

## THE DYNAMICS OF MONEY POLITICS IN THE INDONESIAN LEGISLATIVE ELECTIONS: A COMPARATIVE ANALYSIS OF THE NEW ORDER ELECTIONS AND THE REFORM ELECTIONS

### *A DINÂMICA DA POLÍTICA MONETÁRIA NAS ELEIÇÕES LEGISLATIVAS INDONÉSIAS: UMA ANÁLISE COMPARATIVA DAS ELEIÇÕES DA NOVA ORDEM E DAS ELEIÇÕES DA REFORMA*

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#### **Abstract**

**Objective:** This study aims to analyse the dynamics of money politics in Indonesian legislative elections, by comparing the election practices of the New Order and Reformation eras. The research gap lies in the lack of an in-depth comparative analysis between both periods with regard to the interaction between the legal framework and norm enforcement related to money politics. **Method:** The method used is normative legal analysis, which involves the study of primary legal texts and secondary sources, including historical records and scientific literature. **Results:** The results show that although the legal framework has evolved, which led to the explicit prohibition of vote-buying practices in the Reformation era, weak law enforcement and a persistent patronage culture have resulted in the persistence of

#### **Resumo**

**Objetivo:** Este estudo visa analisar a dinâmica da política monetária nas eleições legislativas indonésias, comparando as práticas eleitorais entre as eras da Nova Ordem e da Reforma. A lacuna da pesquisa reside na ausência de uma análise comparativa aprofundada da interação entre os arcabouços jurídicos e a aplicação de normas relacionadas à política monetária em ambos os períodos. **Método:** O método utilizado é a análise jurídica normativa, que envolve o estudo de textos jurídicos primários e fontes secundárias, incluindo registros históricos e literatura científica. **Resultados:** Os resultados mostram que, embora o arcabouço jurídico tenha evoluído com a proibição explícita de práticas de compra de votos na era da Reforma, a fraca aplicação da lei e uma cultura clientelista persistente resultaram na prática da



widespread money politics practice. Novelty: The novelty of this research lies in its emphasis that systemic changes in electoral regulation do not automatically improve electoral integrity. It is also novel that the study highlights the need for structural and cultural reforms to address the root causes of the practice of money politics. Contribution: These findings are expected to make a significant contribution to the academic discourse on electoral integrity and strengthen democracy in Indonesia.

**Keywords:** Money Politics. Legislative General Elections. New Order Era. Democratic Reform. Law Enforcement.

*política monetária generalizada. Novidade: A novidade desta pesquisa reside em sua ênfase em como mudanças sistêmicas na regulamentação eleitoral não melhoram automaticamente a integridade eleitoral, bem como na necessidade de reformas estruturais e culturais para abordar as causas profundas da prática da política monetária. Contribuição: Espera-se que estas descobertas contribuam significativamente para o discurso acadêmico sobre integridade eleitoral e fortalecimento da democracia na Indonésia.*

**Palavras-chave:** Política Monetária. Eleições Gerais Legislativas. Era Da Nova Ordem. Reforma Democrática. Aplicação Da Lei.

## 1 INTRODUCTION

The practice of buying and selling votes, commonly called "money politics," has emerged as a constant challenge to the integrity of elections (Dal Bó, 2007; Mancuso *et al.*, 2023). This practice is also present in Indonesia, and it spans various political periods, ranging from the authoritarian New Order era (1966–1998) to the democratic Reformation period (1998–present). During the New Order, elections were tightly controlled under the regime of President Suharto, with the ruling party Golkar (Miichi, 2007) utilising state resources to secure electoral dominance. At the time, Indonesia operated a closed-list proportional representation system (Populi Center, 2019). Therefore, the party often carried out centralised vote buying schemes. In contrast, the Reformation era introduced a decentralised, open-list proportional representation system, which seemed to increase voter choice but paradoxically magnified the opportunities for individual candidates to engage in transactional politics. This study examines the evolution of money politics in Indonesian legislative elections, comparing the normative frameworks and enforcement mechanisms of these two periods, to assess how the legal structure has shaped the persistence and transformation of this vice.

Money politics undermines the democratic ideals of free and fair elections, which guarantee the right to participate in government (Kahman *et al.*, 2024; Ramadhan, 2021), a principle stated in Article 22E Paragraph (1) of the 1945 Constitution. Money politics also undermines democratic electoral standards, as stated in Article 21 of the Universal Declaration of Human Rights (UDHR), Article 3 of Protocol No. 1 of the European

Convention of Human Rights, International Covenant on Civil and Political Rights, and Copenhagen Document of the Human Dimension of the CSCE (1990), in particular paras. 5 to 8 (Council of Europe, 2016; International Institute for Democracy and Electoral Assistance (International IDEA), 2002). In Indonesia, money politics manifests itself in the form of cash payments, distribution of goods, or promises meant to influence voters (Habibi & Purnomo, 2018). These acts are prohibited by Law Number 7 of 2017 concerning General Elections (Reform Election Law), in Article 280 paragraph (1) letter j (during the campaign period) and Article 278 paragraph (2) letter d (during the quiet period and the voting period). The threat of criminal sanctions for violators of the above articles is regulated by Articles 515 and 523. Although the prohibition of money politics is explicitly stipulated, its enforcement is still inconsistent, raising questions about the effectiveness of legal norms in curbing election crimes. The political patronage, from top to bottom, in the New Order era (Tomsa, 2012) starkly contrasts with the fragmented, candidate-driven practices of the Reformation period, leading to a shift in the scale and strategy of vote buying, which requires systematic analysis.

Academic attention in the area of money politics has grown in Indonesia (Conroy-Krutz & Logan, 2012), and the same has happened in other countries, such as Brazil (Mancuso *et al.*, 2023), but there is still a significant research gap in this area. Available studies, such as that conducted by Aspinall and Sukmajati (Aspinall & Sukmajati, 2015), documented the prevalence of money politics in the Reformation era and highlighted the role of the open-list proportional representation system in incentivising the purchase of private votes. However, these works often focus on contemporary dynamics, with limited comparative analysis involving the New Order period, where the politics of money operated within a framework governed by the state. In addition, normative legal research on the interaction between legal provisions and their historical enforcement is still poorly explored, leaving a critical void in understanding how the evolution of law affects electoral integrity across regimes. This study seeks to address the above gaps by adopting a normative legal approach, analysing primary legal texts and secondary sources to trace the regulatory trajectory of money politics.

The New Order-era elections institutionalised money politics through mechanisms such as the "floating masses" policy, a social engineering project, which created passive and depoliticised rural voters, making them vulnerable to material persuasion from Golkar, the ruling party (Samson, 1973; Shimagami, 2001). Legislative

elections, held every five years from 1971 to 1997, focused less on competition and more on the legitimacy of authoritarian governments, with vote-buying as a means of control. The transition to Reformation-era elections dismantled this centralised system, introducing multiparty democracy and an open-list proportional representation system in 2009, based on Law No. 10 of 2008 concerning the General Election of Members of the House of Representatives, DPD and DPRD. In this system, candidates compete directly for voter support, and campaign funding is sourced from their own pockets, as is the case in Nigeria (Agboga, 2024b, 2024a). Although it is intended to increase accountability, this shift can be said to have decentralised money politics, shifting the responsibility of wooing voters from political parties to individuals, which made elections more competitive. Increased competition is always accompanied by an increase in money politics (Mudiyati Rahmatunnisa, 2022).

This study aims to evaluate how the legal framework governing legislative elections responded to money politics during these periods. In particular, this study examines the following laws: Law No. 15 of 1969 concerning the General Election of Members of the Consultative Body/People's Representatives as amended by Law No. 4 of 1975; Law No. 2 of 1980; Law No. 1 of 1985 (New Order Election Law); and the Reform Election Law, along with their enforcement records. The examination is meant to identify similarities and differences in normative responses. Using normative legal methodology, this study focuses on the interpretation of legal texts, complemented by historical documentation and scientific commentary, to assess whether regulatory evolution has reduced or worsened the practice of vote buying.

The importance of this study lies in its comparative scope and normative point of view. Unlike empirical studies that measure vote-buying incidence, this study prioritises the legal architectures that support electoral integrity, offering insights into why prohibitions have failed despite democratic reforms. This study addresses critical gaps by juxtaposing the state-centred model of the New Order Election Law with the dynamics of the candidate-centred Reform Election Law, revealing how systemic change changes the modality of money politics. Furthermore, this research contributes to the global discourse on electoral integrity by placing Indonesia's experience in a broader debate on democratic consolidation in post-authoritarian countries.

The survival of money politics poses a paradox: although the Reform Electoral Law promised democratic reforms, it could not eliminate practices that were rooted in the

New Order, as such practices showed very deep structural and cultural roots. This study argues that legal norms alone may not be enough to tackle this menace without strong law enforcement and social change, a hypothesis tested through textual analysis. By shedding light on these dynamics, this study offers a foundation for policy recommendations aimed at strengthening election laws, such as stricter oversight of campaign finance and stricter sanctions.

This research bridges historical and contemporary perspectives on money politics in Indonesian legislative elections, using a normative legal approach to uncover the evolution of the law. By comparing the New Order and Reformation eras, this study seeks to clarify how the legal framework shaped electoral irregularities, by providing a nuanced understanding of the phenomenon of vote buying and selling, which continues to challenge Indonesia's democratic aspirations. The findings of this study promise to inform academic discourse and practical reforms, by discussing a critical point regarding the development of the nation's politics.

## **2 METHOD**

This study uses a normative legal approach to analyse the dynamics of money politics in Indonesian legislative elections, focusing on comparisons between the New Order and Reformation elections. This study analyses primary legal sources, comprising primary norms, which include the New Order Election Law and the Reform Election Law, as well as secondary norms related to law enforcement, such as regulations issued by the Election Supervisory Agency (Bawaslu). In addition, the study relies on secondary sources, such as historical records, previous research reports, and relevant scientific analysis, to understand the political and social contexts in both eras. Comparative methods were used to identify similarities and divergences within the legal frameworks governing the practice of money politics in both periods, which included a comparison of legal norms, enforcement mechanisms, and their impacts on electoral integrity. This study evaluates the effectiveness of law enforcement during both periods, identifying the weaknesses and challenges faced in the enforcement of existing norms. The data obtained were analysed qualitatively to produce an in-depth understanding of how money politics operates in the context of different legal systems as well as its implications for democracy in Indonesia.

### 3 RESULT AND DISCUSSION

#### 3.1 Money politics in the new order era: a centralized normative framework

Normative legal analysis of money politics in Indonesia's legislative elections reveals the persistent tension between the prohibition of the law and its practical enforcement, a dynamic that developed prominently in the New Order era (1966–1998) and persisted in the Reformation era (1998–present). This study uses primary and secondary sources to trace the regulatory framework governing vote buying. The findings highlight three main themes: the centralised orchestration of money politics under the New Order authoritarian regime; the decentralisation of such practices during the Reformation democratic system, leading to their proliferation; and the consistent ineffectiveness of law enforcement during both periods. This section discusses these findings, placing them in the context of broader electoral integrity and democratic governance.

This analysis underscores that money politics, which is defined as the exchange of material gains for votes (Habibi & Purnomo, 2018; Kurniawan *et al.*, 2017; Mudiwati Rahmatunnisa, 2022) violates Article 22 E of the 1945 Constitution, Law Number 7 of 2017, and international norms, such as Article 21 of the Universal Declaration of Human Rights (UDHR). Further, money politics is classified as immoral behaviour (Halida *et al.*, 2022; Hansson *et al.*, 2022). However, the normative framework reveals a paradox: while legal prohibitions are becoming more explicit over time, their effectiveness remains undermined by systemic and structural factors. By comparing the two eras, the study sheds light on how the shift in the political system from authoritarian control to democratic competition has reshaped the political modality of money but has failed to eradicate it.

During the New Order, money politics was conducted in a tightly controlled legal and political structure, as evidenced by the New Order Election Act. This law, passed under the Suharto regime, established a framework for legislative elections but did not contain an explicit prohibition on vote-buying. Article 1 paragraph (1) and Article 3 of the law mandate that general elections must be held directly, publicly, freely, and secretly, based on the principles of democracy imbued with the spirit of Pancasila and the 1945 Constitution. However, the absence of primary norms regulating money politics reflects

the regime's strategic tolerance of such practices as a tool to maintain power. Historical records show that Golkar, a state-supported hegemon (D. Y. King & Rasjid, 1988), arranged vote buying through a centralised patronage network (Bird, 1997), often distributing cash or goods to rural constituencies under a "floating masses" policy (B.A.King, 1992), which depoliticises voters and makes them passive and dependent on material persuasion (BABARI, 1985; Toto Rahardjo, 2024).

Normative analysis reveals that the absence of a primary norm that contains rules/benchmarks on how we should behave (*das sollen*) with regard to not buying votes is not a mistake but a deliberate design. In addition, the General Election Institution restricted the campaign activities of opposition parties, such as the PDI and PPP, regarding grassroot mobilisation. An effective effort to monopolise the distribution of resources for the benefit of Golkar was the application of the principle of 'monoloyalty' through the Civil Servants Corps. The emergence of the Civil Servants Corps was based on Presidential Decree Number No. 82/1971 concerning the establishment of the Civil Servants Corps of the Republic of Indonesia (Korpri). The decree stipulated that all civil servants must be members of the Civil Servants Corps, which also functioned as a support mechanism for Golkar, in order to gain political control of Indonesia's bureaucracy (Cribb, 1984; Populi Center, 2019; Samson, 1973). Scholars, such as Harold Crouch (Harold Crouch, 2007), note that money politics during this era had less to do with the competition of individual candidates and more to do with strengthening the legitimacy of the regime. The absence of law enforcement mechanisms, such as independent oversight bodies, further strengthens this practice, as violations are not monitored or sanctioned. This centralised approach ensures that vote buying remains a state-approved instrument, which is in line with the regime's broader authoritarian goals.

Comparatively, the normative framework under the New Order prioritised control over justice, in stark contrast to the international standards of democratic elections, which emphasise real electoral choice (International IDEA, 2002). The lack of legal specificity on money politics suggests that the regime views it as an acceptable extension of patronage, thereby undermining the integrity of democracy that the New Order Election Law seems to promise. These findings are the basis for understanding how money politics developed into a more fragmented phenomenon in the Reformation era.

### **3.2 The politics of money in the reformation era: Decentralisation and the evolution of law**

The transition to Reformation marks a significant shift in the normative regulation of money politics, driven by democratic reforms and the implementation of an open-list proportional representation system. The Reform Election Law, which is currently in force, explicitly regulates primary norms, including the prohibition of the practice of buying and selling votes, based on Article 280 paragraph (1) letter j and Article 278 paragraph (2) letter d. Further, the law also regulates secondary norms, which involve sanctions for violations of primary norms. Secondary norms are set out in Articles 515 and 523; they provide for a maximum prison sentence of three to four years and a fine for "any person who knowingly gives or promises money or other materials to voters" during a campaign, quiet period, or at the time of voting. This provision is a clear improvement from the silence of the New Order Election Law and reflects Indonesia's commitment to international norms of democratic election standards, which guarantee free participation in elections. In addition, additional regulations were made, such as the Regulation of the Election Supervisory Agency Number 7 of 2022 concerning the Handling of Findings and Reports of Election Violations (Bawaslu, 2022) and Regulation of the General Election Supervisory Agency Number 3 of 2023 concerning Integrated Law Enforcement Centres (Amalia Yunia Rahmawati, 2023). These regulations further stipulate law enforcement procedures for election crimes, a model of legal architecture aimed at curbing election crimes.

However, these normative advances were unable to eliminate the problem of vote buying and selling. The open-list proportional system, introduced in advance of the 2009 election through Law Number 10 of 2008 concerning the Election of Members of the House of Representatives, DPD and DPRD, only decentralised money politics, shifting its place from the party machinery to individual candidates. Unlike the top-down model of the New Order, the competitive framework of the Reformation gives candidates an incentive to get personal votes, so the candidates increase privately financed campaign activities and direct transactions (Aspinall, 2014; Foundation, 2019; Putra *et al.*, 2024). Normative analysis of the report of Bawaslu and various parties revealed a surge in documented vote buying cases, reaching 33% (Aspinall & Sukmajati, 2015; Borman *et al.*, 2024; Burhanuddin Muhtadi, 2015; Maikal Agus Riandi, 2024; Muhtadi, 2019).

Similarly, the number of voters who reject money politics showed a decrease of 1.8%, between the 2019 and 2024 elections (Maikal and Riandi, 2024). A similar occurrence was recorded in African countries, where one in five voters was exposed to money politics (Bratton, 2008). Articles 329, 330 and 331 of the Reform Election Law limit campaign fund donations from individuals and corporations as well as impose an obligation to record and report donations to election organisers. Nonetheless, the lack of strict monitoring mechanisms, such as disclosure of financial sources, weakens its efficacy (Kompas.com, 2023; Seknas FITRA, 2019). This decentralisation is in stark contrast to the New Order Election Law's centralised approach, which highlights how the openness of democracy has inadvertently strengthened opportunities for money politics. Studies have shown that money politics can distort democratic processes (Al Amosh, 2024; Mancuso *et al.*, 2023), so a strong normative framework with effective law enforcement is needed to combat it.

The evolution of the normative framework also reveals the continuous gap in law enforcement within different normative frameworks. This shows that even when money politics is explicitly prohibited, the prohibition does not have the operational power to deter violators. A consistent finding indicates that money politics has become "commonplace" in the Reformation elections, thus placing Indonesia as the third largest actor in money politics in the world (Bawaslu of the Republic of Indonesia, 2024; Maikal Agus Riandi, 2024). Thus, although the normative shift reflects the intention of a more democratic state, its practical impact remains limited, thus exacerbating the challenge of electoral integrity.

### **3.3 Comparative analysis of cross-era legal norms**

A comparative analysis of the normative frameworks of the New Order and Reformation elections reveals the similarity and divergence in handling money politics. Article 8 paragraph (4) of Law Number 15 of 1969 stipulates that the task of the General Election Institution is to plan, supervise, and organise legislative general elections.

In the New Order Election Law, there is no primary provision that strictly prohibits money politics. The state facilitates the vote-buying system, which is a way to extend the regime's power, through Golkar's dominance (Bird, 1997). This ensures minimal legal accountability (Cribb, 1984). Article 27 paragraph (3) of the New Order

Election Law contains secondary provisions threatening criminal sanctions against parties who give promises or bribe voters not to exercise their voting rights or to exercise their rights in a certain way, but violations of the prohibition are supervised by a non-independent institution, namely the General Election Institution. On the other hand, the Reform Election Law establishes primary norms (Article 280 paragraph (1) letter j; Article 278 paragraph (2) letter d) that prohibit vote buying and selling and secondary norms (Article 515 and Article 523) that regulate the sanctions for violations of the primary norms, which indicates a normative commitment to electoral justice. However, there is a similarity between elections in both eras, which lies in the failure of law enforcement. As mentioned earlier, the New Order elections did not have independent supervision because the tasks of organising and supervising are carried out by the General Election Institution (Bawaslu, 2020, p.11). Meanwhile, in the Reformation elections, although Bawaslu, the Election Supervisory Agency, was established as an independent supervisory institution, it has limited authority and resources, so judicial follow-up is not optimal.

The shift from centralised practices to decentralised practices marks a critical distinction between the legal frameworks of both elections. However, both legal frameworks have deficiencies. In the New Order elections, law enforcement follows a top-down system of patronage, while the open-list proportional representation system of the Reformation era transformed the politics of money into a candidate-driven venture. This evolution coincided with broader political changes, with authoritarian control giving way to competitive democracy, but both systems tolerate vote buying as a means of securing power. Normatively, the legal framework of the Reformation elections is more in line with international standards of democratic elections, but its decentralised nature through the open-list proportional representation system encourages the practice of money politics, as candidates compete for votes (Fadhilurrahman, 2023; Muhtadi, 2019; Scott, 2019). This causes difficulties in law enforcement, a challenge that did not exist in the monolithic electoral structure of the New Order. These difficulties are exacerbated by weak law enforcement, as the threat of sanctions in relevant laws does not provide a deterrent effect (Puannandini *et al.*, 2023).

This comparison underscores a paradox: although legal norms have evolved, their effectiveness depends on enforcement mechanisms, which are weak in both eras. The normative intention to curb money politics in the Reformation elections is obvious, but

the lack of structural support, such as strong campaign funding oversight, reflects the passive acceptance of the New Order electoral model, albeit in a different form. These findings highlight the need for a more in-depth examination of law enforcement dynamics.

Normative analysis identified law enforcement as a weak point in Indonesia's legal response to money politics. The New Order Election Law did not establish an independent body to monitor elections because the General Election Institution, which is the election organising institution, concurrently serves as a supervisor that is fully controlled by the government (Santoso, 2006, p. p.65). Therefore, law enforcement depends on the discretion of the regime, which allowed the practice of buying and selling votes without any legal consequences. Historical records, as written by William Liddle (R. William Liddle, 1996), assert that the practice of buying and selling votes by Golkar during the New Order elections was rarely opposed, reflecting a normative framework that prioritised regime stability over electoral integrity (Samson, 1973).

In the Reformation era, the establishment of Bawaslu, based on Law Number 15 of 2011 concerning Election Organisers, which was later replaced by the Reform Election Law, marked normative progress. The law led to the formation of an independent institution in charge of organising elections, namely the General Election Commission, and an institution in charge of supervising elections and investigating violations such as vote buying, namely Bawaslu (Election Supervisory Agency). Article 18 of the Reform Election Law authorises Bawaslu to impose administrative sanctions, while election criminal cases, including vote buying cases, are handled by the Integrated Law Enforcement Centre (Gakkumdu). According to Article 1 number 2 of the Regulation of the General Election Supervisory Agency (Bawaslu) Number 3 of 2023 concerning the Integrated Law Enforcement Centre for General Elections, the Integrated Law Enforcement Centre (Gakkumdu) is the centre of law enforcement activities for election crimes, consisting of elements of Bawaslu, the National Police of the Republic of Indonesia, and the Prosecutor's Office. It is authorised to handle alleged election crimes. However, the weakness in the legal framework of tackling vote buying and selling remains. The investigations conducted by Gakkumdu, the institution that handles election crimes, are less than optimal due to the following reasons: the practice of money politics is still rampant; there is a lack of public participation in reporting alleged election crimes; and the duration to handle criminal offenses related to elections is very short (Tanggo *et*

*al.*, 2024). In addition, differences in perception within Gakkumdu, difficulties in meeting the minimum of two pieces of evidence, and the lack of authority by Bawaslu to question someone by force are other factors that hinder efforts to tackle money politics (Decision of the Constitutional Court of the Republic of Indonesia Number 59/PUU-XXII/2024, 2024, p. p.67). Furthermore, election organisers, law enforcement, and the public openly tolerate such violations (Chandranegara & Bakhri, 2023). Comparative analysis with international standards of democratic elections (International IDEA, 2002; Santoso, 2006), on independent election organisers and effective law enforcement, revealed that Indonesian institutions lacks the independent and effective prosecution powers necessary to enforce the sanctions of Articles 515 and 523 of the Reform Election Law.

The weak enforcement of law across eras shows that legal prohibition alone is not enough without institutional support (Putra *et al.*, 2024). According to Santoso, in general, the factors that affect the effectiveness of the law include lack of evidence, the discretion of the police and prosecutors to continue the case (when the reported person is a public figure), and neglect without a clear reason (Santoso, 2006, p. P.56). The New Order's deliberate abandonment of the surveillance mechanism of money politics contrasts with the efforts of the Reform Election Law to set up a supervisory institution and its mechanisms, but both failed to stop money politics. These findings are in line with global studies on electoral corruption, such as that conducted by Birch (Sarah Birch, 2011), which argues that normative clarity must be combined with operational capacity to achieve effective legal compliance.

### **3.4 Implications of normative evolution on election integrity**

The evolution of legal norms from the New Order elections to the Reformation elections reflects the trajectory of the legal framework towards better alignment with international principles of democratic elections, but paradoxically the law still permits money politics as a result of law enforcement gap. The explicit prohibition of vote buying in the Reformation election era signals progress, but the decentralised system worsens the scale of transactions, with candidates exploiting loopholes in campaign finance rules and law enforcement mechanisms. This normative shift has not translated into an increase in electoral integrity, as evidenced by the electorate's constant dependence on material

persuasion, the cultural heritage of the New Order's patronage system (Shimagami, 2001; Sultan *et al.*, 2013).

The implications are twofold. First, the normative intention to curb money politics requires a rethink of the structure of law enforcement, such as empowering Bawaslu with prosecutorial authority and requiring transparent and accountable campaign funding. Second, the evolution of the law highlights the cultural dimension. Vote buying continues in part because voters perceive it as a legitimate exchange (Halida *et al.*, 2022; Umsida, 2024), a norm that took root during the New Order and was enshrined in the competitive electoral landscape of the Reformation. These findings show that legal reform must be complemented by a legal culture, namely public legal awareness that contains values, views, and attitudes that affect the functioning of the law (Rahayu *et al.*, 2020; Suratno & Faujura, 2024).

From a theoretical perspective, normative findings place money politics within the structural theory of electoral corruption (Sarah Birch, 2011), and money politics is called the "mother of corruption" (Decision of the Constitutional Court of the Republic of Indonesia Number 59/PUU-XXII/2024, 2024, P.85). In the Reformation elections, the theory of clientelism (Yanto, 2022) describes the shift to candidate-driven transactions, made possible by the emphasis of the open-list proportional representation system on personal votes. Normatively, both eras reflect a failure to disrupt this structural dynamic, since the legal framework alone may not change the relationship between voters and candidates.

This analysis contributes to the research gap by linking normative evolution with structural continuity. The New Order's tolerance of inadequate electoral law and the law enforcement deficit of the Reformation elections, which perpetuate a system in which money politics thrives, challenge the assumption that democratisation essentially improved electoral integrity. The normative lens reveals that without addressing these structural roots, legal reform remains superficial, so regulatory reform is needed to improve the transparency and accountability of election funding, as it is equally important for a free and fair electoral process (Kume & Lirëza, 2023; Wang, 2022). Ethical governance of campaign funds is necessary to balance the broader public interest with the narrow interests of stakeholders (Al Amosh, 2024; Wood, 2023). The challenge is that Indonesia is still classified as a country that has low transparency in managing campaign funds (Kurniawan *et al.*, 2017).

Considering the findings, this study proposes several policy recommendations based on normative analysis. First, the amendment of the Reform Election Law to mandate real-time campaign finance reporting can increase transparency, addressing the gaps in Reformation decentralisation. Second, strengthening the autonomy and funding of Bawaslu, according to international best practices, will strengthen law enforcement, to plug the gap that existed in the New Order elections and has not been resolved in the Reformation elections. Third, citizenship education should be integrated into election laws in order to change voter perceptions, thereby breaking the cultural heritage of buying and selling votes. These reforms bridge the normative intent of the current law with practical results, thus improving the integrity of elections, as the misuse of political funds can undermine democracy. Hence, transparency and accountability, which encourage fair political competition, are needed (Carlson & Nakabayashi, 2023).

This normative study is limited by its reliance on legal texts and historical records, excluding empirical data on voter behaviour and candidate perspectives. Future research may complement these findings with field studies, which would examine how legal norms are applied in practice in different regions of Indonesia. Additionally, exploring comparative cases, such as the Philippines' experience with voice trading, can enrich the analysis.

#### **4 CONCLUSIONS**

This study reveals the dynamics of money politics in Indonesian legislative elections, focusing on a comparison between New Order-era elections and Reformation-era elections. The findings show that although the legal framework has undergone significant changes, particularly with explicit prohibitions on the practice of buying and selling electoral votes in the Reformation era, major challenges remain, in the form of weak law enforcement and a deep culture of patronage. Money politics remained widespread in both the authoritarian and democratic eras, indicating that regulatory changes are not always directly proportional to improving electoral integrity. Weaknesses in law enforcement during both periods indicate the need for deeper structural reforms, including increasing the capacity of supervisory agencies and making efforts to change the public perception on money politics. Therefore, this study suggests the need for a holistic approach that not only focuses on the legal aspects, but also considers the cultural

and social factors that influence the practice of money politics. These findings are expected to make a significant contribution to academic discourse and public policy, in an effort to strengthen democracy in Indonesia.

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### **Authors' Contribution**

Both authors contributed equally to the development of this article.

### **Data availability**

All datasets relevant to this study's findings are fully available within the article.

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