics cases take various forms. First, funds as a means of campaigning. The perpetrators of money politics will ask for support from the community through the distribution of brochures, stickers, and T-shirts in exchange for a promised amount of money. In addition, it can be done by providing financial assistance for the construction of schools or places of worship with the condition that they must vote for the legislator candidates that have been determined. Such methods are usually carried out by the majority of prospective legislators, both prospective voters who have made their choice or who have not made a choice. Moreover, they also use the terms food money, credit money, fatigue money, transportation money, and so on to hide the meaning of money politics which is packaged with the term 'wages for supporters'.²³

Second, donations of goods and services. Some money politicians try a more effective way of assisting in the form of basic daily necessities, such as noodles, rice, oil, sugar, and others. This is considered a powerful way to attract public sympathy, and usually, the main target is people with low economic status. They think that people will prefer direct assistance (political groceries) rather than thinking about the fate of the nation and state in the future. Giving like this is a real form of money politics packaged with the term donation or alms. Of course, this is different from the donation of services provided to the community by-election participants. They utilize the interests of the community to get their votes and support, whether they are still in office or not. For example, granting a proposal for financial assistance or helping to find a way for the proposal to be realized. In the end, when they run for legislators, the people who are helped by their services whether they like it or not

²¹ Istiqomah and Harisudin, "Praktik Money Politic Dalam Pemilu Di Indonesia Perspektif Fiqih Siyasa Dan Hukum Positif," 86.

²² Kurniawan Eka Mulyana, "Bareskrim Polri: Politik Uang Di Pemilu 2024 Ada 20 Kasus, Di 2019 Capai 100 Perkara," 2024, <https://www.kompas.tv/nasional/488636/bareskrim-polri-politik-uang-di-pemilu-2024-ada-20-kasus-di-2019-capai-100-perkara#:~:text=Bareskrim%20Polri%3A%20Politik%20Uang%20di%202019%20Capai%20100%20Perkara.>

²³ Edward Aspinal and Mada Sukmajati, *Money Politics in Indonesia: Patronage and Clientelism in the 2014 Legislative Election* (Yogyakarta: Research Centre for Politics and Government, 2015), 52.

have to vote for them, for reasons of reciprocation, not based on their capability and credibility.²⁴

Money politics is not allowed, both according to Islamic law and positive law, but if the funds are used specifically for political purposes, then it is justified by law, and this is called political funds (political cost).²⁵ Indeed, political funds must exist and have become a necessity to buy campaign materials to disseminate information to the public regarding the programs, visions, and missions of each candidate. For example, funds to make banners, posters, stickers, and others that are placed in public places without promising money or goods. Thus, it can be understood that there is a difference between money politics and political cost. As explained in the table below;

Table 1.

Difference between Money Politic and Political Cost

Political Cost	Money Politic
Political funds cover the cost of winning, i.e. for campaigns, mobilization, witnesses, and oversight of the conduct of elections	Money politics is not part of political funding, tends to be illegal, is informal, and is usually given in the run-up to an election
Political funds are used as a means to socialize ideas to the public	Money politics is used as a tactic to buy people's votes in order to be elected as legislators
Political funds are justified under the law	Money politics is prohibited as explained in the law

Source: Nova Nazwa Ramadhanti research year 2024

In addition to the differences above, both also have a very significant impact on the political process and the integrity of democracy. Money politics sows the seeds of corrupt behavior by using wealth to influence the outcome of elections, while political cost reflects responsibility for the political process. In terms of democratic integrity, money politics can threaten justice and equality as well as active community participation. Meanwhile, political costs can reduce political plurality and representation, as high political costs can limit access for candidates with low economic backgrounds. After conducting in-depth observations from various existing studies, the author concludes that the occurrence of money politics cases is influenced by several factors, including; first, thirst for glory.²⁶ One of the human dispositions is to like rank and position, they are willing to pour large funds to be in power in the government which can later lead to the peak of glory.²⁷ Some are even willing to sell one of their organs to get money for campaign capital.²⁸ Once elected, the funds spent on campaigns and buying people's votes will not be allowed to disappear just like that, of course, the person concerned will look for

²⁴ Jonasmer Simatupang and Muhammad Subekhan, "Pengaruh Budaya Politik Uang Dalam Pemilu Terhadap Keberlanjutan Demokrasi Indonesia," in *Seminar Nasional Hukum Universitas Negeri Semarang*, vol. 4 (Semarang: UNNES, 2018), 1298-1307.

²⁵ Nova Nazwa Ramadhanti et al., "Money Politics VS Cost Politics: Memilih Makna Yang Terlihat Sama," *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 1, no. 2 (2024): 23-30, <https://doi.org/10.62383/aliansi.vii2.49>.

²⁶ Abd. Chaidir Marasabessy, Setiawati, and Amrizal Siagian, "Mencegah Politik Uang Dan Politisasi Sara Untuk Memperkuat Integritas Pemilu 2024," *Praxis: Jurnal Pengabdian Kepada Masyarakat* 3, no. 4 (2024): 70-81.

²⁷ Leo Agustino, *Pilkada Dan Dinamika Politik Lokal* (Yogyakarta: Pustaka Pelajar, 2009), 36.

²⁸ Rachmawati, "Niat Jual Ginjal Untuk Kampanye, Caleg DPRD Bondowoso Hanya Dapat 43 Suara, Sebut Karena 'Money Politic,'" *Kompas.com*, 2024, <https://surabaya.kompas.com/read/2024/02/21/080800778/niat-jual-ginjal-untuk-kampanye-caleg-dprd-bondowoso-hanya-dapat-43-suara?page=all>.

ways to return capital without reducing the rights he gets as a legislator. This is the main factor that causes rampant corruption among officials.

Second, the low economic level of the community. As explained above, the main target of money politics is people who are below the poverty line. Apart from poverty, the high cost of basic daily needs and the difficulty of getting access to education are also supporting reasons for someone to accept money politics. Even though what is obtained is not much, money politics is used as a momentum for people to get money for free, without any effort.²⁹ Those who accept money politics, whether in the form of money, goods, or services sometimes do not think that it is an act of bribery and vote buying that violates the law.

Third, weak public knowledge about politics. Education is one of the media to increase insight and knowledge, including knowing political issues. However, not everyone knows about politics and the dirty games involved. In today's modern era, information about politics can be obtained easily through online media. Along with the times, people have begun to be politically literate, but this does not apply to those who are literate.³⁰ In the author's opinion, the massive practice of money politics is not entirely due to low public knowledge about politics, but economic reasons remain the main factor.

Fourth, the strength of community tradition. Money political behavior is not a cultural heritage of our ancestors and predecessors, but it seems to have become ingrained and habitual, especially for wealthy groups. Plus the strong culture of giving each other is a characteristic of the hospitality of the Indonesian people and the famous saying that 'you cannot refuse fortune'.³¹ So, all kinds of money politics from election participants are considered sustenance that must be taken. Because the community has taken what is considered sustenance, then they must provide reciprocity, either their voting rights, becoming a success team, or becoming a money politician for certain legislator candidates.

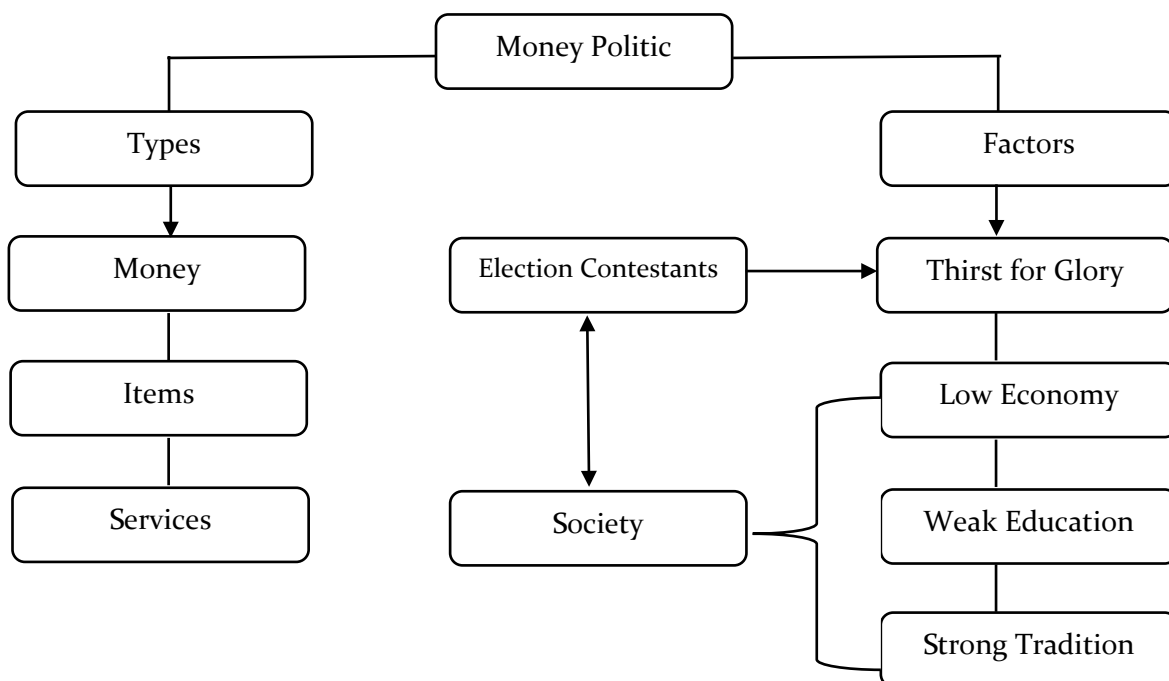
From the description above, it can be underlined that all forms of money politics in the run-up to general elections are serious violations that need a special solution from Bawaslu. This is because money politics in society has now become a bad habit and is considered something normal. The perpetrators are no longer hidden, they openly do this so that what they want can be realized for their personal and group interests. To minimize the occurrence of money politics, it is necessary to overcome the main factors first, as previously explained. This is essentially a big challenge for Bawaslu so that the organization of elections in the State of Indonesia is more integrity and credible. Therefore, Bawaslu needs to collaborate with various parties and other organizations to realize democratic elections.

²⁹ Romario Christian Falco Kuntag, Toar N. Palilingan, and Dicky J. Paseki, "Upaya Pengawas Bawaslu (Badan Pengawas Pemilihan Umum) Dalam Memberantas Politik Uang (Money Politic) Di Kota Manado," *Lex Administratum* 11, no. 3 (2023): 1–10.

³⁰ Fitria Juliana Ekasari, Oman Sukmana, and Rachmad Kristiono Dwi Susilo, "Sikap Apatitis Generasi Muda Terhadap Money Politic," *JRPP; Jurnal Review Pendidikan Dan Pengajaran* 7, no. 3 (2024): 8451–57, <https://doi.org/10.31004/jrpp.v7i3.30317>.

³¹ Magda Ilona Dwi Putri et al., "Politics And Traditions: Money Politics in Village Head Selection," *Jurnal ISIP: Jurnal Ilmu Sosial Dan Ilmu Politik* 17, no. 2 (2020): 72–81, <https://doi.org/10.36451/jisip.v17i2.41>.

Figure.1
Main Forms and Factors of Money Politic in Elections



Source: Researcher formulations from several studies

Money Politic According to *Fiqh Siyasa*

The prohibition of money politics is regulated in Article 73 of Law Number 10 Year 2016 which reads; (1) Candidates and/or campaign teams are prohibited from promising and/or giving money or other materials to influence election organizers and/or voters. (2) Candidates who are proven to have committed a violation as referred to in paragraph (1) Based on the decision of the Provincial Bawaslu may be subject to administrative sanctions of cancellation as a candidate pair by the Provincial KPU or Regency/City KPU. (3) Campaign teams proven to have committed violations as referred to in paragraph (1) based on a court decision with permanent legal force shall be subject to criminal sanctions by the provisions of laws and regulations. (4) In addition to candidates or candidate pairs, members of political parties, campaign teams, volunteers, or other parties are also prohibited from intentionally committing unlawful acts of promising or giving money or other materials in return to Indonesian citizens either directly or indirectly.³²

The practice of money politics is very contrary to the rules of law and the laws that apply in the State of Indonesia. It has previously been explained that the main purpose of money politics is to buy people's sympathy to get as many votes as possible to be elected as a ruler. In line with Prof. Yusril Ihza Mahendra's explanation that money politics aims to influence the electoral masses in exchange for material rewards. Consequently, if the practice of money politics can be proven, then the perpetrators can be charged with the criminal offense of bribery.³³ Then the big question is whether the case of money politics is the same as *risywah*

³² Presiden RI, "Undang-Undang Republik Indonesia Nomor 10 Tahun 2016 Tentang Perubahan Kedua Atas Undang-Undang Nomor 1 Tahun 2015 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2014 Tentang Pemilihan Gubernur, Bupati, Dan Walikota Menjadi U," Pub. L. No. 10 (2016), 33.

³³ Denny Indrayana, *Jangan Bunuh KPK (Komisi Pembrantasan Korupsi): Kajian Hukum Tata Negara*, 2nd ed. (Malang: Intrans Publishing, 2017), 43.

(bribery) in the study of Islamic fiqh, or is it different? If it is the same or can be equated, then what is the framework?

In Islamic teachings, giving something to another person has various names according to the definition, conditions, and laws, so that not all gifts of property or goods can be categorized as bribery. Islam itself defines *risywah* as giving material to others with the motive that the intentions and objectives of the giver can be realized. In line with the MUI (Indonesian Ulema Council) fatwa, *risywah* is a gift given by someone to an official to smooth out a false act or invalidate something right.³⁴ More clearly, Ibn Abidin said that *risywah* is money given to a judge or state official with the intention that he can issue and decide a law that is favorable or by the wishes of the bribe giver.³⁵ This is what he said in his book entitled *Radd al-Muhtar 'Ala al-Durr al-Mukhtar*;

قال ابن عابدين: الرِّشْوَةُ مَا يُعْطِيهِ الشَّخْصُ الْحَاكِمَ وَعَبْرَةَ لِيَحْكُمَ لَهُ أَوْ يَحْمِلُهُ عَلَى مَا يُرِيدُ

"Ibn Abidin said: risywah is something given by a person to a ruler or other person so that he decides cases for him or helps him achieve what he wants."

In addition to Ibn Abidin's opinion, Sheikh Nawawi Al-Bantany, a famous scholar from Banten who became a reference and role model for Nusantara scholars, also forbade *risywah* (bribery). According to him, anything that is given to a judge to get him to decide a false ruling or refrain from issuing a correct opinion, then it is an act of *risywah*. He added that the act of *risywah* is helping someone in sinning.³⁶ This opinion is found in the book *Nihayah al-Zain fi Irshadi al-Mubtadiin*:

وَقَبُولُ الرِّشْوَةِ حَرَامٌ وَهِيَ مَا يَبْدُلُ لِلْقَاضِي لِيَحْكُمَ بِغَيْرِ الْحَقِّ أَوْ لِيَمْتَنَعَ مِنَ الْحُكْمِ بِالْحَقِّ وَإِعْطَاؤُهَا كَذَلِكَ لِأَنَّهُ إِعَانَةٌ عَلَى مَعْصِيَةٍ

"Receiving risywah is forbidden. Risywah is something that is given to the judge to make an incorrect decision or to prevent him from making the correct decision. Giving a bribe is also forbidden because it aids in disobedience."

In more detail, Imam Al-Ghazali breaks down giving something to others into several explanations according to its intent and purpose. First, if the gift is intended to get a reward in the hereafter, then it is called charity. Second, if the motive is to get worldly gain, then it is included in the category of *hibah bi al-tsawab* (gift with a reward), *ijarah* (wages), or *ju'alah* (competition). Third, if the purpose of the gift is to honor someone because of his knowledge or lineage, it is called a gift. Fourth, if the gift is motivated for the reason that what is desired can be realized by the intermediary of the recipient's help, then that is called the act of *risywah* (bribery). Al-Ghazali's opinion was quoted by Imam Zakariya Al-Anshary in the book *Asna al-Mathalib*.³⁷

All of the scholars' opinions above, of course, have a strong foundation, both in the Qur'an and Hadith. There are at least two verses that become the legal footing related to the issue of *risywah*, namely surat al-Baqarah: 188 and surat al-Maidah: 42. Basically, the two verses do not explain explicitly the law of bribery, but the explanation can be found through *sabab al-nuzul* (the cause of the revelation of the verse) in the books of tafsir. After conducting a study, it turns out that Surah al-Maidah: 42 is more relevant to be used as a legal basis.

سَمَاعُونَ لِلْكَذِبِ أَكْأَلُونَ لِمَسَخْتِ فَإِنْ جَاءُوكَ فَاحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ وَإِنْ تُعْرِضْ عَنْهُمْ فَلَنْ يَصْرِوْكَ شَيْئًا وَإِنْ حَكَمْتَ فَاحْكُم بَيْنَهُمْ بِالْقِسْطِ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ (42) [المائدة: 42]

"They (the Jews) are very fond of hearing false news and eat a lot of unlawful food. So, if they come to you (Prophet Muhammad to ask for a verdict), give a verdict among them or turn away from them. If you turn away, they will not

³⁴ Komisi Fatwa MUI, "Risywah (Suap), Ghulul (Korupsi) Dan Hadiah Kepada Pejabat," MUI.or.id § (2020), 368.

³⁵ Muhammad Amin bin 'Umar 'Abidin, *Radd Al-Muhtar 'Ala al-Durr al-Mukhtar* (Beirut: Dar al-Fikr, 2000), 362.

³⁶ Muhammad ibn Umar Al-Jāwī, *Nihayah Al-Zain Fi Irshadi al-Mubtadiin* (Beirut: Dar al-Fikr, 2001), 380.

³⁷ Zakariya Al-Anshari, *Asna Al-Mathalib Fi Syarh Raudl al-Thalib* (Beirut: Dar al-Kutub al-Ilmiyah, 1999), Juz IV, 200.

harm you in the least. But if you decide (their case), decide justly. Verily, Allah loves the just.” [Q.S. al-Maidah: 42]

In his tafsir, Imam Al-Baghawi explained that the verse al-Maidah: 42 was revealed as a rebuke to Ka'ab Al-Asyraf and his group of Jewish judges. They accepted bribes to decide the invalid law in favor of the person who bribed.³⁸ It turns out that bribery had already occurred at the time of the Prophet, and Allah swt immediately revealed a verse to warn judges that the act of *risywah* (bribery) creates injustice and is very despicable. In fact, in a Hadith, the Prophet not only censured the briber and the one who received the bribe but also the person who mediated between the two.

عَنْ تَوْبَانَ، قَالَ: لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّاشِيَّ، وَالْمُرْتَشِيَّ، وَالرَّائِثَ، يَعْنِي الَّذِي يَمْشِي بَيْنَهُمَا

“Tsauban reported that the Messenger of Allah cursed the giver of a bribe, the receiver of a bribe, and the intermediary, i.e. the one who connects the two.”³⁹

Thus, it can be understood that the act of *risywah* (bribery) in any form is forbidden based on the Qur'an, Hadith, and scholarly opinions. To be considered a bribe, the following three elements must be fulfilled, namely *murtasyi* (recipient), *rasyi* (giver), and *risywah* (bribe).⁴⁰ First, the *murtasyi*, which is the person who receives a gift from another person, either property, goods, or services so that he or she carries out the briber's request. The *murtasyi* is bribed because he has power or authority in his position that can fulfill the intentions and desires of others. Secondly, the *rasyi* is the person who gives wealth to another person to achieve what is desired. In other words, the *rasyi* is the one who has an interest. Third, *risywah*, which is money, objects, or services given as a gift. Fourth, the *ra'isyi* is the person who mediates between the *rasyi* and the *murtasyi*. Because he is the liaison, he will usually get a reward from the party who ordered him.

In the context of elections, the terms donations, alms, or compensation from contestants for the poor often occur when approaching elections, local elections, and so on. It seems that election participants realize that during general elections the people have the power to choose prospective leaders, and they need their votes and support. To gain the attention and sympathy of the people, all candidates mostly play money politics, either to increase votes or to increase supporters. From this, it can be seen that the people at the time of the election are positioned as *murtasyi* (bribe takers), the political contestants are positioned as *rasyi* (bribe givers), and the success team that mediates between the two is considered as *ra'isyi* (bribe intermediaries). Thus, it can be concluded that the provision of money or goods received by the public from political contestants on the condition that they vote for a particular candidate is considered *risywah* (bribery).

In reality, in the modern era, the act of *risywah* does not only occur in terms of legal decisions and political contexts, but its meaning can be broader in any context. However, there are some scholars such as Abdurrahman ibn Muhammad ibn Husain who consider it permissible to give money to a corrupt judge to get his rights, and he knows that his rights cannot be obtained except in this way, so only the recipient of the bribe is sinning.⁴¹ When seriously examined, it seems that the permissibility of bribery in the context of elections makes no sense. This is because at that time each candidate is in an equal position, namely as an election participant after being declared qualified and eligible to participate in the

³⁸ Abu Muhammad Al-Husain bin Mas'ud Al-Baghawi, *Ma'alim al-Tanzil Fi Tafsir Al-Qur'an* (Riyadh: Dar al-Thayyibah li al-nasyr wa al-Tauzi', 2006), Juz III, 58.

³⁹ Abu Abdillah Ahmad bin Muhammad bin Hanbal Asy-Syaibani, *Musnad Al-Imam Ahmad Bin Hanbal* (Mesir: Muasasah ar-Risalah, 2001), Juz XXXVII, 85.

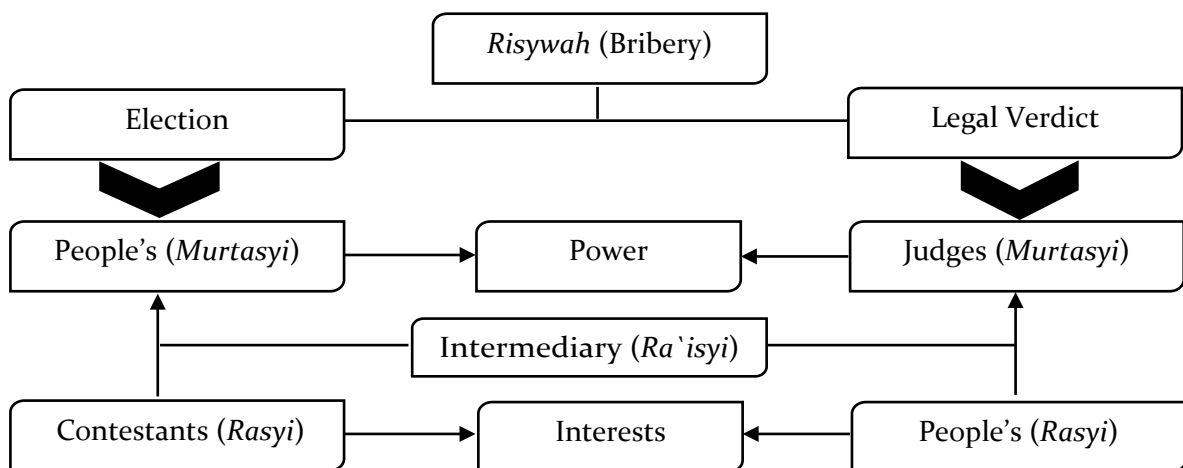
⁴⁰ Mahmuddin al Mubarak bin Muhammad al Jazar ibn Atsir, *Al-Nihayah Fi Gharib al-Hadith Wa al-Atsar* (Beirut: al-Maktabah al-Ilmiyah, 2001), Juz II, 226.

⁴¹ Abdul Rahman ibn Muhammad, *Bughyatu Al-Mustarsyidin* (Surabaya: Al-Hidayah, 2001), 269.

contestation of the election of prospective leaders. Therefore, none of the candidates should consider themselves more entitled to occupy the leader's seat, thus justifying the practice of money politics or vote buying.

According to the author's view, the opinion expressed by Abdurrahman ibn Muhammad ibn Husain is not *risywah* but is more accurately called *hilah*. Ibn Qayyim defines *hilah* as a specific action that causes the perpetrator to change from one state to another.⁴² Based on this definition, *hilah* is more general than *risywah*, and is not limited to what is forbidden, but also includes what is lawful, so there is still a difference of opinion among the scholars. If a person does *hilah* to another person to obtain his rights, it is permissible. On the other hand, if the aim is to cancel something right, then it is forbidden.⁴³ So, it is quite clear that all forms of *risywah* (bribery) in any context are not allowed according to *fiqh siyasah*, including money politics in the run-up to elections.

Figure. 2
Framework of Thought;
Differences between Risywah in Elections and Legal Decisions



Source: Researcher formulation of research discussion results

Bawaslu's Strategy to Prevent Money Politic

The General Election Supervisory Agency (Bawaslu) is a body officially established by the state that handles the organization of elections as a supervisor and is not a member of any political party. Apart from supervisors, Bawaslu's role can be the executor of judges in deciding a case.⁴⁴ This task has been listed under Law Number 7 of 2017 concerning Elections. In addition, Article 49 of the law explains that Bawaslu also has the authority to prevent and take action against election violations committed by organizers, election participants, or the public.

In Islam, the authority and duties of Bawaslu are known as *al-muraqabah wa al-taqwim*. According to Abdul Qadir Awdah, *al-muraqabah wa al-taqwim* is the responsibility to supervise the government on the mandate of the representatives given.⁴⁵ In contrast to Imam Al-Mawardi who said that the supervisory function is more comprehensive by using the term *wilayah al-hisbah* region which means

⁴² Ibnu al-Qayyim Al-Jauziyyah, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin* (Beirut: al-Maktabah al-'Asriyyah, 2004), 188.

⁴³ Elfia, "Pemikiran Ibn Qayyim Al-Jauziyah Tentang Hilah Dan Implikasinya Dalam Fikih," *JURIS (Jurnal Ilmiah Syariah)* 14, no. 1 (2016): 21–34, <https://doi.org/10.31958/juris.v14i1.294>.

⁴⁴ Indasari, Burhanuddin, and Samsir Rahim, "Strategi Badan Pengawas Pemilihan Umum Dalam Mencegah Money Politic Di Kabupaten Sinjai (Studi Kasus Pilkada 2018)," *KIMAP: Kajian Ilmiah Mahasiswa Administrasi Publik* 1, no. 2 (2020): 624–39.

⁴⁵ Abdul Qadir Awdah, *Al-Islam Wa Awd'una al-Qanuniyyah* (Beirut: Dar al-Kitab al-Arabi, 2000), 96.

power or authority. *Al-Hisbah* is a religious duty that upholds the mission of amar ma'ruf nahi munkar (telling people to always do good and prevent doing bad things).⁴⁶ Therefore, the government appoints Bawaslu from people who are considered capable, honest, disciplined, and have high credibility. So that they can oversee the elections fairly and transparently, especially preventing the practice of money politics.

The behavior of money politics when entering an election year, especially in Indonesia, cannot be stopped, the contestants are competing to spend their wealth on the pretext of making donations to get people's votes.⁴⁷ Those who are tempted by the gift must give their votes to certain candidates. The donation is essentially an act of bribery that violates applicable laws and Islamic teachings. This is already written in positive law, namely Law Number 7 of 2017 concerning General Elections. Article 523 paragraphs 1, 2, and 3. Similarly, Article 515 states that every person who intentionally at the time of voting promises or gives money or other material to voters so as not to exercise their rights, vote for certain election participants, or exercise their voting rights in a certain way so that their ballots are invalid, shall be punished with a maximum imprisonment of three years and a maximum fine of Rp. 36,000,000.

Implicitly, the behavior of money politics harms the democratic system, in addition to damaging the soul and mind. As a result, people will feel lazy and only wait for the arrival of election contestants to get benefits. Something (bribe) obtained by the people is only a little and not comparable to the negative impact that will occur over the years. When elected and serving in government, they no longer care and think about the fate of their people. Instead, they only prioritize their interests, for themselves, their parties, and their minions. Meanwhile, the condition of the community is not prosperous, remains below the poverty line, and there is unemployment everywhere. Of course, this despicable act cannot be allowed to continue which will eventually become a bad habit among the community. Therefore, Bawaslu must prevent money politics to create an election with integrity.⁴⁸

To prevent the practice of money politics, Bawaslu must play its role, whether as a supervisor, coordinator, socialization agent, or executor. First, overseeing the election. The existence of Bawaslu is needed in elections to prevent violations that can damage the credibility of political contestation. In addition, its presence is expected to strengthen the supervision of the community by making regulations related to authority, prohibitions, rights, obligations, budgets, facilities, and infrastructure for the success of elections.⁴⁹ To play an effective role, every monitoring report must be more transparent so that the facts of violations in the field can be followed up according to the existing regulatory mechanisms, to provide a deterrent effect for the perpetrators who tarnish the good name of political democracy, including the perpetrators of money politics.

Second, coordinate. In the process of preventing money politics, Bawaslu must coordinate with all levels of supervisors, from the central level to the sub-district Panwaslu. In addition, Bawaslu must also synergize with various elements, both from religious leaders, mass organizations, and stakeholders. This is because all of

⁴⁶ Ali Ibn Muhammad Ibn Habib Al-Mawardi, *Al-Ahkam As-Sultaniyah* (Beirut: Dar al-Fikr, 2000), 78.

⁴⁷ Khoiril Padilah and Irwansyah Irwansyah, "Solusi Terhadap Money Politik Pemilu Serentak Tahun 2024: Mengidentifikasi Tantangan Dan Strategi Penanggulangannya," *EDUCATIO: Jurnal Pendidikan Indonesia* 9, no. 1 (2023): 236–50, <https://doi.org/10.29210/1202322821>.

⁴⁸ Sutrisno Puji Utomo Sutrisno, "Implementasi Undang-Undang Asn Dalam Tahapan Pilkada Kabupaten Tuban Tahun 2020," *Indonesian Journal of Law and Islamic Law (IJLIL)* 3, no. 2 (December 27, 2021): 286–303, <https://doi.org/10.35719/ijl.v3i2.153>.

⁴⁹ Sitti Rakhman, "Tata Kelola SDM Pengawas Pemilu Pada Pemilu Tahun 2024," *Jurnal Bawaslu DKI Jakarta* 08, no. 01 (2020): 5–28.

these elements have a strong influence to encourage their followers not to commit violations in the election.⁵⁰ In the 2024 elections, several district-level Bawaslu, such as the Pasaweran Bawaslu, have collaborated with several religious and youth organizations, student organizations, and community groups.⁵¹ This kind of coordination strategy is very effective in building an anti-money politics community.⁵²

One proof of its effectiveness is that in 2019 Bawaslu Kebumen created *Desantiku* (Village Against Money Politics) in Tersobo Village, Prembun District. As a result, Tersobo Village became the first pioneer village in Kebumen Regency to declare itself to reject money politics in the 2019 legislative elections, as well as being used as a pilot village in the East Kebumen electoral district by Bawaslu Kebumen Regency.⁵³ Then, in 2023, Wonosobo Bawaslu also created an Anti-Money Politics Village (DAPU) to prevent the massive money politics that occurred in Central Java Province, and the results could be felt by reducing the perpetrators of money politics.⁵⁴

Third, conducting socialization. One of its functions is to increase community participation to prevent potential violations at election time.⁵⁵ Bawaslu should socialize the importance of rejecting money politics to reduce fraud in elections. Socialization can be offline by conducting seminars on the dangers of money politics in schools, universities, mosques, and other public places, as well as installing stickers, posters, and banners. The main targets are students, university students, religious leaders, and the general public. The goal is to invite them to participate in guarding the elections and reporting to the authorities when they find or suspect violations. In addition to offline, socialization to the public can also be done online by relying on digital media as an instrument.

In the modern era, socialization through digital media has been carried out by various institutions, ranging from government agencies, private institutions, legal institutions, and religious organizations, to certain communities. According to the author, online socialization is more practical, easier, and has a wider reach than offline. Moreover, nowadays, almost all people use smartphones to increase knowledge, both general and religious learning, actual news, or political developments. With the internet, people can also monitor the performance of the government remotely. This means that people today are getting smarter in assessing which officials prioritize the interests of their citizens, and which ones torment the people. Therefore, Bawaslu needs to use digital platforms, such as Facebook, Instagram, TikTok, Youtube, WhatsApp, and others as intermediaries to socialize the dangers of money politics.

⁵⁰ Hilmi Ridho, Abdul Wasil, and Sobri Washil, "Kiai Dan Politik: Relasi Ulama Dan Umara Dalam Mewujudkan Perdamaian Umat Beragama Dan Bernegara," *Tarbiya Islamia* 11, no. 2 (2021): 54–66. See: Hilmi Ridho and Mirwan, "Reconciliation of Ulama and Umara in Socio-Political Conflict through Sufistic Approach," *Tribakti; Jurnal Pemikiran Keislaman* 33, no. 2 (2022): 345–58, <https://doi.org/10.33367/tribakti.v33i2.2007>.

⁵¹ Rahmat Fatriansyah, "Bawaslu Pesawaran Gandeng Ormas Dan Okp Dalam Memberikan Pendidikan Politik Kepada Masyarakat Untuk Pengawasan Pemilu 2024," Bawaslu Kabupaten Pesawaran, 2024, <https://pesawaran.bawaslu.go.id/berita/bawaslu-pesawaran-gandeng-ormas-dan-okp-dalam-memberikan-pendidikan-politik-kepada>.

⁵² Mohammad Ali and Moh. Abd. Rauf, "Problem Yuridis Penyelesaian Perkara HAM Berat dalam Sistem Pidana Indonesia dan Pidana Islam," *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam* 24, no. 2 (December 20, 2021): 469–94, <https://doi.org/10.15642/alqanun.2021.24.2.469-494>.

⁵³ Bimo Laksono Mahardika and Sri Hartini, "Strategi Pencegahan Oleh Badan Pengawas Pemilun Umum Kabupaten Kebumen Terhadap Money Politic Melalui Desa Anti Politik Uang Di Desa Tersobo," *AGORA: Jurnal Kajian Pancasila Dan Kewarganegaraan* 11, no. 05 (2022): 582–94.

⁵⁴ Hisya Annisa`i Zaein, "Strategi Bawaslu Dalam Pencegahan Politik Uang Melalui Desa Anti Politik Uang Di Desa Lipursari Kabupaten Wonosobo Provinsi Jawa Tengah 2023" (Tesis, Institut Pemerintahan Dalam Negeri (IPDN), 2023).

⁵⁵ Ade Yunas Setiawan and Anwar Hidayat, "Sosialisasi Pemilu Untuk Pemilih Pemula Serta Bahaya Money Politics," *Abdima Jurnal Pengabdian Mahasiswa* 3, no. 1 (2024): 1311–17.

It may seem that the internet provides convenience, but without realizing it, it can also help the practice of money politics become more organized. In today's digital era, the majority of people have switched to using electronic money (E-Money) to conduct financial transactions.⁵⁶ This is thought to be one of the new modes of money politics in the run-up to the election because it is considered difficult to detect.⁵⁷ Bawaslu RI member Lolly Suhenty said that the current situation shows that electronic transactions are a real obstacle and the threat of electronic money politics is a major concern ahead of the 2024 elections. This problem forced Bawaslu to collaborate with the Financial Transaction Reports and Analysis Center (PPATK) and the Financial Services Authority (OJK). Evidently, during the 2024 campaign period, PPATK found the practice of money politics through e-wallets. It found a massive increase in suspicious financial transactions from political contestants contained in the permanent candidate list.⁵⁸ The right solution to prevent electronic money politics is to give a message during an open campaign that giving digital money is part of an election offense.

Fourth, execute. Bawaslu's existence is not only as an agent of socialization, but also has the authority to execute when finding violations in elections, whether administrative violations, money politics violations, or resolving election disputes. It can provide recommendations to the relevant agencies regarding the results of supervision of the neutrality of ASN, members of the TNI, and members of the Police. This is written in Law Number 7 Year 2017 Article 95.⁵⁹ In addition, the law also explains the criminal sanctions for money politics with various sanctions, namely; [1] Maximum imprisonment of 2 years and a maximum fine of 24 million for executors, participants, or campaign teams who carry out money politics. [2] Imprisonment for a maximum of 4 years and a fine of 48 million for participants or campaign teams who commit money politics during the quiet period. [3] Imprisonment of up to 3 years and a fine of 36 million for anyone who commits money politics on polling day.

Even though sanctions have been imposed for the practice of money politics, it seems that it has absolutely no effect and does not make the perpetrators realize that it is a violation that can tarnish democracy. Of course, this is a concern for all of us, especially Bawaslu who is authorized as the executor to find a firm solution to provide a deterrent effect for the perpetrators. This is because the methods used are very diverse, such as giving based on helping, alms, compensation, and others. Some use the name Zakat Mal, but there are party logos and photos of candidates on the envelopes. Bawaslu did not have the authority to follow up on the case even though it contained evidence of money politics, because the case occurred at the end of April 2023 and had not yet entered the campaign period.⁶⁰ In other words, when the period element is not met, it is difficult to proceed to the next law enforcement. This shows that political laws are not comprehensive enough to enforce money politics crimes.

From the various research recommendations that have been reviewed by the author, several inputs need to be considered by Bawaslu as the executor of the field to prevent and provide a deterrent effect for perpetrators of money politics, namely;

⁵⁶ Iskandar and Latifatul Qolbi, "Dynamics Of Money Politic Law Enforcement By Sentra Gakkumdu In The E-Money Era," *Jurnal Keadilan Pemilu* 4, no. 1 (2023): 77-89, <https://doi.org/10.55108/jkp.v4i1.420>.

⁵⁷ Retna Susanti, "Politik Uang Dalam Pemilu Ditinjau Dari Perspektif Yuridis Sosiologis," *Jurnal Lex Renaissance* 6, no. 3 (2021): 578-90, <https://doi.org/10.20885/jlr.vol6.iss3.art10>.

⁵⁸ Irwati, "PPATK Temukan Praktik Politik Uang Lewat E-Wallet Di Masa Kampanye Pemilu 2024," *infobanknews.com*, 2023, <https://infobanknews.com/ppatk-temukan-praktik-politik-uang-lewat-e-wallet-di-masa-kampanye-pemilu-2024/>.

⁵⁹ Lusy Liany, "Kedudukan Dan Kewenangan Bawaslu Dalam Struktur Lembaga Negara Indonesia," *Lex Jurnalica* 15, no. 3 (2018): 308-22, <https://doi.org/10.47007/lj.v15i3.2611>.

⁶⁰ Susi Gustiana and Pythag Kurniati, "ICW: Sanksi Politik Uang Harus Beri Efek Jera," *Kompas.com*, 2024, <https://regional.kompas.com/read/2024/02/02/052849778/icw-sanksi-politik-uang-harus-beri-efek-jera?page=all>.

first, reformulating the law enforcement of money politics crimes that are not only limited to fines and imprisonment. For example, in the form of a judicial verdict. Second, disqualify election participants from political contestation forever and sanction their success teams who are proven to have practiced money politics. Third, establish an Electoral Justice System (EJS),⁶¹ which is a system that involves all parties in organizing elections based on the law with the principle of protection and restoration of the rights of the aggrieved party. Fourth, guarantee the protection of witnesses and reporters of alleged money politics practices, and provide rewards for their reports for exposing violations in the electoral process.

Conclusion

The practice of money politics is packaged in various ways so that it is not seen as a form of violation in the election and is free from criminal acts. First, funds for campaign facilities. The pretext is to ask for votes from the public through the distribution of brochures, stickers, posters, and T-shirts in exchange for a promised amount of money. Second, donations of goods and services. This can be in the form of rice, sugar, drinking water, oil, noodles, and other necessities. Third, donations in the form of services can be in the form of granting proposals for financial assistance or finding a way for the funding proposal to be realized. According to *fiqh siyasah*, the practice of money politics includes the act of *risywah* (bribery) which violates the rules of Islamic law and positive law. The analogy is that during elections, the people act as *murtasyi* (bribe-takers) because they have the power to choose leaders. The political contestants act as *rasyi* (bribe givers) because they need the people's votes. Meanwhile, the success team that mediates between the two is considered a *ra'isyi* (bribe broker).

There are several ways carried out by Bawaslu to overcome the practice of money politics, namely; *first*, overseeing the implementation of elections and reporting to the authorities if election violations are found. *Second*, coordinating with internal parties from the central to sub-district levels, and cooperating with external parties. *Third*, socializing the dangers of money politics to the public online and offline. *Fourth*, take preventive measures, namely; reconstructing the regulation of money politics crimes that have a deterrent effect, disqualifying election participants, giving strict sanctions to the success team, and providing guarantees of protection and rewards to the reporter.

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⁶¹ Dewi Asri Puannandini and Sani Uripah, "Strategi Pencegahan Dan Penanganan Politik Uang Dalam Penyelenggaraan Pemilu Serentak Di Indonesia," *Unes Law Review* 5, no. 4 (2023): 4637-48, <https://doi.org/10.31933/unesrev.v5i4>.

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