Transparency Of Campaign Funds as A Strategy for Eradicating Criminal Acts of Corruption

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Abstract. Campaign finance transparency is a crucial element in creating clean and integrity-based elections. The opacity of campaign fund management opens up opportunities for political corruption, such as illegal funding, hidden gratuities, and conflicts of interest between candidates and donors. This study aims to analyze campaign finance transparency as a strategy to eradicate corruption in the election process. The method used is normative juridical research with a legislative, case, and conceptual approach. Secondary data, consisting of primary, secondary, and tertiary legal materials, were obtained through literature reviews and document studies. Qualitative analysis was conducted through the stages of data collection, reduction, presentation, and verification, which were then concluded using deductive and inductive logic. The results of this study indicate that election finance transparency plays a strategic role in preventing and eradicating political corruption. Policy corruption often occurs due to reciprocal relationships between politicians and businesspeople that originate from campaign funding. Once elected, public officials often implement policies that benefit their donors, including through unfair tender winning. As a result, public policy loses its primary function as a solution to societal problems and becomes a means of legitimizing certain interests. This phenomenon undermines the quality of democracy because candidates are selected based on financial strength, not competence. For the public, a transactional political process does not provide sound political education but instead reinforces a culture of corruption and undermines substantive democratic values.
Keywords: Transparency; Campaign Funds; Corruption.

1 Introduction

Indonesia is still one of the most corrupt countries in the world. Transparency International released a ranking of the corruption perception index (CPI) for countries worldwide. Based on the release, Indonesia has consistently achieved a low CPI score. Indonesia's CPI score has mostly stayed the same from year to year. The eradication of corruption in Indonesia is stagnant, with no change in a positive direction. Next, corruption has always been a hot issue discussed by the Indonesian public. According to Transparency International, an overview of Indonesia's CPI over the past ten years can be presented in the following Table 1.

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Table 1. Indonesia corruption perceptions index

2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
34	36	37	37	38	40	37	38	34	34

Law enforcement officials continue to make efforts to eradicate corruption in Indonesia. At least starting with the development of a national law on anti-corruption. Regarding the various regulations on the eradication of existing corruption crimes, then several changes were made. The last and current regulations on eradicating corruption are Law Number 31 of 1999 and Law Number 20 of 2001 concerning the Eradication of Corruption. On the other hand, the law enforcement apparatus was strengthened by establishing the Komisi Pemberantasan Korupsi (KPK)/ Corruption Eradication Commission. The KPK is here to enhance the institutions of the police and prosecutors that have been seen as ineffective. [1] The main task of the KPK is to handle cases that meet the criteria, including: [2] First, those involving law enforcement officials, state administrators, and other persons related to corruption crimes committed by law enforcement officials and state administrators; second, cases that receive attention and disturb the community; Third, corruption cases that cause state losses of at least 1 billion rupiah. Meanwhile, the police and prosecutor's office handle cases outside the criteria handled by the KPK.

The handling of corruption cases is carried out every year by law enforcement officials, both the police, the prosecutor's office, and the KPK. Based on the results of monitoring the handling of corruption carried out by the Indonesia Corruption Watch (ICW), figures show an increase yearly. [3] An increase followed the rise in the number of corruption cases in the number of suspects. The number of cases handled, along with the number of corruption suspects, can be shown in the following Table 2.

Table 2. Number of corruption cases 2019-2023

	2019	2020	2021	2022	2023
number of cases	271	444	533	579	791
number of suspects	580	875	1173	1396	1695

Corruption is a crime that is detrimental to the state. State losses due to corruption can reach hundreds of billions or even trillions of rupiah. Corruption eradication needs to be carried out in addition to creating justice for what the perpetrators have done; it is also essential to prevent and restore state finances. When viewed from this perspective, the eradication of corruption in Indonesia also seems to have failed because there is an imbalance between the amount of state losses and the compensation money obtained by the state as a form of criminal punishment for the perpetrators. The state's losses are much more significant than the compensation money obtained by the state. [3] The following is a detailed comparison between the amount of state losses and compensation from corrupt actors presented in the form of a Table 3.

Table 3. State losses and criminal compensation for 2020-2022 in trillions of rupiah

	2020	2021	2022
State losses	56,7	62,9	48,7
criminal compensation	19,6	1,4	3,8

State administrators often carry out corruption from the perspective of the perpetrators, especially in positions with political nuances. Then, the issue of corruption related to political dowry emerged. An official who obtains a position by spending a certain amount tends to act corruptly to return what he has paid. Likewise, political positions are obtained through general elections. Of course, it requires a long process with high costs. For example, in electing regional heads, regents/mayors and governors require 20–100-billion-rupiah funds. Likewise, a lot of data is needed in the election of legislative members at the district, provincial, and central levels. Based on data submitted by Sofyan Herbowo, the election of legislative members at the district/city level requires funds of 250-300 million rupiah, the province of 500 million rupiahs to 1 billion rupiahs and the central government of 1-2 billion rupiah. Overall, the cost of becoming a regional head or legislative member is very high compared to the monthly salary received.

Although various efforts have been made to eradicate corruption through prevention and handling, they have yet to impact the decrease in the amount of corruption. The eradication of corruption is at an impasse. Indonesia's CPI score remains low, including in the world ranking, and it always qualifies as the most corrupt country. This condition certainly should not be responded to with despair. It is necessary to build optimism by seeking to study and analyze the root of this severe corruption problem. Based on various views from experts, the corruption that occurs in Indonesia cannot be separated from the high political costs. [4] A simple application of the principle of 'payback' is that corruption is carried out at least motivated by motivation to return what has been spent to achieve a particular position or position. By basing this view on the high cost of politics and minus the integrity of the apparatus and the weak anti-corruption system, corruption will remain and always exist. Corruption will be challenging to eradicate, just like a tangled thread that is difficult to unravel. Hopes that Indonesia will be free and clean from corruption will always be dashed. The failure to eradicate corruption is a long record that must be faced every year as a result of the CPI release from Transparency International.

Consider the high cost of politics as a major factor in the difficulty of eradicating corruption in Indonesia. In this context, the primary strategy is to reduce or eliminate political costs. Limiting campaign spending as part of the political process is crucial. On the one hand, the state faces financial limitations in providing campaign funds for the political process (general elections). On the other hand, continued public participation in donations or sponsorships needs to be limited. This restriction is implemented to prevent elected candidates from engaging in debt and ultimately engaging in corruption to repay these debts. This aligns with the objective of this research, which is to promote transparency in campaign funding as a strategy to eradicate corruption in the electoral process, ultimately resulting in transparent candidates for representatives.

A robust national legal system is needed to establish and manage campaign funds in the electoral process. The main principle in developing such a system is to strengthen transparency so that the public can access and control a candidate's campaign funds. Public oversight serves as a reminder to ensure candidates do not become trapped in an environment with donors (businessmen) and government bureaucrats. Corruption can be carried out perfectly by involving three parties: politicians, businessmen, and bureaucrats.

2 Methods

This research employs normative legal research, also known as doctrinal research. The primary focus is on examining applicable positive legal norms, legal principles, and legal doctrines related to campaign finance transparency in the context of preventing corruption. The approaches used include: Statute Approach: examines laws and regulations related to campaign finance, such as the Election Law, the Political Party Law, the Corruption Crimes Law, and the KPU and Bawaslu regulations regarding campaign finance reporting.

Conceptual Approach: analyzes the concepts of transparency, accountability, and good governance as strategies for preventing corruption. Historical Approach: examines the development of campaign finance transparency regulations throughout the history of Indonesian elections.

Legal materials used: primary legal materials: laws and regulations (the 1945 Constitution, the Election Law, the Political Party Law, the Corruption Law, and KPU/Bawaslu regulations). Secondary legal materials: legal literature, journals, previous research results, academic articles, and legal experts' opinions on campaign finance transparency and political corruption. Tertiary legal materials: legal dictionaries, encyclopedias, and other supporting sources to clarify legal concepts. The technique for collecting legal materials is carried out through library research, by examining legal documents, academic literature, and other relevant sources. The analysis used is descriptive qualitative analysis by: Inventorying related regulations and legal doctrines. Interpreting legal norms using grammatical, systematic, and teleological interpretation methods. Connecting the analysis results to legal theory and corruption prevention principles. Drawing prescriptive conclusions in the form of legal arguments regarding the effectiveness of campaign finance transparency as a corruption eradication strategy.

3 Results and discussions

3.1 The Concept of Corruption and Political Corruption

Corruption can be interpreted from various perspectives, and experts have different understandings of each other. The knowledge of corruption will be primarily determined by the viewpoint used to see it. One of the most commonly used is to look at corruption from the perspective of abuse of power. Corruption is interpreted as an abuse of power aimed at obtaining personal interests. This model of corruption can be found in various places and at any time. Public policies aim to avoid solving the problems faced but to obtain private economic benefits. From an economic perspective, corruption can be explained based on the fundamental understanding, namely the principal-agent theory. The principal-agent theory describes corruption committed by politicians or decision-makers with bureaucrats or civil servants. The two are tied up in an asymmetrical relationship. The conception that explains corruption in the principal-agent relationship is rich in analysis and can clearly explain the behavior of civil servants and bureaucrats. This concept is based on the assumption that politics is run well so that the explanation of corruption leads more to corrupt behavior committed by civil servants. Corruption scandals committed by civil servants are used as hostages by politicians like dictators, so they are required always to be loyal to them.

Corruption related to public officials has a wide scope. Because it is so broad, it can be simplified to corruption at the top and corruption at the bottom. Top-level corruption involves the president, ministers, legislators, governors, and other high-ranking officials. Meanwhile, corruption at the lower level is carried out by civil servants as policy implementers. These two levels gave birth to their respective terms: political corruption aimed at policymakers while policy implementers carried out bureaucratic corruption. As stated by Zainal Arifin Mochtar, corruption is divided into three categories. First, corruption centered on public office. Second, market-centric corruption. Third, corruption is centered on the public interest. Corruption produced by campaign funding is related to corruption against public policy. Corruption in public policy is described as the patron-client of a public official in taking public policies or deciding on actions based on the interests of certain parties. The parties that benefit are those who used to help in the election process so that it becomes a politics of revenge. This practice has become counterproductive to the essence of public policy, which is based on the broad public interest to benefit a few. The possibility of corrupt practices in public policy can be seen by detecting the institutional position of public officials with certain parties who gain profits. Police corruption can be analyzed not only in the potential for financial misuse but can also be approached in the process until the occurrence of corrupt public policies. Police corruption can be sourced from political corruption, especially in the context of campaign funding for public office candidates.

The implementation of political corruption is corruption that occurs in the procurement of goods and services. Referring to the previous understanding, corruption in this realm is political corruption because high-ranking officials carry it out with the authority to take policies. A public official can procure goods and services that are not based on a rational analysis of needs but instead follow the desire of interests to obtain interests. Strategies that can be used to overcome this type of corruption are conducting regular rotations to break strong relationships with specific clients. A significant increase in wealth for high-ranking officials can be used as a basis for detecting that this type of corruption has occurred. An official has been involved in a tender process to win one particular party, which has been arranged from the beginning.

Corruption committed by public officials can not only be seen when making a policy but also in the process before they are successfully elected to public office. One of the decisive things is funding during the election campaign. A weak political system dramatically contributes to corruption by public officials. There are at least two underlying reasons why carrying out reforms and strengthening related to political campaign financing is necessary. Strauss puts forward two primary reasons, namely, curating corruption in the sense of a refund of campaign contributions that a legislator or other public official has issued Second, to increase equality in competition, especially for those who do not have financial solid capital but have sufficient capacity to occupy certain positions. Based on what Strauss put forward, campaign funding that is not managed correctly using regulations seriously impacts democratic life and corruption, which ultimately contradicts the values of justice and equality in the election process.

3.2 Eradication of Corruption Based on the Principle of Transparency

Corruption does not only occur in developing countries, even in some developed countries corruption still exists. Countries such as Russia and China also experience problems related to corruption. The phenomenon of corruption in developed countries is analyzed theoretically, which then results in the term white-collar crime. White-collar crime is a crime committed by a party that socially and economically has a high status. In contrast to street crime, which is mainly motivated to meet economic needs, white-collar crime is carried out based on greed. The perpetrators are not poor people who have difficulty meeting the minimum necessities of life. However, they are respected people with high positions and high salaries. The high amount of wealth and position is not able to deter the intention to commit corruption. Therefore, corruption is carried out more to fulfill desires and greed that do not exist. One of the principles of eradicating corruption is to create a transparency system. [5] A transparent system can provide opportunities for the public to exercise control functions. Indications of corruption will be seen if there is suspicious activity. Something suspicious becomes an entrance to conduct a deeper investigation to decide whether it is an act of corruption or not. For potential perpetrators, a strong and transparent system will make it difficult to move to commit corruption. The perpetrator will calculate correctly if he does not want his corrupt practices to be revealed through the audit process.

To carry out an audit, an independent and credible body is needed. The results of the audit will be very decisive, especially in the context of corruption that harms the state's finances. State finance is an element of the article that must be verified and the audit results from the audit body become written evidence in the form of a letter that is considered valid (issued by the authorized institution). In Indonesia, two known institutions perform financial audit functions. Both are the Financial Audit Agency (BPK) and the Financial and Development Supervisory Agency (BPKP). Both are recognized institutions to carry out the financial audit process and whose products are in the form of financial audit reports [6].

In Indonesia, the transparency system is implemented through the State Administrator's Wealth Report (LHKPN). [7] A state administrator is required to fill out the LHKPN and report it to the KPK for record. If there is a significant increase in the amount of wealth and is not by the minimum standard of fairness for an official with a certain position, it will be used as a foothold to search. The evidence leading to the next act of corruption may turn into a legal process as a criminal act of corruption. LHKPN has a good purpose as a form of transparency in the wealth of state administrators so that officials do not misuse state money for personal gain. However, LHKPN also has a weak point if state administrators do not honestly report their assets. This means that the number recorded in the report does not reflect the actual situation. The perpetrator conditioned his reported assets to be by the daily picture as revealed in the mass media or public news. Thus, it does not raise suspicion to be followed up as an indication of corrupt practices by the person concerned.

In addition to LHKPN which is a manifestation of the principle of transparency, in the context of political corruption, a similar concept needs to be adopted. Especially in the provision and management of funds in the election process. Candidates who do not have financial adequacy on the one hand while having high popularity on the other hand become a habitat for corrupt behavior. The former Regent of Karawang explained that to become a regent on the island of Java requires funds of up to 100 billion rupiah. The same thing was also conveyed by Dadang S Mochtar that the funds to participate in the Regent election contest were very high. The deal occurred when the politician met with businessmen who had ambitions to take advantage of closeness with officials to attract personal advantage in public policymaking. The cooperation occurs when businessmen act as sponsors to finance the political process of certain candidates (of course, with electoral calculations that are usually based on the results of electability surveys). In the beginning, there has been an agreement regarding the 'compensation' that employers will receive for what has been spent when the selected candidate occupies a strategic position. Elected politicians who are now officials will make policies that will benefit businessmen (sponsor during the election campaign). This situation is certainly contrary to the principles of good governance because of the ineffective and efficient use of the budget, as well as violating the principle of fairness in public policy-making. A corrupt process will have an impact on the death of justice and harm the state and the wider community.

Corruption practices that occur in political activities in general elections occur by involving three parties, namely politicians, businessmen, and bureaucrats. The three pursue corrupt laws starting from the election process to decision-making in the government (when a candidate has been elected). This practice is perfect amid unsolid regulations. Corruption eradication can be done by taking three approaches. The three consist of a repressive approach, a system improvement approach, and an educational approach. The repressive approach is carried out through law enforcement by applying criminal law (Law on the Eradication of Corruption). The process begins at the level of investigation, investigation, prosecution, examination at court hearings, court decisions, and the implementation of punishment in correctional institutions. This approach will be effective if the process is fair with law enforcement officials with integrity. The approach to improving the system is carried out by structuring public services. The arrangement is carried out by coordination, prevention supervision, and implementing transparency in state administration. It is also important to monitor and evaluate all forms of processes that have taken place before.

Regarding campaign financing, recent developments have led to a debate about whether it is a crime or just political support. However, there is a relevant term used to describe this phenomenon, namely "no free lunch". This term carries the message that campaign financing is a mutually beneficial relationship between candidates/politicians and their funders. From the beginning, it has been agreed that if a candidate is elected to a certain position, it will be reciprocated with a public policy that will be beneficial. The costs that have been incurred by the funder will be reimbursed through an even larger "project". For entrepreneurs, this is seen as a profitable investment in terms of business calculations.

Public policies that are purely designed to overcome community problems are then graded as a means of legalizing and formalizing for the interests of certain parties. Public policy has lost its spirit to become a shield for the weak community. Quite the opposite, it has become a tool for elite segments and financially strong society. Everything becomes simulacra, becomes only as if it is pro-people, but behind it is hidden the interest to reap the maximum profit for a certain person or group. The glorification that emerges is in the name of the people, on the contrary, the people themselves are the most disadvantaged. Corruption cases that are closely related to high political costs are cases involving Rahmat Effendi (Mayor of Bekasi), Abdul Gafur Mas'Ud (Regent of North Penajam Paser), and the publication of the Perangin-Angin Plan (Regent of Langkat) in 2020. Rahmat Effendi committed corruption in the form of procurement projects for goods and services and auctions for positions within the Bekasi City Government. The KPK secured money worth 5.7 billion rupiah as a result of the arrest operation. Abdul Gafur Mas'Ud was involved in a bribery case in the procurement of goods and services as well as licensing with a value of 1.4 billion rupiah. The perpetrator occurred in an arrest operation carried out by the KPK. The publication of the Perangin-Angin Plan was involved in a bribery case in the procurement of goods and services. The perpetrator was caught by the KPK with a total value of 786 million rupiah.

Corruption causes a large amount of state losses. Funds that should have been used to improve the quality of life of the community through inclusive education that is friendly to the lower middle class have been lost to corrupt practices. [8] Wasteful use of the state budget and policies that are not on target further aggravate the lives of the wider community. Not to mention when we discuss health funds that are guaranteed by the state to protect their citizens from diseases to create mentally and physically resilient individuals. [9] Health is a prerequisite for a productive society. The opportunity to obtain cheap health care or free health care has disappeared due to corrupt practices that are increasingly widespread in the political realm.

Talking about proving that transactions between businessmen and politicians are not based on written evidence. Both are bound by emotional relationships, debts of gratitude must be paid by politicians to their funders. Debt payments by politicians to entrepreneurs are carried out through policies that benefit entrepreneurs or can be in the form of winning tenders in the procurement process of goods and services. This picture shows the existence of a conflict of interest as the root of the emergence of corruption in the bureaucracy and government in Indonesia.

Political corruption has an impact on the deterioration of the quality of democracy. The principle of democracy should be based on the principle of justice. However, democracy has transformed into a dirty practice as a case of corruption to reduce the quality of democracy itself. Political corruption reduces public trust in the process of holding elections, especially in actors directly involved in the process, such as political parties and politicians. Public trust should be maintained and further strengthened in a healthy democratic climate. Public trust is an illustration of the legitimacy of the process and products produced in the political process. Public trust that continues to decline causes the government to lose its authority so that it does not produce a solid government with public support, on the contrary, it gives rise to opposition. Even at the deepest point, it has the potential to lead to civil disobedience which creates a situation of chaos. If so, there will be no effective government to produce economic growth and welfare. What exists is a social conflict that leads society to poverty.

In state institutions, political corruption eventually occupies people who do not have the capacity for certain positions. Incapacity occurs because his election is not based on a good track record as a leader, but on the power of capital that ultimately ignores the quality of his leadership. A leader is born through a long maturation process based on experience and the realization of real actions. This variable becomes useless for the practice of political corruption because it is transactional. Voters exercise their right to vote by getting a reward not for the results of consideration of the quality of the figure of their choice. Not only is it detrimental to the state and society, but this is also of course damaging the mentality of the people. Democracy that grows stronger and stronger is based on the political intelligence of its people. The political education process is well developed when the practice of political corruption is minus. This should be a mental education for the public to strengthen the character of the nation and avoid dirty practices. National development requires a strong public mentality, which advocates the values of integrity and justice. This is a way to strengthen quality democracy in producing the best leaders. A leader born from a good democratic process is expected to uphold integrity and morals. A strong leader in defending the interests of the public and the state by not caring only for the interests of individuals, close family, or certain groups. Such a figure is a leader for all Indonesian people, not only in a segment of society but also in certain elites.

3.3 Regulation of Campaign Funds in General Elections

The laws and regulations of the general election commission regulate restrictions on campaign funds in general elections. Article 325 paragraphs (2) and (3) of Law Number 7 of 2017 Challenging the General Election regulates the sources of campaign funds for presidential and vice-presidential candidates obtained from State Revenue and Expenditure Budget (APBN); the candidate pair concerned; political parties and coalitions of political parties proposing candidate pairs; legally valid donations from other parties. The various forms of campaign funds collected are used to fund the installation of props in public, advertisements in print and electronic mass media, and the Internet, as well as to finance the debate of the candidate pairs. Meanwhile, the funding campaign material can be contributed to the State Budget.

Prospective election participants can obtain campaign funds from other legitimate and non-binding parties. This related note that the data is not the result of a criminal act. Donors can come from individuals, groups, companies, and non-governmental business entities. A nominal limit provides campaign funds for each source. For example, individuals, presidential candidates, and vice-presidential candidates can only receive campaign funds of 2.5 billion rupiah. Meanwhile, the largest company's nominal amount is 25 billion rupiah for presidential and vice-presidential candidates. Restrictions on the amount of campaign funds also apply to candidates for members of the House of Representatives and the House of Representatives. For campaign funds sourced from individuals for candidates for House of Representatives and DPRD members, a maximum of 2.5 billion rupiah. Meanwhile, for campaign funds sourced from companies, the maximum campaign funds that members of the DPR and DPRD can receive are 1.5 billion rupiah. Donations from individuals and companies are cumulative during the campaign process. Campaign funds that exceed the maximum allowable limit cannot be used as prohibited funds for campaign financing. Excess campaign fund donations must be reported to the KPU and submitted to the state treasury by 14 days after the end of the campaign period.

The progressive arrangement states that campaign fund donors must provide information in the form of personal identification in the form of full name, place of residence and date of birth, age, address, telephone number, population identification number, NPWP, as well as the source of money or funds donated. In addition, the legal obligation for a campaign fund contributor is to include a statement that he is not in a condition of tax arrears or a state of bankruptcy, not giving donations from criminal acts and unbinding contributions. Donations in the form of goods for presidential candidates, vice presidential candidates, and candidates for members of the DPR/DPRD/DPD must be recorded based on a reasonable market price. The goods in question can be tangible or intangible, movable or immovable goods that can be converted into money. Meanwhile, donations can be in the form of services or work carried out by other parties whose benefits can be used by presidential candidates, vice presidential candidates, and candidates for members of the DPR/DPRD/DPD and can be converted into money.

4 Conclusion

Corruption is a crime that can damage democracy and the nation's mentality and directly harm the state. The high political costs greatly influence corruption involving public officials in general elections. Therefore, regulations that limit the use of political costs and transparency in their management are crucial. Transparent and low-cost fund management can strengthen democracy so that capable leaders are born by upholding integrity. Thus, there is a political maturity for the Indonesian nation to move towards prosperity. Suggestions for further research that can be carried out are to expand the empirical study, namely that future research should not only focus on normative analysis, but also conduct empirical research related to the practice of campaign fund transparency in the field, including technical obstacles, transactional political culture, and the level of compliance of political parties and candidates.

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