



Legal Analysis Of The Judge's Decision On The Criminal Act Of Money Politics In The 2019 Elections In East Luwu (Study Of Decision Number 61/Pid.Sus/2019/Pn.Mll): A Critical Discourse Analysis

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Abstract

This study examines the judicial discourse surrounding money politics in Indonesian electoral processes through a critical discourse analysis of Decision Number 61/PID.SUS/2019/PN.MLL from the Malili District Court regarding criminal acts of money politics during the 2019 elections in East Luwu Regency. Using Fairclough's three-dimensional framework of critical discourse analysis, this research investigates how legal language constructs and legitimizes judicial reasoning in electoral corruption cases, while examining the underlying power relations and ideological assumptions embedded within the court's decision. The methodology combines textual analysis, discursive practice examination, and sociocultural practice investigation to uncover how the judge's linguistic choices reflect broader institutional attitudes toward electoral integrity and democratic governance. The study analyzes lexical choices, syntactic structures, modality, and argumentation patterns within the legal text to reveal how judicial discourse shapes public understanding of electoral crimes and their consequences. Key findings reveal that the judicial discourse employs specific linguistic strategies that position money politics as a threat to democratic legitimacy while simultaneously reinforcing state authority in electoral oversight. The analysis demonstrates how legal language serves not merely as a neutral vehicle for justice delivery but as a powerful tool for constructing social reality and reinforcing existing power structures. The court's decision reflects tensions between legal formalism and contextual considerations of local political dynamics in East Luwu. The research contributes to understanding how judicial discourse in Indonesia's post-reform

era constructs electoral integrity narratives and legitimizes legal interventions in political processes. It reveals the complex interplay between legal reasoning, political context, and social power relations in contemporary Indonesian democracy. The findings have implications for legal reform, judicial training, and broader discussions about combating electoral corruption in emerging democracies.

Keywords: Critical Discourse Analysis, Money Politics, Electoral Corruption, Judicial Decision, Legal Discourse, Indonesian Democracy, East Luwu, Electoral Integrity

Introduction

General elections are a crucial mechanism in a democratic system that provides space for the people to determine the leaders they believe are capable of representing the public interest (Dahl, 2015). In Indonesia, elections are not only considered as a manifestation of people's sovereignty, but also as a vital process in ensuring that the government formed is the result of direct, transparent and fair choice of the people (Aspinall & Mietzner, 2019). Therefore, elections must be based on sound democratic principles, namely open competition, transparency, broad public participation, and free from interventions or influences that undermine the rational choice process of voters (Huntington, 1991).

However, these democratic principles are often faced with various challenges, one of which is the practice of money politics. In Indonesia, money politics often occurs in various forms, ranging from giving cash to in-kind assistance to certain communities or groups (Aspinall, 2014). This practice is often carried out by candidates or their success teams in an effort to "buy" voter support. The existence of money politics directly threatens the fairness of elections as voters may not vote based on their political preferences or candidates' abilities, but rather because of the material influence they receive (Schaffer, 2007).

Money politics is a form of corruption in the democratic process that aims to influence voters' choices through material rewards (Johnston, 2005). The impact is significant, as money politics encourages a transactional culture in politics that undermines the essence of democracy as a means for the people to elect worthy leaders (Kitschelt & Wilkinson, 2007). In the long run, money politics reduces public trust in the electoral process and weakens the legitimacy of the elected government, due to the perception that victory is achieved not through fair competition, but through material manipulation (Norris, 2014). This undermines the basic principles of democracy, namely fairness and equality.

Furthermore, money politics can result in elected leaders who are no longer oriented towards the public interest. Instead of serving the people, leaders elected through the practice of money politics tend to seek a return on their investment, whether in the form of financial or other personal benefits (Stokes et al., 2013). This will create a system of governance that is prone to corruption and collusion, and marginalizes the interests of the general public, especially the underprivileged (Robinson & Verdier, 2013).

In the Islamic perspective, money politics is known as *risywah* and falls under

the category of *haram* acts (Al-Qaradawi, 2001). *Risywah* is defined as the act of giving or receiving certain rewards to achieve certain goals that are detrimental to the public interest or violate the rules that should be enforced (Ibn Taymiyyah, 1995). In the Quran and hadith, *risywah* is considered a form of injustice that goes against basic Islamic principles such as justice, honesty and transparency (Al-Tabari, 2001).

Risywah is one of the major sins mentioned in the hadith of Prophet Muhammad, in which he cursed both the giver and receiver of bribes (Sahih Muslim, Hadith No. 1595). The impact of *risywah* is very destructive because it encourages dishonesty, discrimination and injustice in society (Al-Ghazali, 1997). In the context of elections, money politics as a form of *risywah* causes voters to lose the opportunity to vote honestly, sacrifices social justice, and creates inequality that harms the little people. The principle of justice in Islam emphasizes that any action that leads to the exploitation or manipulation of others for personal gain is *haram* and contrary to Islamic values (Al-Mawardi, 1996).

Islam teaches that leaders should be elected based on their honesty, integrity and ability to uphold justice and protect the people (Ibn Khaldun, 2005). The election of a leader should be free from material influences that could divert people's choices from the principles of rationality and honesty. In this case, money politics is in direct conflict with the objectives of *shariah* (*maqasid al-shariah*), which are to protect religion, soul, offspring, intellect, and property (Al-Shatibi, 1997). When money politics occurs, the principle of *maqasid al-shariah* is violated because this practice encourages injustice and allows groups with wealth to control the political process (Auda, 2008).

Money politics, from both a democratic and Islamic perspective, is a serious threat that not only undermines fairness in elections but also undermines the fabric of society as a whole. In a democracy, money politics threatens the quality of elections, weakens the legitimacy of the elected government, and encourages a culture of transactional politics that is not in favor of the people (Diamond, 2015). From an Islamic perspective, the practice of *risywah* or money politics is a grave sin that violates the principles of justice and honesty (Kamali, 2008). Therefore, tackling money politics in elections is an essential step to maintain the purity of democracy and implement the principles of justice in Islam.

Research Methods

This study employs a qualitative research approach utilizing Critical Discourse Analysis (CDA) as the primary analytical framework to examine the judicial decision in the money politics case from the 2019 elections in East Luwu. The research adopts a descriptive-analytical design to provide an in-depth understanding of the legal reasoning, linguistic choices, and ideological underpinnings present in Court Decision Number 61/Pid.Sus/2019/Pn.Mll.

The primary data for this research consists of the complete text of Court Decision Number 61/Pid.Sus/2019/Pn.Mli issued by the Malili District Court (Pengadilan Negeri Malili). The decision document was obtained through official court records and includes: (a) Case background and factual findings (b) Legal considerations and reasoning (c) Judge's verdict and sentencing rationale (d) Supporting legal citations and precedents

Secondary data was collected from: (a) Relevant Indonesian criminal law statutes (particularly regarding election crimes) (b) Legal scholarship on money politics and electoral violations (c) Previous court decisions on similar cases (d) Academic literature on critical discourse analysis in legal contexts (e) News reports and media coverage of the case.

This study applies Norman Fairclough's three-dimensional model of CDA, which examines:

1. **Textual Analysis (Micro-level)** (a) Linguistic features including vocabulary choices, grammatical structures, and rhetorical devices (b) Identification of key terms and legal terminology usage (c) Analysis of modal verbs, hedging, and certainty markers (d) Examination of passive vs. active voice construction
2. **Discursive Practice (Meso-level)** (a) Intertextuality and references to legal precedents (b) Citation patterns and authority invocation (c) Relationship between legal discourse and judicial reasoning (d) Genre conventions of Indonesian court decisions
3. **Social Practice (Macro-level)** (a) Ideological dimensions of the judicial decision (b) Power relations reflected in the legal discourse (c) Social and political context of money politics in Indonesian elections (d) Implications for democratic processes and rule of law

Results

1. Qualification of Money Politics Offenses in Criminal Law

Money politics is a practice that involves giving money or gifts with the intention of influencing voters or election results. In the context of Indonesian criminal law, money politics has been regulated as a criminal offense, which is explicitly regulated in the Election Law. Some of the articles that regulate the prohibition and definition of money politics are Articles 278, 280, 284, and 286, while the legal sanctions are specified in Articles 515, 521, and 523.

The Election Law provides a clear boundary that money politics is a serious offense, with strict sanctions. Some of the relevant articles in the Election Law include: (a) Article 278 prohibits election participants or related parties from giving rewards in any form to voters to gain support or win. (b) Article 280 adds that acts of money politics are prohibited by anyone during the campaign period, which includes both givers and receivers of money. (c) Articles 284 and 286 clarify

the categories of actions that can be considered money politics, including direct or indirect offers.

Criminal sanctions for money politics offenses depend largely on the severity of the offense, as set out in Articles 515, 521, and 523. These articles stipulate criminal penalties, both in the form of imprisonment and fines. For example, Article 523 states that for violations proven to be on a serious scale, imprisonment of up to two years may be imposed.

In criminal law, the offense of money politics is qualified as a "willful offense." This means that the perpetrator is fully aware and intentionally commits the act with the aim of influencing the outcome of the election, rather than an act that occurs without deliberation or ignorance. This element of intent is important because it determines the severity of the sanctions imposed. The government, through the criminal code, considers money politics to be a direct threat to democratic principles and electoral integrity. In other words, money politics is seen as a form of manipulation that undermines the transparency, fairness and legitimacy of election results.

2. Application of Law in Court Decisions

The application of criminal law to the practice of money politics in Indonesia can be seen from the case of Decision Number 61/Pid.Sus/2019/PN.MLL, where the defendant was found guilty of committing money politics. The District Court (PN) gave a verdict in the form of a six-month prison sentence and a fine to the defendant.

In this case, the judge based his decision on strong and valid evidence showing the defendant's involvement in money politics, such as evidence of money transfers or gifts to voters or witnesses who saw the act. This decision demonstrates that Indonesian courts are committed to prosecuting money politics as a serious criminal offense. The sentence imposed by the judge in this case is an example of the application of strict sanctions as part of enforcing electoral laws and preventing similar acts from occurring in future elections.

The importance of applying the law in court is not only to provide a deterrent effect for perpetrators, but also to maintain and strengthen the integrity of elections. The prosecution of money politics shows the public that the electoral system must be free from all forms of fraud and financial interventions that threaten the objectivity and validity of election results.

3. Qualifications of Money Politics in the Perspective of Islamic Law

In the perspective of Islamic law, the practice of money politics falls into the category of *risywah* or bribery. Bribery is the act of giving something to a certain party to get an undue advantage, and in Islam this is categorized as a haram act. Islamic law views *risywah* as a grave sin, as it undermines the principles of justice

and truth. Risywah is divided into three categories, namely: (a) A bribe to undo what is right, such as preventing a deserving person from winning an office by giving money to others not to vote for them. (b) A bribe to maintain what is right, but done in an improper way, such as maintaining power or position by giving money to the authorities. (c) Bribery to obtain a position, where a person gives money or gifts to obtain a certain position or position.

These three types of riywah are considered harmful and are in direct contradiction to the principles of justice and honesty in Islam. The practice of money politics in the Islamic context is an act that aims to unlawfully influence the outcome of an election, resulting in a loss of public trust in the integrity of leadership.

In the context of politics, Islamic law also views money politics as a practice that is very detrimental to society, because election results obtained through bribery will produce leaders who may be incompetent or lack good morals, which will ultimately harm the wider community. Money politics is seen not only as a criminal act, but also a sin that violates moral principles and Islamic values.

Money politics in the context of criminal law and Islamic law are both considered as dangerous and detrimental actions. In Indonesian criminal law, money politics is categorized as a deliberate offense with severe sanctions to maintain the integrity of elections. Courts in Indonesia have demonstrated a commitment to enforcing this rule through strict verdicts against perpetrators of money politics.

On the other hand, the Islamic perspective considers money politics as risywah or bribery, which is unlawful. Islamic law asserts that money politics is not only detrimental to justice but also undermines public trust, harms moral values, and threatens social stability.

Thus, strict regulation in terms of both criminal law and religious norms aims to prevent money politics, maintain transparency, honesty and integrity in every election process.

Discussion

The judicial decision in Case No. 61/Pid.Sus/2019/Pn.Mll reveals complex power dynamics inherent in Indonesia's electoral justice system. Through critical discourse analysis, we observe how the court's linguistic choices both reflect and construct institutional authority while navigating the politically sensitive terrain of electoral corruption.

The judge's framing of "money politics" as a distinct criminal category demonstrates the judiciary's role in legitimizing state definitions of electoral misconduct. The legal discourse employed systematically privileges formal procedural compliance over substantive democratic harm, revealing an institutional bias toward technical legal interpretation rather than broader democratic protection. This linguistic strategy serves to depoliticize what is fundamentally a political phenomenon, allowing the court to maintain an

appearance of neutrality while reinforcing existing power structures.

The decision's language reveals how judicial discourse constructs the boundaries of criminal behavior in electoral contexts. The court's semantic choices in defining "vote buying" demonstrate a narrow interpretation that may inadvertently legitimize subtler forms of electoral manipulation. By focusing on direct monetary exchanges, the legal framework reflected in this decision potentially excludes other forms of electoral influence that may be equally damaging to democratic processes.

The judge's use of evidentiary language—particularly phrases like "sufficient evidence" and "beyond reasonable doubt"—operates not merely as legal standards but as discursive tools that shape public understanding of electoral integrity. This linguistic framing influences how society conceptualizes the relationship between money and democratic participation, potentially normalizing certain forms of electoral influence while criminalizing others.

The decision reflects underlying ideological tensions between legal formalism and substantive democracy. The court's emphasis on procedural compliance over democratic substance reveals a particular conception of electoral justice that prioritizes legal technicality over democratic authenticity. This approach may inadvertently protect established political elites while criminalizing more visible but potentially less harmful forms of electoral misconduct.

The judicial discourse employed demonstrates what Norman Fairclough would identify as the "marketization" of democratic discourse, where electoral participation is framed in transactional terms rather than as civic engagement. This linguistic framework reduces complex social and political relationships to simple exchange relationships, obscuring the broader structural inequalities that enable money politics to flourish.

The East Luwu case provides particular insight into how national legal frameworks interact with local power dynamics. The decision's treatment of local context reveals tensions between uniform legal application and recognition of regional political realities. The court's linguistic strategies in addressing local political networks demonstrate an attempt to maintain legal universality while acknowledging contextual factors that shape electoral behavior in peripheral regions.

The judge's characterization of the defendant's actions within the broader context of East Luwu's political culture reveals assumptions about regional political practices that may reflect center-periphery power dynamics. This discursive positioning potentially reinforces narratives about regional political "backwardness" while obscuring how national political structures contribute to local electoral corruption.

This critical discourse analysis reveals several concerning patterns in judicial treatment of money politics cases. The legal framework's emphasis on individual

criminal responsibility obscures systemic factors that enable electoral corruption, potentially limiting the effectiveness of judicial intervention in protecting democratic integrity.

The decision's linguistic construction of electoral crime as individual moral failure rather than systemic political problem may inadvertently protect the structural conditions that generate money politics. This framing limits the scope of potential reforms and reinforces existing power distributions by treating symptoms rather than causes.

Applying critical discourse analysis to judicial decisions reveals how legal language operates as more than neutral technical communication. The court's discursive choices actively construct social reality, shaping public understanding of democratic participation and electoral integrity. This analysis demonstrates the importance of examining not only what courts decide, but how their linguistic choices reflect and reinforce broader power structures.

The intersection of legal formalism and democratic values in this case illustrates the need for more sophisticated analytical frameworks that can account for the political dimensions of apparently neutral legal discourse. Future research should continue to examine how judicial language shapes democratic culture and electoral behavior beyond the immediate legal consequences of specific decisions.

Conclusions

The critical discourse analysis of Decision No. 61/Pid.Sus/2019/Pn.Mll reveals how judicial language operates as a site of ideological struggle over the meaning of democratic participation and electoral integrity. While the decision fulfills its immediate legal function, its discursive strategies may inadvertently limit the development of more robust protections for democratic processes. Understanding these linguistic dynamics is essential for developing more effective approaches to electoral justice that address both individual misconduct and systemic factors enabling electoral corruption.

This critical discourse analysis of Decision Number 61/Pid.Sus/2019/Pn.Mll reveals significant insights into the judicial treatment of money politics cases in Indonesia's electoral context, particularly in the 2019 elections in East Luwu. The examination of the court's linguistic choices, legal reasoning, and ideological positioning demonstrates how judicial discourse both reflects and shapes societal understanding of electoral corruption.

The analysis reveals that the judge's decision operates within a complex discursive framework where legal formalism intersects with political pragmatism. The court's language demonstrates a tension between upholding democratic principles and navigating the practical realities of Indonesian electoral politics. Through careful examination of the judicial reasoning, several critical patterns emerge that illuminate broader systemic issues within Indonesia's anti-corruption framework.

The judge's construction of the defendant's actions as criminal violations

reflects an attempt to maintain electoral integrity, yet the discourse reveals underlying challenges in addressing the structural nature of money politics. The decision's linguistic framing suggests a narrow interpretation of electoral corruption that may inadvertently limit the scope of future prosecutions while simultaneously establishing important precedential boundaries.

The discursive strategies employed in this decision have profound implications for Indonesia's ongoing efforts to combat electoral corruption. The court's approach to evidence evaluation and legal interpretation establishes parameters that will likely influence subsequent money politics prosecutions. The analysis demonstrates how judicial discourse can either reinforce or challenge existing power structures within the electoral system.

Furthermore, the decision reflects broader tensions between formal legal processes and informal political practices that characterize Indonesian democracy. The judge's handling of witness testimony and documentary evidence reveals assumptions about political behavior that may normalize certain corrupt practices while criminalizing others, creating an inconsistent framework for electoral accountability.

This critical discourse analysis contributes to understanding how legal language constructs social reality in corruption cases. The examination reveals how judicial decisions function not merely as legal determinations but as ideological texts that shape public understanding of acceptable political behavior. The analysis demonstrates the importance of examining not just what courts decide, but how they express those decisions and what those expressions reveal about underlying power relations.

The study also highlights the need for more sophisticated approaches to analyzing judicial discourse in transitional democracies, where formal legal institutions must navigate complex political landscapes while establishing legitimacy and effectiveness.

Based on this analysis, several recommendations emerge for strengthening Indonesia's approach to electoral corruption. First, judicial training should incorporate awareness of how language choices in decisions can impact broader anti-corruption efforts. Second, legal frameworks for money politics prosecutions require clarification to ensure consistent application across different jurisdictions and cases.

Additionally, the analysis suggests the need for more comprehensive approaches to electoral reform that address not only individual criminal behavior but also the structural conditions that enable money politics. This includes examining campaign finance regulations, political party funding mechanisms, and voter education programs.

This study opens several avenues for future research. Comparative analysis of money politics decisions across different Indonesian jurisdictions could reveal

regional variations in judicial approaches to electoral corruption. Additionally, longitudinal studies examining how judicial discourse on money politics has evolved over time could provide insights into the development of Indonesia's anti-corruption jurisprudence.

Further research might also explore how media coverage and public discourse about these decisions interact with judicial language to shape broader social understanding of electoral corruption. Such studies could contribute to more effective strategies for combating money politics through both legal and social mechanisms.

The critical discourse analysis of Decision Number 61/Pid.Sus/2019/Pn.Mll ultimately reveals the complex relationship between law, language, and power in Indonesia's electoral context. While the decision represents an important step in addressing money politics, the discursive strategies employed reflect ongoing challenges in creating effective and equitable mechanisms for electoral accountability.

The study demonstrates that understanding judicial decisions requires attention not only to their legal outcomes but also to their linguistic construction and ideological implications. As Indonesia continues to strengthen its democratic institutions, such critical analysis remains essential for ensuring that anti-corruption efforts effectively serve the broader goals of electoral integrity and democratic governance.

Through this lens, the East Luwu money politics case serves not merely as an isolated legal proceeding but as a window into the broader dynamics shaping Indonesia's ongoing democratic development and the crucial role of judicial discourse in defining the boundaries of acceptable political behavior.

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