

Law, Money Politics, and Public Preferences in Choosing Regional Head Candidates in Ternate City, Indonesia

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ABSTRACT

Keywords:

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In Indonesia, there are still people who are registered as permanent voters but have not exercised their voting rights. This study aims to analyze people's preferences in the implementation of simultaneous regional head elections in Ternate City, as well as the efforts made by the General Election Supervisory Agency to suppress the practice of money politics in the 2024 Simultaneous Regional Head Elections in Ternate City. This research used the anthropological approach which studied the behavior or preferences of society during the simultaneous election of regional heads in Ternate City. This study used a sociological research method, where the author carried out direct observations or research in the field to obtain accurate data to answer the research problems. Results showed that voters in Ternate City tend to become irrational voters during simultaneous regional head elections and most respondents (40%) stated that they chose candidate pairs based on cash compensation, projects, and positions. Then, the General Election Supervisory Agency makes efforts to suppress money politics in the 2014 Simultaneous Regional Head Election in Ternate City by applying the participatory monitoring movement.

1. INTRODUCTION

As a local political activity in the regions, the election of regional heads is carried out based on Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors, which was revised to become Law Number 6 of 2020 concerning the Stipulation of Government Regulations in place of Law Number 2 of 2020 concerning the Election of Governors, Regents, and Mayors. This law regulates the mechanism for electing regional heads.

Regional head elections are general elections held at the local level. Therefore, its meaning and purpose are the same as that of the general election. But elections are often interpreted in a broader sense with a national scope, while regional elections aim to elect leaders at the regional level.

Strategic national political agenda with broad governmental and public is the simultaneous implementation of the regional head elections. It has various consequences for the future of the Indonesian political system. This agenda does not only pursue the target of simultaneous nominations, campaign dynamics, and inauguration. But it also aims to align the regional development agenda with that of the central government.¹ This is to achieve the determined targets with optimum results.

Indonesia's regional heads have diverse political backgrounds compared to the coalition government at the central government. Thus, the political construction in operating the presidential system in various activities at the local level is not dispersed. This is a major synthesis of the discussion on the democracy of the regional head elections' important substance as a national agenda.² Thus, every individual in society must understand political behavior. The state must exercise its rights and obligations to carry out its political behavior in every momentum of the Simultaneous Regional Head Election (RHE) held all over Indonesia.

The simultaneous RHE is a democratic process where elections for regional heads at the provincial or regency/city levels, within certain areas are carried out simultaneously all over Indonesia. Simultaneous RHE has been implemented for ten years since the electoral system was changed. This is intended to provide a more efficient electoral system to accommodate all public aspirations to create local accountability, political equity, and local responsiveness.

Thus, at the local level, democratization is closely related to the level of participation and power relations that are built based on implementing the principle of people's sovereignty. In addition, the election results must also be able to lead the community to better social, political, and economic conditions. A good election will give birth to a good government. However, in reality, this hope seems to be difficult to reach, as the democratic party become a political phenomenon that is always colored with problems.³

One of the problems that often occur during elections is the widespread practice of money politics. Money politics is an act that injures and destroys democracy. Even now, money politics, which often occur during elections and regional head elections, seem to be a mandatory requirement for every candidate to be elected at both the central and regional levels. It is a method to obtain the most support and votes from the public. If this issue is continued to be left unchecked, then it is possible that money politics will

¹ Cora Elly Noviati, "Demokrasi Dan Sistem Pemerintahan (Democracy and the Governmental System)," *Jurnal Konstitusi* 10, no. 2 (2013): 337–38.

² Dahlan Thaib, *Implementasi Sistem Ketatanegaraan Menurut UUD 1945* (Yogyakarta: Liberty, 1993), 37.

³ Muhamad Bahrul Ulum, "Indonesian Democracy and Political Parties After Twenty Years of Reformation: A Contextual Analysis," *Indonesia Law Review* 3 (2019): 35–36.

become a culture or tradition in the national and regional elections; thus, tarnishing the meaning and goal of democracy.⁴

There is a tendency for money politics to occur in Ternate City, North Maluku Province. It is an area that consists of eight islands, namely Ternate Island, Moti Island, Mayau Island, Tifure Island, Hiri Island, Maka Island, Mano Island, and Gurida Island. Of the eight islands, Ternate Island is the largest. It is the center of the government with eight districts, namely North Ternate District, Central Ternate District, South Ternate District, West Ternate District, Ternate Island District, Hiri Island, Moti Island, and Batang Dua Island.

The tendency for money politics to occur in Ternate City is in line with the data on the 2020 Election Vulnerability Index (EVI) issued by the General Elections Supervisory Agency.⁵ The EVI data states that 15 regencies/cities had the highest score of vulnerability on one of the contestation dimensions when organizing the 2020 RHE in Indonesia. In North Maluku Province, eight cities and regencies organized the 2020 RHE. Ternate City was the third most vulnerable city to money politics in Indonesia.

Money politics can occur due to several factors, such as competition, low education level of society, low prosperity, the high desire for power, corrupt morality, the lack of creativity, and suboptimum regulations. The impact of money politics is very detrimental to both the community and the candidates. For candidates who commit to money politics, of course, this will tarnish their own good name. In addition, the selected candidate pair may also be imposed with severe sanctions. They can also be disqualified which is certainly not their initial goal.⁶

Then, for the community, money politics will train people to act fraudulently. If the perpetrator is elected, he could abuse his position and commit corruption. In addition, money politics can lead incapable people to have official positions. Thus, they will not be able to create good legislation products as they do not have the capacity to do so. They are not experts in their fields. This will be very detrimental to the state, causing it to be underdeveloped. Therefore, the practice of money politics must be immediately stopped. There must be research on its various possible causes as well as a gradual solution to eradicate its practice.

Thus, the researcher is interested in research raising the title of the research “Law, Money Politics, and Public Preferences in Choosing Candidates for the Ternate City

⁴ Lina Ulfa Fitriani, “Fenomena Politik Uang (Money Politic) Pada Pemilihan Calon Anggota Legislatif Di Desa Sandik Kecamatan Batu Layar Kabupaten Lombok Barat (The Phenomenon of Money Politics in the Legislative Election in Sandik Village, Batu Layar District, West Lombok Rege,” *Resiprokal* 1, no. 1 (2019): 53–61.

⁵ Hairil Hiar, “Politik Uang Hantui Pilkada Ternate (The Ternate Regional Election Under the Shadow of Money Politics),” *Liputan* 6, 2020.

⁶ Mirawati Saktiana and Zudan Arif Fakhrulloh, “The Query of the Sanctions for Enforcement of Money Politics in Indonesia,” *Unram Law Review* 6, no. 2 (2022).

Regional Head Elections”. The research problems for this paper are: (1) What are the people’s preferences for the simultaneous regional head elections in Ternate city? And (2) What efforts have the General Election Supervisory Agency carried out to suppress the practice of money politics in the 2024 Simultaneous Regional Head Candidate Elections in Ternate City?

2. RESEARCH METHOD

This research used the empirical research method, where the author carried out direct observations or research in the field to obtain accurate data to answer the research problems.⁷ This research employed the anthropological approach which studied the behavior or preferences of society⁸ during the simultaneous election of regional heads in Ternate City.

Legal research with the anthropological approach functions to explain the legal culture that develops in the society where that law functions. In the next stage, this legal culture then influences legal behavior.⁹ The anthropological approach means an approach that specially observes human behavior in its relations with legal regulations. The aforementioned legal regulations are not only limited to normative law, but it also encompasses the law, customs, culture, and human behavior.¹⁰

One of the methods to obtain data was by undergoing direct and in-depth interviews with research subjects on matters relating to the problem. To obtain complete and comprehensive data, data collection for this case study research was carried out in several ways, namely in-depth interviews, observation, and document study.

The collected data, both primary and secondary ones obtained from interviews, document studies, and observations, were then systematically arranged according to certain categories or themes after being reduced. The results of the reduction were then displayed. The data were presented according to certain categories or themes to be easily understandable. After the data were presented, writers analyzed the data obtained from the field and compared them with secondary data by accurately analyzing their contents. Then, finally, the conclusion is drawn.

⁷ B. Sunggono, *Metodologi Penelitian Hukum (Legal Research Methods)* (Jakarta: Raja Grafindo Persada, 2004), 112.

⁸ Sutan Takdir Alisjahbana, *Antropologi Baru (New Anthropology)*, 4th ed. (Jakarta: Dian Rakyat, 2006).

⁹ Ali Sodikin, “Antropologi Hukum Sebagai Pendekatan Dalam Penelitian Hukum Islam (Legal Anthropology as an Approach in the Islamic Legal Research),” *Al Manahij* 7, no. 1 (2013): 117.

¹⁰ Sally F. Moore, *Law as Process: An Anthropological Approach* (London: Routledge and Kagan Paul, 1998).

3. RESULTS AND DISCUSSION

3.1. Preferences of the Public in the Simultaneous Regional Head Elections in Ternate City

The idea of simultaneous regional elections was initially accommodated in Law Number 8 of 2015, which was a revision of Law Number 1 of 2015. Article 5 clause (1) of Law Number 8 of 2015 states that the Election of Governors, Regents, and Mayors is simultaneously held once every five years throughout the territory of the Unitary State of the Republic of Indonesia. The election is held in two stages, namely the preparation stage and the implementation stage.

Regional Head Elections dominate the role in determining the success or failure of the autonomy process in a region. Its implementation is a consequence of the power decentralization from the Central Government to the Regional Governments. The logic of decentralization is that it builds a commitment that in every regional head election, political power will tend to move closer to its citizens. This is because groups act as direct voters for their regional leaders.¹¹

As an instrument for strengthening decentralization and regional autonomy, the practice of RHE still has many problems at the technical level of implementation, the obtainment of results, and in the post-election period. These various problems include unfair competition, fraud during voting and vote recapitulation at the Voting Committee and Sub-District Election Committee levels, money politics before the RHE, as well as the potential for conflicts post-RHE. There are so far many risks in the practice of RHE. Several parameters indicate election risks, for instance, the practice of money politics (buying votes) is still rampant with an increasing trend; the state must bear a large budget; and there are horizontal conflicts in society.¹²

A democratic, honest, free, and fair election is an election that is free from violence, bribery, and other various fraudulent practices that can affect the outcome of the election. The growth of money politics also cannot be separated from the perspective of the permissive voting community towards it. In fact, in every democratic process in Indonesia, including democracy at the grassroots level (village head elections), the practice of money politics thrives, because it is considered normal. They do not feel that money politics is a behavior that should be avoided.¹³ The research results of Aspinal and

¹¹ Ulfah Hidayati, "The Political Communication Process Among Chinese Moslem Society," *Informasi* 49, no. 2 (2019): 127–28.

¹² Burhanuddin Muhtadi, *Vote Buying in Indonesia: The Mechanics of Electoral Bribery* (Singapore: Palgrave Macmillan, 2019).

¹³ Amzulian Rifai, *Pola Politik Uangan Dalam Pemilihan Kepala Daerah (The Pattern of Money Politics in the Regional Head Election)* (Jakarta: Ghalia Indonesia, 2003), 228.

Berenschot¹⁴ shows that it is not only political actors who act rationally to buy people's votes, but it is also the people who try to make profits.

In fact, transactional politics or money politics occur in almost all regencies/cities in Indonesia with varying intensity and accentuation. Money politics is also often related to socio-cultural varieties in each region. This study shows that money politics is common at every political moment such as the 2020 regional head election and this is accepted as a natural thing.

Political actors do not seem to care that their choice to commit money politics harms democracy. This confirms the study of Eko¹⁵ which explained that money politics happen due to the strong perception that the election is a celebration; the culture of short-term pragmatism; weak dialectics to seek ideal values and build a common vision; weak regulations; and so on. What Eko mentioned can be seen in this study. Voters prefer an open form of campaigning. Most of them suggest that those who participate in the campaign should be given an allowance of around Rp.50,000-Rp.100,000 per campaign.

The factors that foster money politics that happened in various regions can generally be identified in three categories. First, money politics occurs because the candidate pair has high ambitions to win without a clear program. Meanwhile, their political party of origin did not have much role other than assisting the candidacy. In this study as well as other publications, it was found that political parties took advantage of the recommendations given in the form of participation funds (called the political dowry). Here, we can see the failure of political parties and candidate pairs in building programs that truly attract the support of the people/voters.¹⁶

Second, is the weak regulation of money politics in the elections. Badan Pengawas Pemilihan Umum (abbreviated as BAWASLU) or The General Election Supervisory Agency (GESA) in English is only authorized to supervise candidate pairs after they register to the General Election Commission or when determining the pairs of candidates. Thus, political transactions that occur between pairs of candidates and political parties or other parties before the registration period or the determination of candidate pairs cannot be carried out. Regulatory problems also concern sanctions against candidate pairs,

¹⁴ Edward Aspinal and Ward Berenschot, *Democracy for Sale; Pemilu, Klientelisme Dan Negara Di Indonesia (General Election, Clientelism, and the State in Indonesia)* (Jakarta: Yayasan Pustaka Obor Indonesia, 2020).

¹⁵ Sutoro Eko, "Pilkada Secara Langsung: Konteks, Proses Dan Implikasi (Direct Regional Head Election: Context, Process, and Implication)," in *Mendorong Partisipasi Publik Dalam Proses Penyempurnaan UU No 22 Tahun 1999 Di DPR-RI (Encouraging Public Participation in the Process of Refining Law No. 22 of 1999 in the Republic of Indonesia's Legislative House)* (Jakarta: Yayasan Harkat Bangsa, n.d.).

¹⁶ Dedi Dinarto and N. Jefferson, "Characterising Independent Candidates in Indonesian Local Politics," *Journal of Current Southeast Asian Affairs* 40, no. 2 (2021): 6–7.

especially those related to campaign funds and others that are difficult to execute due to the administrative or authority issues above.¹⁷

Third, the existence of permissive cultural factors, namely habits that have been entrenched in Indonesia, where it is inappropriate to refuse gifts. Indonesians are used to reciprocating gifts. This cultural habit is used by politicians to carry out money politics or other transactional politics in various ways. In fact, other studies conducted by Aspinall and Berenschot found that the community began to build initiatives to take advantage of their existence in the RHE to ask for funds or other assistance to candidate pairs. This practice is called the typical clientelism model in Indonesia.¹⁸ This means that it is not only the elite who take the initiative to offer a transaction, but also the voting public.

Based on several indications that can grow money politics above, the writer provides a comprehensive description that in almost every electoral democracy event that involves the masses, the practice of money politics is always found. Some regional head candidates do rely on money politics as a strategy to obtain votes. Only by distributing money to voters and asking for their commitment to vote in the election, regional head candidates do not need to organize campaigns. This means that with money politics, regional head candidates no longer need to work hard to sell their ideas to convince voters to vote for them. This method is especially taken advantage of by regional head candidates who lack the communication skills and charisma to attract the masses.¹⁹

The difficulty in stopping the practice of money politics cannot be separated from the development of the subjective political culture in Indonesia. This reality can be observed in the strengthening patron-client relationships in the community. This patron-client culture can be found in every area. Therefore, it is not surprising that there is a strong correlation between the clientelism culture and the behavior of money politics that is rampant in every RHE.²⁰

In their study, Tomsa and Ufen²¹ explain that clientelism can be practiced in traditional forms such as through personal relationships between individuals to modern forms which are transformed into systematic relationships. Interestingly, this practice also involves political parties in formal organizations. Therefore, it is not surprising that clientelism led to the emergence of corrupt behavior as political elites build the patron-

¹⁷ M. Mietzner, "Indonesia's Direct Elections: Empowering the Electorate or Entrenching the New Order Oligarchy?," in *Soeharto's New Order and Its Legacy: Essays in Honour of Harold Crouch*, ed. E. Aspinall and G. Fealy (Canberra: ANU E-Press, 2010), 173–190.

¹⁸ Aspinall and Berenschot, *Democracy for Sale; Pemilu, Kientelisme Dan Negara Di Indonesia (General Election, Clientelism, and the State in Indonesia)*.

¹⁹ E. Aspinall et al., "Vote Buying in Indonesia: Candidate Strategies, Market Logic and Effectiveness," *Journal of East Asian Studies* 17 (2017): 1–27.

²⁰ A. Asrinaldi, "Ancaman Politik Uang Di Pilkada (The Threat of Money Politics in the Regional Head Election)," *Antikorupsi*, 2018.

²¹ Dirk Tomsa and Andreas Ufen, *Introduction: Party Politics and Clientelism in Southeast Asia*, 1st ed. (New York: Routledge, 2013).

client relationship with their supporters. This happens especially during RHE, where political elites need copious masses to support them to win the election. Most choose to contact political intermediaries in each electoral district who can garner support for them.

The development of this clientelism culture cannot be separated from the development of the culture in society that recognizes the elites' position as the protector that must be complied with. It is rare for money politics carried out by regional head candidates to target middle-class citizens, as they generally target the lower class. This is because this community group lacks knowledge and political efficacy compared to the middle-class society who is critical of the ideas and visions of candidates.²²

It is true that general election organizers have created various innovations and applied various regulations for the RHE. However, all of these conditions will mean nothing without the understanding and awareness of citizens on politics, including concerning the implementation of national and regional elections. It is hoped that the people will become politically "literate" so that they think about their responsibilities to the state. This includes supporting the proper functioning of the democratic process, one of which is through their participation in determining leadership in their respective regions. This is because society is responsible for participating in the democratic process to produce leaders with integrity.²³

Unfortunately, the reality is far from the ideals. Elections often put corrupt leaders who do not care about society in office. Thus, it is a logical consequence that in implementing the RHE, society has an important role in using their rights to vote. Their participation is crucial as they are an object of the implementation of the elections. Because of that, the researcher analyzed the public's preferences regarding the simultaneous RHE in Ternate City in 2005, 2010, 2015, and 2020. The researcher analyzed several aspects, namely whether Ternate City citizens choose regional head candidates based on: 1) Financial rewards, projects, and position; 2) Emotional relationships, such as due to ethnicity, religion, or friendship; 3) The capacity of the candidate for leaders as well as their good work programs.

The list of candidate pairs for the Election of Mayor and Deputy in Ternate City regional head in 2005, 2010, 2015, and 2020:

²² Haryanto, *Kekuasaan Elit: Suatu Bahasan Pengantar (Elite Power: An Introductory Discussion)* (Yogyakarta: Program Pascasarjana Politik Lokal dan Otonomi Daerah, 2005).

²³ Badan Kesatuan Bangsa dan Perlindungan Masyarakat, "Laporan Perkembangan Penyelenggaraan Pemilihan Kepala Daerah Dan Wakil Kepala Daerah Provinsi Maluku Utara Tahun 2007 (The Report of the Head and Vice Regional Leader Election Organization in North Maluku in 2007)" (Maluku Utara, 2008).



REKAPITULASI HASIL PENGHITUNGAN PEROLEHAN SUARA
PEMILIHAN WALIKOTA DAN WAKIL WALIKOTA TERNATE TAHUN 2005

Jumlah DPT = 103.185 Jiwa

No Urut	Pasangan Calon	Kecamatan	Jumlah Suara Sah	Total Suara Sah	Presentase (%)
1	Drs H SYAMSIR ANDILI dan Drs, H.AMAS DINSIE	Ternate Selatan	18858	38363	52,84%
		Ternate Utara	15610		
		Pulau Ternate	2715		
		Moti	1180		
2	SUDJUD SIRADJUDDIN, SH, MH dan RUSTAM KONORAS, SH	Ternate Selatan	6138	11465	15,79%
		Ternate Utara	3423		
		Pulau Ternate	718		
		Moti	1186		
3	NITA BUDI SUSANTI dan Drs, SIDIK DERO SIOKONA, M, Pd	Ternate Selatan	4510	22780	31,37%
		Ternate Utara	10900		
		Pulau Ternate	7328		
		Moti	42		
JUMLAH SUARA SAH			72608	72608	
SUARA TIDAK SAH			704		
SUARA SAH + SUARA TIDAK SAH			73312		
PARTISIPASI PEMILIH			DPT= 103.185 JIWA	HAK PILIH= 73.312 JIWA	71.04%

Figure 1. The List of Mayor and Deputy Mayor Candidates of Ternate, Ternate City in 2005²⁴

No Urut	NAMA CALON WALIKOTA DAN WAKIL WALIKOTA	K E C A M A T A N							JUMLAH PEROLEHA N SUARA	PROSEN TASE PEROLEH AN SUARA	PERING PEROLE SUAR
		TERNATE SELATAN	TERNATE TENGAH	TERNATE UTARA	PULAU TERNATE	PULAU HIRI	PULAU MOTI	PULAU BATANG DUA			
1	Drs. H.M. Iqbal Ruray dan DR. Vaya Amelia Armaly, SE, Msi	8,822	8,593	7,040	1,234	456	724	867	27,536	28.44%	KE DI (2)
2	Drs. H. Sidik D. Siokona, MPd dan Saiful Ahmad, MSi	3,989	2,190	3,864	3,406	316	122	82	13,969	14.43%	KE TI (3)
3	H. Burhan Abdurahman, SH, MM dan Ir. Arifin Djafar	14,590	15,092	11,373	3,606	943	1,369	772	47,745	49.31%	KE SA (1)
4	H. Wahda Z. Imam, SH, MH dan Hidayat Mudaffar Sjah, Sip	4,352	1,215	1,340	287	11	372	7	7,584	7.83%	KE EMI (4)
J U M L A H		31,753	27,090	23,617	8,533	1,726	2,587	1,528	96,834	100.00%	

Figure 2. The List of Mayor and Deputy Mayor Candidates of Ternate, Ternate City in 2010²⁵

²⁴ Ternate City General Election Commission, *List of Mayor and Deputy Mayor Candidates of Ternate* (Ternate: KPU, 2005).

²⁵ Ternate City General Election Commission, *List of Mayor and Deputy Mayor Candidates of Ternate* (Ternate: KPU, 2010).

NO.	NAMA PASANGAN CALON	PULAU TERNATE	ROTA TERNATE SELATAN
V.	RINCIAN JUMLAH PEROLEHAN SUARA PASANGAN CALON	3	4
1	DR. SUDJUD SIRADJUDDIN dan IR. ARIFIN DJAFAR, M.SI	1.226	8.342
2	DR. H. BURHAN ABDURAHMAN, SH.MM dan H. ABDULLAH TAHIR, SH	2.837	11.287
3	DR. H. SIDIK DERO SIKONA, MPD dan H. DJASMAN ABUBAKAR, S.AG	5.035	7.421
4	DR. H. A. RACHMAN SULAIMAN, SH. MH dan ANWAR	125	425
	Jumlah Suara Sah Calon	9.223	27.475

Figure 3. The List of Mayor and Deputy Mayor Candidates of Ternate, Ternate City in 2015²⁶

A. DATA PEROLEHAN SUARA PASANGAN CALON			
1	MERLISA, SE JUHDI TASLIM, SH., MH.	680	
2	Dr. M. TAUHID SOLEMAN, M.Si. JASRI USMAN, S.Ag.	1181	
3	Drs H. MUHAMMAD HASAN BAY, MM MOHAMMAD ASGHAR SALEH, SE., ME.	1303	
4	MOHAMMAD YAMIN TAWARY, S.Ag., M.Si. H. ABDULLAH TAHIR, SH	1372	
B.	JUMLAH SUARA SAH/	4536	
C.	JUMLAH SUARA TIDAK SAH	101	
D.	JUMLAH SUARA SAH DAN SUARA TIDAK SAH (IV.B + IV.C)	4637	

Figure 4. The List of Mayor and Deputy Mayor Candidates of Ternate, Ternate City in 2020²⁷

The figures above showed the chosen candidate pairs, reflecting the community preferences in Ternate City's simultaneous RHE in 2005, 2015, 2010 and 2020. The simultaneous RHE was organized in eight districts, namely North Ternate District, Central Ternate District, South Ternate District, Ternate Island, Moti Island, Hiri Island, Batang Dua Island, and the expansion of West Ternate District.

Then, the researcher questioned some sixty respondents on their preferences when voting for regional leaders. Forty percent of the people stated that money politics colored elections that took place in Ternate City. The voting behavior of the public during Ternate City's simultaneous RHE can be seen in the table below.

Table 1. *The Public Voting Behavior in the Elections in Ternate City*

No.	Reasons for Choosing Certain Candidates	The Number of Respondents	Percentage
1	Financial rewards, projects, position	40	66.67%
2	Emotional relationships, ethnic and religious backgrounds, friendship	5	8.33%
3	Good work programs and the candidates' capacity	15	25%
	Total	60	100%

Source: Analyzed from the primary source.

²⁶ Ternate City General Election Commission, *List of Mayor and Deputy Mayor Candidates of Ternate* (Ternate: KPU, 2015).

²⁷ Ternate City General Election Commission, *List of Mayor and Deputy Mayor Candidates of Ternate* (Ternate: KPU, 2020).

The table showed that 40 respondents (66.67%) stated that they chose regional head candidates based on remuneration, projects, and positions. Five (8.33%) chose candidates based on emotional relationships based on ethnicity, religion, and friendship. Then, the remaining 15 respondents (25%) made their choice based on the capacity of the candidate mayors and their good work programs.

This reality shows that in choosing regional heads, the majority of Ternate City people tend to not use their ideals by becoming irrational/emotional voters. They are influenced by certain feelings such as sadness, worry, and joy in determining their political choices. This emotional factor is largely determined by the personality of the candidate.

The monetary rewards that occur in national and regional elections are caused by the voters' lack of clear understanding. Money politics also occurs because vote buying is understood differently by political actors. The habit of prospective candidates giving gifts or souvenirs is considered to be a form of courtesy in Indonesian culture. Then, there is also a decreasing level of public trust in the general elections, political parties, and candidates. Thus, many voters are apathetic and become abstinent.²⁸

As the vanguard of the implementation of elections at the provincial, district, and city levels, the Regional General Election Commission (Regional GEC) is the key to the good and accountable organization of these events. As the Regional GEC has limited staff, this institution certainly requires support from various groups, such as universities.

This is because the Regional GEC have complex activities, such as socializing the RHE regulations to the general public as voters and candidates as well as verifying the data of voters and candidates. They must work until the election results are determined. Thus, universities can support the Regional GEC by researching the effectiveness of socializing RHE regulations to voters and candidates or on the public voting behavior which can result in solutions to increase voter participation in the region.

In addition to the various reasons above, according to the researchers, the practice of money politics in Indonesia has become a chronic disease in a democracy which requires an appropriate solution. This is because the practice of money politics is increasingly structured, systematic, and massive. It is necessary to try to reduce money politics, namely through social capital methods and by strengthening participatory supervision. The GEC, the BAWASLU and stakeholders can also use information technologies to prevent the regional head candidates' practice of giving money, projects, and positions in Ternate City.

²⁸ Robi Cahyadi Kurniawan and Dedy Hermawan, "Strategi Sosial Pencegahan Politik Uang Di Indonesia (Social Strategies in Preventing Money Politics in Indonesia)," *Jurnal Antikorupsi Integritas* 5, no. 1 (2009): 37–38.

3.2. The General Election Supervisory Body's Efforts to Prevent Money Politics in the 2024 Simultaneous RHE in Ternate City

Money politics must be avoided to improve the quality of democracy in Indonesia, from the village, district, provincial, and national levels. Electoral candidates should prioritize program contestations, performance, and individual track records so that voters can be led by the best leaders.

As a forum that recruits political candidates, political parties must create a transparent and accountable recruitment system that prevents money politics. Likewise, election organizers, especially the General Election Supervisory Agency (BAWASLU) should be more consistent in enforcing various election regulations fairly and transparently so as to close opportunities for the possible use of money politics in various forms. It will certainly take time and great effort to achieve such ideal conditions.

The BAWASLU was created under the demand of the reform movement that required an institution that specifically supervises the electoral process in Indonesia. This instrument must be able to guarantee and promote transparency, accountability, credibility, and integrity in conducting elections. This guarantee is important because it has implications for public trust in the election process, election results, and also on democracy itself.

At the beginning of the reformation era, election supervision was carried out by the Panitia Pengawas Pemilu (abbreviated as PANWASLU) or Election Supervisory Committee (ESC) in English. Efforts to strengthen the Panwaslu are stipulated in Law Number 3 of 1999 concerning General Elections. It regulates the Panwaslu's institution, organization, membership, duties, and function. According to this law, the Panwaslu's duties and functions are as follows: 1) Supervising all stages of election administration; 2) Resolving disputes in the implementation of the General Election; and 3) Follow up findings and disputes that cannot be resolved to be reported to law enforcement agencies.²⁹

The PANWASLU's roles increased along with the constantly refined election regulations. In terms of membership, the central, provincial, and district/city levels of Panwaslu consist of people from the State Police, Attorney General's Office, higher education, community leaders, and the press. Police and prosecutors were included in an effort to handle general election violations. This was reflected in the 1999 elections. This forum between the PANWASLU's, police officers, and prosecutors is to create the same understanding, perception, and standards in handling cases of election violations. In the future, this coordination forum will be known as the Integrated Law Enforcement Center (ILEC).

²⁹ Mirsan, "Intervensi Militer Dalam Pemilihan Gubernur Maluku Utara Tahun 2001" (Universitas Indonesia, 2004).

The ESC experienced a big leap during the 2009 General Election. Previously, the ESC was only temporary or ad hoc. Then, based on Law Number 22 of 2007 concerning the Implementation of General Elections, the PANWASLU was permanent and its name changed to General Election Supervisory Agency (BAWASLU).³⁰

At that time, the position of the GSA was equivalent to that of the GEC and had separated itself from its position as a subordinate institution under the GEC as in the New Order and 2004 elections. The change in BAWASLU's position was also accompanied by the strengthening of its authority. In Law No. 22 of 2007 and Law Number 42 of 2008, the duties and authorities of BAWASLU are to supervise the stages of the election under the law, to receive reports and allegations of violations, and to provide recommendations on the findings of violations to the GEC or other authorized agencies.

The Regency/City Supervisory Committee has the authority to settle findings and reports on election disputes that do not contain elements of a criminal act. Furthermore, Law Number 15 of 2011 concerning the Implementation of General Elections stipulates BAWASLU's authority as an electoral supervisory institution in the context of election law enforcement. Its roles are:

1. Supervising all stages of the electoral process in the context of preventing and taking action against election violations.
2. Receiving and reviewing reports regarding alleged violations of electoral administrative and criminal provisions.
3. Resolving electoral administrative disputes in a final and binding manner except for two disputes. These two disputes refer to administrative disputes regarding the determination of election participants and disputes over the determination of the list of regional and central legislative house candidate members.

BAWASLU's position as a pillar of election dispute resolution was further strengthened by Law Number 10 of 2016 which was strengthened by Law no. 7 of 2017. One of the reinforcements is that BAWASLU's findings are no longer in the form of recommendations, but have become decisions that must be executed.³¹

In detail, Article 95 of Law Number 7 of 2017 concerning General Elections states that BAWASLU has the authority to receive and follow up on reports on alleged violations of the election implementation. BAWASLU is also authorized to examine, review, and decide on violations against the electoral administrative law and money politics. Then, concerning disputes over the electoral process, BAWASLU has the authority to receive, examine, mediate or adjudicate, and decide on the settlements proposed by election participants.

³⁰ Bawaslu RI, "Transformasi Kewenangan Bawaslu Dari Regulasi Ke Regulasi (The Transformation of the External Supervisory Agency from Regulation to Regulation)," n.d.

³¹ Zainal Abidin Rahawarin Darma, *Dinamika Politik Uang Dalam Pemilihan Kepala Daerah (Dynamics of Money Politics in the Regional Head Election)* (Yogyakarta: Pustaka Pelajar, 2022), 68–69.

Based on the description above, the supervision of the implementation of the General Election is a will based on an ultimate concern. This is to achieve a quality election. In addition to encouraging technically quality elections, election supervision also plays a significant part in making democratization in Indonesia sustainable. Thus, election supervision is a conscious, deliberate, and planned process from democratization's philosophical essence. This is because an election that is run without a free and independent mechanism and a climate of supervision will make the election a process of power formation that is full of all kinds of fraud. Thus, it will lose its legitimacy and the government it creates will also be illegitimate.³²

Based on this understanding, supervision is a basic and objective need of each general and regional election head. Elections with integrity depend on the institutional foundations established by the legal framework. The institutional framework consists of the institutions and organizations that carry out or oversee specific aspects of the electoral process.³³

It is crucial to clearly define the role of every institution involved in maintaining the integrity of elections in a legal framework. A clear separation of powers and an integrated system of checks and balances can help maintain effective oversight. As discussed in the Guiding Principles, for example, if an election organizing body is given too many (potentially conflicting) roles – such as drafting electoral laws, implementing and enforcing those laws, and acting as the sole court to resolve electoral cases – there will be little activity of effective checks and balances.³⁴

BAWASLU, which is still relatively young in the Indonesian democracy, is faced with two things that force it to have to take a position. Ideal conditions regarding democracy and a healthy public sphere are important so that diverse social interests can be systematized in policies born from legal power. The next condition is the fact that most people, both elites and civil society, are trapped in pragmatic political practices. Thus, the Ternate City BAWASLU made various efforts to prevent transactional politics (money politics).³⁵

The BAWASLU monitoring process is indeed limited by the resources they have. Meanwhile, reports of violations submitted by various parties often lack strong evidence, making it difficult to process further. Apart from these problems, based on the results of

³² Rusdi J. Abbas, *Demokrasi Di Aras Lokal Praktik Politik Elit Lokal Di Maluku Utara (Democracy in the Local Leel, the Practice of Local Elite Political Practice in North Maluku)* (Yogyakarta: Cerahmedia, 2013).

³³ Deni Aji, *Politik Elit Lokal, Pemilu, Konflik, Dan Multikulturalisme (Local Elite Politics, the General Election, Conflicts, and Multiculturalism)* (Yogyakarta: Naufan Pustaka, 2014), 52.

³⁴ Masyukurudin, *Desain Pegawaiasan Pemilihan Serentak (The Design in Supervising the Simultaneous Election)* (Jakarta: Bawaslu, 2021), vi–vii.

³⁵ The General Election Supervisory Agency of North Maluku, *Laporan Akhir Penindakan Pelanggaran Pemilu Tahun 2019 (The Final Report in Acting Upon General Election Violations in 2019)* (Ternate: Bawaslu, 2019), 22–23.

interviews conducted by the research team with members of the Ternate BAWASLU, namely Rusly Saraha as Coordinator of the Supervision Division and Sulfi Majid as Coordinator of the Legal and Dispute Resolution Division, there are other fundamental problems.

Legal problems and loopholes allow the practice of money politics to potentially increase. These problems lead to violations because there are weaknesses in terms of rules, supervision, and the electoral system. Some problems open up great opportunities for the development of the practice of money politics in the RHE. The issues in handling alleged money politics by the Ternate City BAWASLU are due to the following reasons:³⁶

1. During the campaign stage and the quiet period, only the implementers, participants, or campaign teams are prohibited from giving money according to Law Number 7 of 2017 concerning Elections.

At the voting stage, the subject who gives money is set more broadly to “everyone”. Thus, when conducting money politics during the campaign stage and the quiet period, this cannot impact actors who are outside the category of implementers, participants, or campaign teams. Meanwhile, according to Article 269 paragraph (1), 270 paragraph (1), (2), and (3) election campaign implementers are political party administrators, candidates for legislative members, election campaigners (representing parties/candidates), as well as individuals and organizations appointed political parties. Normatively, the campaign implementer is the one who conducts the campaign for the public. But during the campaign and quiet times, this provision cannot be used to take action against money-politic actors if it is committed by those unrelated to the campaign implementer, namely the political party or legislative candidate (Article 84). The limitations of this legal norm caused the practice of money politics to flourish in the period before voting, where the practice of money politics was carried out by people who could not be sanctioned by the article on money politics.

2. Inconsistent Provisions Concerning Money Politics in Law Number 7 of 2017 concerning General Elections and Law No. 10 of 2016 concerning RHE.

The Election Law regulates the prohibition of money politics to the giver or while there are no strict regulations about the recipient. Article 228 of the Election Law requires court decisions with permanent legal force as the basis for the application of administrative sanctions to political parties that apply political dowries in the nomination process of the president and vice president. In addition, the Election Law does not regulate criminal sanctions related to political dowries. This indicates

³⁶ **Rusly Saraha** and **Sulfi Majid**, interview by author, Ternate City, July 29, 2022.

that the discussion and stipulation of laws and regulations are full of political interests so the substance of the Election Law is not in line with expectations.³⁷

Meanwhile, the punishment for money politics in the RHE has been regulated. not Givers' victory can be canceled if proven guilty and they can be threatened with imprisonment, but the recipients are also given the same threat. Additional Article in Law No. 10 of 2016 Article 187A paragraphs 1 and 2 state as follows:

Paragraph 1 reads:

"Every person who intentionally commits the unlawful act by promising or giving money or other materials as compensation to an Indonesian citizen, either directly or indirectly, to influence voters not to exercise their right to vote, to exercise their right to vote in a certain way so that the vote becomes invalid, choosing certain candidates, or not choosing certain candidates as referred to in Article 73 paragraph (4) shall be punished with imprisonment for a minimum of 36 (thirty-six) months and a maximum of 72 (seventy-two) months and a fine of at least Rp. 200,000,000.00 (two hundred million rupiahs) and a maximum of Rp. 1,000,000,000.00 (one billion rupiahs)."

Paragraph 2 reads:

"The same punishment shall be applied to voters who intentionally commit an unlawful act of accepting gifts or promise as referred to in paragraph (1)".

3. There are different case of BAWASLU, Provincial BAWASLU, Regency/City BAWASLU, District PANWASLU, Foreign PANWASLU, and Polling Location Supervisors are given 3 (three) days to obtain additional information from the complainant regarding the follow-up. To receive the case file, they are only given 2 (two) days.
4. Absence of Witness and Victim Protection in Money Politic Reports

Another fundamental problem is that since the establishment of the BAWASLU institution until now, the legal protection scheme for whistleblowers is not yet clear. As a result, the reporter sometimes does not follow up on the report because no protection process for them exists. Although, Law no. 31 of 2014 which was an amendment of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims has legitimized the birth of the Institution for the Protection of Witnesses and Victims. However, this rule certainly cannot be used comprehensively to protect witnesses and victims in money politic reports.

5. Lack of Field Supervision Officer, namely the Provincial General Election Supervisory Agency (Provincial BAWASLU)

The Provincial BAWASLU is a body established by the BAWASLU that is in charge of supervising the implementation of elections at the provincial level. The Provincial BAWASLU is domiciled in the provincial capital. There are 5 or 7 members of the Provincial Bawaslu, including a chairman who is concurrently a

³⁷ Mukhti Arif and Mulyana, "Partisipasi Politik Masyarakat Dalam Pelaksanaan Pilkada Serentak Di Kota Ternate Provinsi Maluku Utara Tahun 2018 (Studi Kasus Di Kecamatan Ternate Selatan) (Public Political Participation in Implementing the Simultaneous Regional Head Election in Ternat," *Jurnal Ilmu Pemerintahan Widya Praja* 46, no. 1 (2020): 381–95.

member. The Chairperson of the Provincial BAWASLU is elected from and by members of the Provincial BAWASLU. Meanwhile, the Regency/City General Election Supervisory Agency, abbreviated as the Regency/City BAWASLU, is a body established by the National BAWASLU whose task is to oversee the implementation of elections in regency/city areas. Regency/City BAWASLU is domiciled in the regency/city capital. There are 3 or 5 members of Regency/City BAWASLU, including a chairman who is concurrently a member.

Problems in handling allegations of money politics were also criticized by the 2017-2022 Chairperson of BAWASLU, Abhan, who conveyed records of authority and regulations on the organization of the 2024 Simultaneous RHE. He said that the weakness of the national and regional general elections is that the election regulations do not stipulate searches, confiscations, and the collection of evidence and investigations. Meanwhile, in the election regulations, there is no known examination in absentia (examination of a case without the presence of the defendant).

This provides a crucial note regarding the handling of violations, where the design and legal system for national and regional general elections are still complicated. They seem to lock up, resulting in bottlenecks, i.e., the inability of the state to properly manage its resources.³⁸ Even so, the general election will still be held on February 21, 2024, and the simultaneous RHE will be held on November 27, 2024.

For the various problems above, **Rusly Saraha** as the Coordinator of the Supervision Division confirms that, "The discussion election supervision should immediately bring our minds to a condition where the public is the subject as well as the object of supervision."

Meanwhile, Sulfi Majid as Coordinator of the Legal and Dispute Resolution Division added that the efforts made by the BAWASLU to suppress the practice of money politics in the 2024 simultaneous election of regional head candidates in Ternate City were, "Strengthening participatory supervision is generally described as a joint collective effort involving various components of society to supervise the implementation of elections."

In this context, there will be several views that form the background of the participatory monitoring movement. This first view invites the public to see that society is not a vacuum that can be formed and filled by BAWASLU. While the second view, its technical nature is based on positive law that covers the entire series of General Elections and Regional Head Elections. Don't let people's ignorance make them imprisoned just for punching the ballot twice accidentally and without any specific practical political interest.

³⁸ E. Budiono, "Bawaslu: Batas Waktu Penanganan Pelanggaran Pemilu, 14 Hari Kerja (The General Elections Supervisory Agency: The Deadline for Handling General Election Violations Is 14 Work Days)," *Info Publik*, 2021.

According to the researcher, this part of the community strengthening process will certainly occur in the public sphere. The position of BAWASLU in the public sphere then has the function of political education. This function includes repositioning the word volunteer in the right place. The word volunteer in democracy relates to the awareness of the people who voluntarily want them to be ruled by a legal entity according to the law with a series of required quality qualifications.³⁹

4. CONCLUSION

Based on the result and discussion above, it can be concluded that voters in Ternate City tend to become irrational voters during simultaneous regional head elections and most respondents (40%) stated that they chose candidate pairs based on cash compensation, projects, and positions. The situation in a democracy where votes can be bought is a negative irony.

It can be made sure that the legitimacy of candidates elected through money politics is questionable. Then, after sitting in office, these politicians tend to corrupt to return the money they issued for political spending. The act of money politics is a morally bad and illegal action. According to the legal regulations, the perpetrators' victory may be cancelled. The BAWASLU, PANWASLU, and the General Election Commission should be able to apply the general election legal regulations by cancelling the victory of these perpetrators and processing them based on the country's criminal law.

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³⁹ S. Risal and E. Pratiwi, "Partisipasi Politik Masyarakat Perbatasan Negara Dalam Pilkada Serentak Di Kabupaten Malinau (People's Political Participation in State Borders in the Simultaneous Regional Head Election in Malinau Regency)," *Dia: Jurnal Administrasi Publik* 22 (2019): 11–32.

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