



Ethical problematics and political corruption in Indonesian elections: A review of dignified justice theory

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ABSTRACT

The purpose of this research is to discuss political corruption associated with ethical problems that are factually new in the 2024 elections in Indonesia. The practice of political corruption in the 2024 elections can be said to be massive, referring to the symptoms of new totalitarianism, namely the engineering of legal and democratic mechanisms to accommodate the political interests of certain parties. Viewed from the perspective of dignified justice, in holding the 2024 elections, there are attempts to degrade and castrate the implementation and enforcement of legal norms and ethical norms at the same time. The phenomenon of money politics, the politicization of social assistance, and the engineering of legal and democratic mechanisms through the weakening of judicial institutions, in this case the Constitutional Court (MK), is proof that there is weak enforcement of legal norms and ethical norms in the 2024 elections. Therefore, the main solution to minimize political corruption is to simultaneously understand, implement, and enforce legal norms and ethical norms as the main substance of a dignified justice perspective. Meanwhile, a concrete solution to prevent or overcome political corruption during the election period is to ensure a clear separation of powers and independence in law enforcement.

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1. INTRODUCTION

The phenomenon of political corruption in democracies is actually not a new thing because one of the characteristics of corruption is that it is able to adapt and adjust to various existing political systems (Skandiva & Harefa, 2022). Political corruption is actually a "special" term that does not only emphasize corruption committed by political officials, but more broadly is a corruption crime that is facilitated and related to political actors (Oktaryal & Hastuti, 2021). This emphasizes that political corruption has a structured and massive character that has direct implications for various state life.

The phenomenon of political corruption in Indonesia is increasingly massive, especially in 2024, which is a political year. In 2024 as a political year, Indonesia held simultaneous general elections (elections) which were oriented to elect the President and Vice President, DPR, DPD, and DPRD (Samosir, 2024). The 2024 election event, which is oriented to be a manifestation of people's sovereignty, on the one hand, has become a means for the proliferation of the phenomenon of political corruption. In the election contestation, political corruption occurs and is

spread in various aspects such as money politics, politicization of social assistance, to various election frauds that use the role of political officials (Muhammad Misbahudholam Ar et al., 2023).

In legislation, several factors can hinder the enforcement of legal and ethical norms in election contestation, one of which is the low credibility of election law enforcement agencies, which can have an impact on the abuse of power, causing injustice in the democratic process. For instance, manipulating Article 169 letter q of the Election Law for one's own (political) interests can lead to political corruption and power abuse. Corrupt practices within the institutions responsible for enforcing electoral laws can hinder the enforcement of legal and ethical norms, undermining the integrity of elections.

The phenomenon of political corruption in the 2024 elections is interesting because it coincides with ethical problems that specifically occur in the judicial institution, namely the Constitutional Court (MK). Recently, the independence of the Constitutional Court was tested again (Nurhidayatulloh, 2016) by examining the case of Decision No. 90/PUU-XXI/2023 which specifically changed the provisions of the minimum age requirements for candidates for President and Vice President so that the son of the 7th President of the Republic of Indonesia who was not yet 40 years old could run as a candidate for Vice President (Subandri, 2024). For this controversial decision, complaints were then made about potential ethical violations committed by constitutional judges, which were then decided by the Decision of the Constitutional Court Honor Council (MKMK) No. 5/MKMK/10/2023 which confirmed that constitutional judges had violated the code of ethics, especially the Chairman of the Constitutional Court, Anwar Usman, who was decided to violate ethics with a severe category.

The phenomenon of ethical violations by the judiciary accompanied by various forms of political corruption in the 2024 elections actually shows the "new face" of political corruption. Political corruption is not only carried out by political actors but political corruption is carried out in a diffuse manner covering political actors, political institutions, and even the judiciary (Handoko Alfiantoro, Abdul Maasba Magassing, M. Syukri Akub, 2022). From this phenomenon, this research seeks to analyze the development of political corruption accompanied by ethical problems carried out by court institutions, namely Constitutional Court judges in the 2024 election contestation in Indonesia, which is viewed from the perspective of dignified justice.

The perspective of dignified justice was chosen as an "optic" as well as a "knife of analysis" because the perspective of dignified justice does not see elections as a legal and political instrument only, but also includes that elections are an ethical instrument where good elections are elections that obey the law, guarantee the political participation of citizens, while maintaining the ethics and dignity of the organizers (Hambali et al., 2022). As a result of these instruments, the indicators of dignified justice used are the noble values in Pancasila as its philosophical foundation.

The perspective of dignified justice in this study is expected to explore and analyze the phenomenon of political corruption and the problem of ethical violations in the 2024 elections. Research that discusses political corruption has actually been conducted by several previous researchers with various focuses and orientations, including: first, Ata's research (2022) which focuses on political corruption with bonded practices in regional head elections (Ata, 2022). The novelty of Ata's research (2022) is that ljon practices are a massive form of political corruption carried out in regional head elections with various strategies and approaches. Second, research conducted by Hakim and Muhyidin (2022) which discusses the relationship between corruption and the high cost of democracy (Hakim & Muhyidin, 2022). The novelty of Hakim and Muhyidin's (2022) research is that the high cost of democracy makes politicians rely on the practice of political corruption as a means to recover the political costs incurred in elections and regional elections. Third, research conducted by Abdussamad, et.al. (2023) which discusses the relevance of an open proportional system with massive political corruption (Abdussamad et al., 2023). The novelty of Abdussamad's research, et.al. (2023) is that elections with an open proportional system produce elections at a high cost so that this is prone to political corruption for those elected in the election. Fourth, research conducted by Syahrin and Sompaa (2023) focuses on the phenomenon of political corruption that occurs due to money politics and lack of understanding of the ideology of Pancasila (Sompaa et al., 2023). The novelty of Syahrin and Sompaa's (2023) research is that the lack of

understanding of the Pancasila ideology and even tends to be only understood textually, making massive money politics which has implications for political corruption.

Of the four studies above, research that specifically discusses political corruption associated with ethical problems has not been specifically analyzed and discussed in the four previous studies. This is because discussing political corruption associated with ethical problems is factually new in the 2024 elections in Indonesia and is the focus of this research. This confirms that this research is original.

2. RESEARCH METHOD

This research, which specifically analyzes the development of political corruption accompanied by ethical problems committed by judicial institutions, namely Constitutional Court judges in the 2024 election contestation in Indonesia, which is viewed from the perspective of dignified justice, is socio-legal legal research. Referring to Reza Banakar's view, the main characteristic of socio-legal legal research is legal research that uses social optics, namely seeing, reviewing, and analyzing a legal issue with a social theory and concept approach combined with theories and concepts in the field of law (Banakar & Travers, 2005)(Vivian, 2021). The primary legal materials used in this research are the 1945 Constitution and Constitutional Court Decision No. 90/PUU-XXI/2023. Secondary legal materials are journal articles, books, and research results that discuss dignified justice, political corruption, ethical norms enforcement, and elections. Non-legal materials are legal dictionaries. The approaches used are conceptual, statutory, and case approaches. The analysis is carried out qualitatively-prescriptively, namely by combining theories or concepts in the field of legal science with theories or concepts in the socio-political field to analyze the legal issues analyzed. Using direct quotes from other authors or researchers to back up interpretations and findings is one way to make sure that the qualitative data and prescriptive analysis are valid and reliable. This study helps provide context and strengthen validity. We increased validity through research triangulation, involving several researchers in the analysis process to compare data interpretations and achieve consensus on the findings.

3. RESULTS AND DISCUSSIONS

The Phenomenon of Ethical Violations and Political Corruption in the 2024 Elections

The understanding of corruption in reference to Black's Law Dictionary is actually an act intended to provide benefits for individuals or groups of people, either individually or jointly, which is contrary to legal regulations established by the state (Bryan A. Garner, 2019). The understanding of corruption as referred to in Black's Law Dictionary actually has relevance to the understanding of corruption in Law No. 31 of 1999 concerning the Eradication of Corruption (UU PTPK) which emphasizes that corruption is an act of personal benefit that is contrary to state law (Hiariej, 2019). In another view, Jeremy Pope defines corruption as illegal or improper actions of state officials in the administration of the state that tend to harm the state (Venard et al., 2023). Jeremy Pope's view of corruption is considered broader than the view of corruption as in the PRC Law because one of the important elements of corruption according to Jeremy Pope is the existence of improper actions. Improper actions are a broad form of actions that are not only against the law, but also include actions that are not in accordance with procedures that have a tendency to harm the state (Lindberg et al., 2022).

Guy Benveniste more fully classifies corruption into three types, namely illegal corruption, mercenary corruption, and ideological corruption (Yusubboevich, 2022b). Illegal corruption is an act committed by circumventing or finding loopholes in legislation to protect against criminal acts. Mercenary corruption is a type of corruption aimed at seeking personal gain, both for individuals and certain groups. Ideological corruption is a form of corruption based on the ideological views of a person or group of people (Yusubboevich, 2022a). From the various views on corruption as stated in Black's Law Dictionary, the PTPK Law, and referring to the views of Jeremy Pope and Guy Benveniste, it can be concluded that Guy Benveniste's view categorizes corruption broadly. Guy Benveniste does not identify with conventional corruption that prioritizes personal or group benefits that harm the state, but Guy Benveniste also emphasizes that corruption also includes efforts to protect oneself from a criminal act by looking for loopholes in legislation.

From the various views on corruption above, it can be understood that one type of corruption that occurs in Indonesia is political corruption. An understanding of political corruption briefly put forward by Artidjo Alkostar, for example, sees political corruption in accordance with the subject or perpetrator of corruption, namely political apparatus or officials in the government (Alkostar, 2015). In short, Artidjo Alkostar's view of political corruption is corruption committed by political actors, both political actors at the national and regional levels (Alkostar, 2015). From Artidjo Alkostar's view of political corruption above, the understanding of political corruption put forward by Artidjo Alkostar needs to be expanded that the important point of political corruption is not only about the perpetrators who are political actors, but any corrupt practice that is based on or aimed at certain political goals. With this broader perspective on political corruption, it can be concluded that political corruption includes various types of corruption that develop in political practices.

Corruption is generally categorized as an extraordinary crime in which the perpetrators of corruption often use various tricks and even utilize state facilities to commit acts of corruption (Leo Agustino, M.Dian Hikmawan, 2023). Political corruption can be said to be more cruel and can even be categorized as the massive extraordinary crime because in addition to carrying out various tricks and even utilizing state facilities, political corruption is carried out by parties with surplus power so that perpetrators of political corruption are almost difficult to catch and prosecute according to applicable legal procedures (Binda & Adanhounme, 2022). One of the moments where political corruption is carried out massively is during the election period. Elections are a momentum of succession where the people have the highest sovereignty to elect leaders and representatives to sit in the people's representative institutions (Bekele & Nigatu, 2023). This election momentum is often used as an effort to commit massive political corruption.

Election practices that are used as a means for massive political corruption also occur in the 2024 election contestation. The 2024 election is a momentum where the Indonesian people directly elect the President and Vice President along with members of the DPR, DPD, and DPRD (Suhariyanto et al., 2024). Political corruption in the 2024 election contestation is carried out in various ways and efforts such as money politics, promises of strategic project allotments if elected, and outsmarting various laws and regulations to smooth out political steps and efforts for certain parties. On January 10, 2024, a month before the 2024 elections, the Integrated Law Enforcement Task Force or Gakkumdu had actually handled 17 election crimes out of 75 reports provided by Bawaslu (Martiar, 2024). Of the 17 election crimes, the majority reported were related to money politics with five reports followed by various other reports including the use of state facilities for the benefit of political campaigns (Martiar, 2024). This phenomenon before the implementation of the 2024 elections is an indication that during and after the elections are held the No. of reports regarding various forms of fraud and election crimes will continue to increase. The use of money politics, including state facilities for campaign purposes, is actually a form of political corruption at large because with money politics, elected officials will commit various corruption crimes as an effort to cover the political costs incurred when giving money politics (Edward Aspinall, 2016)(Al-Hamdi et al., 2022). The use of state facilities for political campaign purposes is also a form of political corruption because it uses state facilities that are not in accordance with their designation.

Widespread political corruption also occurred in the 2024 elections, especially with attempts to make engineering or illegal efforts by circumventing a statutory regulation for political purposes for certain parties. This can be seen from the phenomenon of attempts to circumvent the laws and regulations in the field of elections, especially those related to the minimum age to run as candidates for President and Vice President. Efforts to manipulate and "outsmart" legislation in the field of elections, especially related to the minimum age to run as a candidate for President and Vice President, are used to smooth the steps of the 7th President of the Republic of Indonesia's son, who is not yet 40 years old, to run as a candidate for Vice President. The effort to circumvent the legislation in the field of elections is legally outlined in Constitutional Court Decision No. 90/PUU-XXI/2023 (Muhammad Rinaldy Bima, 2023). Through the Constitutional Court Decision No. 90/PUU-XXI/2023, the election law was amended so that the minimum age limit of 40 years to become Vice President was circumvented and changed through a Constitutional Court decision that was *erga omnes* (Adam Ilyas, 2022).

Constitutional Court Decision No. 90/PUU-XXI/2023 is actually a controversial decision, both conceptually and in terms of the configuration of the Constitutional Court judges who made dissenting opinions. Conceptually, Constitutional Court Decision No. 90/PUU-XXI/2023 is problematic because it tries to get out of the ratio decidendi of the previous Constitutional Court decision which states that the minimum age limit for running for President and Vice President is an open legal policy (Satriawan & Lailam, 2019). Judging from the configuration of the Constitutional Court judges who made dissenting opinions, it can be seen from the dissenting opinions of Constitutional Court judges Saldi Isra and Arief Hidayat that there is a “systemic mechanism” used to influence the Constitutional Court's decision so that the son of the 7th President of the Republic of Indonesia, who is not yet 40 years old, can run as a candidate for Vice President.

The controversy over the Constitutional Court Decision No. 90/PUU-XXI/2023 was then granted through the Decision of the Constitutional Court Honor Council (MKMK) No. 5/MKMK/L/10/2023 which confirmed that there were Constitutional Court judges who committed ethical violations and especially serious ethical violations committed by the chairman of the Constitutional Court, Anwar Usman. The controversy in the 2024 elections that led to ethical violations by the judiciary, in this case the Constitutional Court, became an interesting phenomenon that in the 2024 elections in Indonesia, political corruption practices were carried out massively, such as the use of state facilities, the provision of social assistance ahead of the elections, to the castration of the judicial power institutions, in this case the Constitutional Court to smooth out the political steps of one of the parties (Tambunan, 2023). The massive phenomenon of political corruption is actually relevant to Jimly Asshidiqie's view that the more massive the development of the times, the more varied corruption practices are with reference to the symptoms of new totalitarianism (Asshidiqie, 2018). The symptoms of new totalitarianism refer to the view of Sheldon S. Wolin, which is a form of totalitarianism in which various state institutions and tools are engineered in such a way as to fulfill the interests of a handful of parties, which in general are political elites influenced by entrepreneurs or corporations (Kahan, 2023). One of the characteristics of the new totalitarianism is as if the rule of law and democracy are running as usual, but what actually happens is the castration of people's sovereignty facilitated by legal and democratic mechanisms that are considered legitimate (Iovan, 2020).

Jimly Asshidiqie even develops Sheldon S. Wolin's view of the new totalitarianism which asserts that in further developments, totalitarianism is implemented in a “newer” manner, namely by centralizing the four main aspects of social life commonly called macro quadra politica, namely the state, the market, civil society organizations, and the media (Asshidiqie, 2022). In the “newer” totalitarianism, the mechanisms of law and democracy are engineered in such a way as to meet the goals of a handful of people who alone or together control the institutions of the market state, civil society organizations, and the media (Asshidiqie, 2015). The phenomenon of political corruption as it occurs in the 2024 elections is also actually in line with the “newer” phenomenon of totalitarianism where political corruption is carried out not only to smooth the political steps of a person or group of people, but is carried out by engineering existing legal and political institutions. This can be seen from the phenomenon of Constitutional Court Decision No. 90/PUU-XXI/2023, in which in this context the court institution, which is the “supervisor” and determinant regarding election results, is actually engineered in such a way as to produce controversial decisions and accommodate the interests of certain parties. In this case, the Constitutional Court seems to be in the midst of an ethical and moral crisis from the values of Pancasila, which are the basic guidelines for the life of the nation and state (Triwijaya et al., 2020).

The phenomenon of political corruption in the 2024 elections is also increasingly accommodating the development of new symptoms of totalitarianism with the problematic ethical violations committed by MK judges. Although conceptually there is a difference between the characteristics of ethical norms and legal norms, in the context of elections the position of ethical norms remains important to be carried out in parallel with the enforcement of legal norms, especially for election organizers (Disantara, Chansrakao, et al., 2022). The compliance of election organizers and parties related to elections to comply with ethical norms is needed so that the implementation of elections not only guarantees justice based on the law as affirmed in Article 22E of the 1945 Constitution of the Republic of Indonesia, but must also be based on a code of

ethics so as to be able to produce elections with integrity and dignity (Nurhasim, 2021). The phenomenon of political corruption in the 2024 elections is also increasingly massive, accommodating the development of new totalitarianism symptoms where ethical norms are violated to engineer the law. As stated by Earl Warren, the position of ethical norms is related to the implementation of the law, namely ethical norms are like the ocean where legal ships sail (Nurdin, 2019). If ethical norms are not adhered to, then how can the ship of law sail towards the island of justice that is aspired to.

From the description above, it can be seen that the practice of political corruption in the 2024 elections can be said to massively occur, referring to the symptoms of new totalitarianism, namely the engineering of legal and democratic mechanisms to accommodate the political interests of certain parties. Political corruption in the 2024 elections can have major implications for the parties elected in the 2024 elections, in addition to their legitimacy being considered weak because they are considered to have committed various manipulations and fraud for certain political purposes, they also have the potential to cause the danger of more massive political corruption when they take office later.

A Dignified Justice Theory Review of Ethical Problems and Political Corruption in the 2024 Election Contestation

The phenomenon of political corruption in the 2024 elections shows that in practice it is oriented towards new authoritarianism symptoms with efforts to manipulate and violate ethical and legal norms, which is actually interesting to review from the perspective of dignified justice. The phenomenon of political corruption in the 2024 elections is interesting to review from the perspective of dignified justice because the perspective of dignified justice has relevance to electoral practices. In simple terms, the perspective of dignified justice emphasizes synergy to comply with the existence of each norm, both legal norms and ethical norms (Disantara, Anggono, et al., 2022). The perspective of dignified justice actually places proportionally the relationship between ethics and law, so that the most important thing is its implementation where both ethical and legal norms are obeyed as norms that lead humans to a good and just life (Disantara, 2021).

The perspective of dignified justice itself was initiated by Teguh Prasetyo, where the perspective of dignified justice has two complementary sides. The first side of the dignified justice perspective is to accommodate and facilitate laws based on the soul of the nation or *volkgeist* (Aji et al., 2024). Law based on the soul of the nation or *volkgeist* is a law that is explored in the social base that exists in society (Prasetyo, 2019). Laws based on the soul of the nation or *volkgeist* will be relevant to the development of society so that the law will be effective and obeyed by the community because the law is actually a manifestation of the values that exist in society. The existence of the soul of the nation or *volkgeist* in the perspective of dignified justice also has relevance to the existence of ethical norms because in exploring the values and soul of the nation, the law cannot stand alone and always needs to be complemented and supported by ethical norms (S & Prasetyo, 2020). This emphasizes that in the perspective of dignified justice, exploring the values and soul of the nation also requires simultaneous understanding and enforcement of both ethical and legal norms.

The next side related to the perspective of justice with dignity is the religious dimension of the perspective of justice with dignity. This religious dimension must be distinguished from the religious dimension because the religious dimension must base its truth on one particular belief or religion. This religious dimension emphasizes that the rules of law and ethics should be based on universal values rooted in religions and beliefs that have developed in Indonesia (Susilowati, 2020). These universal values in religions and beliefs in Indonesia are then moderated into universal values that guide the running of ethical norms and legal norms. These values can simply be seen from the five basic values in Pancasila which include the values of divinity, humanity, unity, populism, and social justice (Prasetyo, 2023). These basic values guide the application of law and ethics so that the moral aspects of Pancasila can realize a just and dignified society (Fajrin et al., 2023).

Regarding the implementation of the 2024 elections, the perspective of dignified justice actually emphasizes the value dimension where elections are optimally carried out if the law is enforced fairly and ethics are upheld to ensure the dignity of election organizers (Prasetyo et al.,

2021). This synergy between legal and ethical norms is the main characteristic of a dignified justice perspective in guiding the practice of the 2024 elections. Even so, in its implementation in the 2024 election contestation, what occurred was the phenomenon of political corruption such as money politics, politicization of social assistance, and engineering legal and political procedures for the benefit of one of the parties in the election. The existence of Constitutional Court Decision No. 90/PUU-XXI/2023 is one clear evidence that there is an attempt to weaken the court institution through legal engineering which then leads to ethical engineering where Constitutional Court Decision No. 90/PUU-XXI/2023 confirms that the Constitutional Court judges, especially the chairman of the Constitutional Court, Anwar Usman, are declared to have violated ethics. This phenomenon, if viewed from the perspective of dignified justice, not only tarnishes the implementation of the 2024 elections, but is also an attempt to degrade aspects of justice based on law and dignity based on understanding and enforcement of ethical norms.

The 2024 election practice from the perspective of dignified justice actually seeks to engineer law and ethics to accommodate the interests of one party. Legal and ethical norms seem to be clashed and even castrated and kept away from the noble values of the nation based on the soul of the nation or *volkgeist* and universal religious values as stated in the formulation of Pancasila (Rhode et al., 2020). The castration of legal and ethical norms in the 2024 elections is a polemic because this effort is actually part of a projection called political corruption. Political corruption that castrates legal and ethical norms in the 2024 elections is actually the “starting point” of political corruption because in practice political corruption will become more massive if the party that castrates legal and ethical norms in the 2024 elections has been appointed and legally takes office. If in the initial contestation in the form of the 2024 elections, legal and ethical norms can be castrated and circumvented, then after taking office it is very possible that the castration of legal and ethical norms will be even more massive, especially as a means to perpetuate political corruption efforts. This is because political corruption cannot be separated from the electoral process because the electoral process can affect the potential for political corruption in the future (Jones, 2022). Elections that implement and uphold legal and ethical norms in a fair and dignified manner will minimize the occurrence of political corruption processes in the future. The opposite is also true that the implementation of elections that do not implement and enforce legal and ethical norms in a fair and dignified manner will actually become the “entrance” and the first step to greater political corruption in the future.

Based on the description above, from the perspective of dignified justice, in the organization of the 2024 elections there are efforts to degrade and emasculate the implementation and enforcement of legal norms and ethical norms at the same time. The phenomenon of money politics, the politicization of social assistance, and the engineering of legal and democratic mechanisms through the weakening of the judiciary, in this case the Constitutional Court, are proof that the weak enforcement of legal norms and ethical norms in the 2024 elections can trigger greater political corruption, especially after the election and inauguration of the parties who have castrated ethical and legal norms in the 2024 election contestation. Therefore, the phenomenon of violation of legal norms and ethical norms in the 2024 elections based on the perspective of dignified justice must be a common lesson because the main solution to minimize political corruption is to simultaneously understand, implement, and enforce legal norms and ethical norms as the main substance of a dignified justice perspective. Meanwhile, a concrete solution to prevent or overcome political corruption during the election period is to ensure a clear separation of powers and independence in law enforcement.

4. CONCLUSION

The practice of political corruption in the 2024 elections can be said to be massively occurring, referring to the symptoms of new totalitarianism to the symptoms of new totalitarianism, namely the engineering of legal and democratic mechanisms to accommodate the political interests of certain parties. The phenomenon of political corruption as it occurs in the 2024 elections is actually in line with the phenomenon of new totalitarianism, where political corruption is carried out not only to smooth the political steps of a person or group of people but is carried out by engineering existing legal and political institutions. Corruption political corruption in the 2024 elections can have major

implications for the parties elected in the 2024 elections, in addition to their legitimacy being considered weak in the 2024 elections because it is considered to have doing various manipulations and fraud for certain political purposes, it also has the potentially pose a danger of more massive political corruption when in office later. From the perspective of dignified justice that in the organization of the 2024 elections there is an effort to degrade and castrate the implementation and enforcement of legal norms and ethical norms at the same time. The phenomenon of money politics, the politicization of social assistance, to the engineering of legal and democratic mechanisms through weakening the court institution, in this case the Constitutional Court, is evidence that the weak enforcement of legal and ethical norms in the 2024 elections. Therefore, the main solution to minimize political corruption is to simultaneously understand, implement, and enforce legal norms and ethical norms as the main substance of a dignified justice perspective. Meanwhile, a concrete solution to prevent or overcome political corruption during the election period is to ensure a clear separation of powers and independence in law enforcement.

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