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Challenges in Criminal Law Enforcement against Political Patronage in Regional Head Elections

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Abstract:

The transition from a representative to a direct election system has opened wider access to political participation, allowing the public to directly elect candidates for governor, regent, and mayor. However, various groups see this system as an opportunity for political patronage, potentially involving money politics, that may undermine integrity and substantive democracy at the local level. This study aims to examine the challenges of enforcing criminal law against political patronage in regional head elections, primarily focusing on exploring the perceptions and behaviour of the Karimunjawa Jepara community towards the practice of political patronage, as well as the challenges and solutions faced by the Integrated Law Enforcement Centre in enforcing criminal law against such practices in regional elections. Furthermore, the findings were analysed using a legal anthropology and *siyasah shar'iyah* approach. The results of this study indicate that the people of Karimunjawa remain permissive towards political patronage practices due to their apathy towards candidate pairs and socio-economic conditions. The weakness of evidence, driven by the public's unwillingness to testify, is a crucial challenge for the Integrated Law Enforcement Centre in enforcing criminal law during regional elections. From legal anthropology and *siyasah shar'iyah* perspectives, these findings reflect the lack of optimisation in the internalisation of legal and Islamic values in the community's political attitudes. Therefore, a continuous legal outreach program and education that adhere to local values and Islamic spirituality are essential to overcome this problem. This research contributes to integrating electoral criminal law with Islamic values, while serving as a reference for the Integrated Law Enforcement Centre, the Election Supervisory Body, and related parties in

formulating fair and progressive legal policies for the enforcement of electoral law.

Keywords: law enforcement; criminal; political patronage; election.

Introduction

The regional head election (regional election) is one of the crucial issues Indonesia faces in realising democratic, legal, and constitutional development, often laden with political patronage.¹ Legal policies governing criminal sanctions, set out in regional election regulations, have been ineffective in preventing and eliminating these patronage practices.² This issue leaves a gap between normative ideals (*in abstracto*) and actual practice (*in concreto*).³ Empirically, political patronage is common among regional head candidates as an electoral mobilisation strategy to gain massive support.⁴ Ironically, this practice is accepted by the public without considering its negative implications, such as social polarisation, delegitimisation of alternative candidates, decline in the quality of public policies and services after the election, and the deepening of a corruption culture in the long term.⁵ The prevalence of political patronage appears to be linked to a conservative societal paradigm arising from socio-economic conditions.⁶ This situation further emphasises that realising high-quality, integrity-driven, and dignified regional

¹ Komisi Yudisial RI, *Memperkuat Peradaban Hukum Dan Ketatanegaraan Indonesia*, Cetakan 1 (Sekretariat Jenderal Komisi Yudisial Republik Indonesia, 2019), 55; Amancik Amancik et al., "Choices of Law for Democratic Regional Head Election Dispute Resolution Institutions in Indonesia," *Jambura Law Review* 6, no. 2 (2024): 304–38, <https://doi.org/10.33756/jlr.v6i2.24792>; Zahratul'ain Taufik et al., "An Examination of Factors Influencing Law Enforcement in Cases of Electoral Offenses During the 2020 Regional Head Elections in Northern Lombok Regency," *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 1 (2024): 196–207, <https://doi.org/10.29303/ius.v12i1.1297>; Fakhri Muhammad Davil Oswan et al., "Fiqh Siyasah Review of the Constitutional Court's Stance Regarding the Parliamentary Threshold," *Jurnal Al-Dustur* 8, no. 1 (2025): 48–61, <https://doi.org/10.30863/aldustur.v8i1.8826>; Firdaus Arifin, "Regional Vice Heads: Power Players or Mere Puppets? Unpacking the Contradictions in Law No. 23/2014," *LITIGASI* 25, no. 2 (2024): 1–19, <https://doi.org/10.23969/litigasi.v25i2.14574>.

² Mhd Teguh Syuhada Lubis et al., "Criminal Law Policies in the Electoral System in Indonesia," *Jurnal Dinamika Hukum* 23, no. 3 (2023): 587, <https://doi.org/10.20884/1.jdh.2023.23.3.3782>.

³ Michael Buehler et al., "Limitations to Subnational Authoritarianism: Indonesian Local Government Head Elections in Comparative Perspective," *Regional & Federal Studies* 31, no. 3 (2021): 386–88, <https://doi.org/10.1080/13597566.2021.1918388>.

⁴ Ward Berenschot and Edward Aspinall, "How Clientelism Varies: Comparing Patronage Democracies," *Democratization* 27, no. 1 (2020): 14–15, <https://doi.org/10.1080/13510347.2019.1645129>.

⁵ Mala Sondang Silitonga et al., "Democratizing Corruption: A Role Structure Analysis of Indonesia's 'Big Bang' Decentralization," *Applied Network Science* 8, no. 8 (2023): 8, <https://doi.org/10.1007/s41109-023-00535-w>; Vivi Ariyanti and Supani, "Examining Muslims' Aspirations in Drafting the New Criminal Code: Analyzing Criminal Law Policy in Indonesia from a Maslaha Perspective," *Al-Manahij: Jurnal Kajian Hukum Islam*, March 16, 2024, 37–58, <https://doi.org/10.24090/mnh.v18i1.8280>; Meredith L Weiss, "Payoffs, Parties, or Policies: 'Money Politics' and Electoral Authoritarian Resilience," *Critical Asian Studies* 48, no. 1 (2016): 77–99, <https://doi.org/10.1080/14672715.2015.1126139>; Alice Guerra and Mogens K Justesen, "Vote Buying and Redistribution," *Public Choice* 193, no. 3 (2022): 315–44, <https://doi.org/10.1007/s11127-022-00999-x>.

⁶ Anita Marwing et al., *Patronase Politik Dalam Perspektif Hukum Islam* (Adanu Abimata, 2022), 87.



elections as the central pillar of a democratic system and the manifestation of perfect justice is no easy feat.

Observations indicate that political patronage occurred in several regions during the 2024 regional elections, including in Jepara Regency, Central Java, particularly in Karimunjawa, an archipelago home to a multicultural society. This practice often involves money politics, economic value, or certain promises from candidate pairs or campaign teams. In electoral democracy, various forms of political patronage indicate a process of exchange of benefits or interests between patrons and clients to achieve desired goals.⁷ Conversely, the anthropological perspective suggests that the pattern of exchange in such practices is unequal because it can compromise voters' political rights in exchange for gratitude towards candidates. Chilunjika et al.⁸ see this kind of patronage as a trigger of favouritism by regional head candidates, which often violates rules and distorts the election process. Therefore, enforcing criminal law during regional elections is essential to prevent and address such prohibited practices that are likely to undermine the integrity and rationality of local politics.⁹ Additionally, enforcing criminal law during regional elections helps ensure they are conducted in line with applicable election principles.¹⁰

Studies on law enforcement in the context of political patronage are not new. Berenschot¹¹ highlights the power of political elite patronage networks in Indonesia and India, which often trigger conflict, particularly in areas prone to friction. Aspinall & Mas'udi¹² show that money, politics, and social networks involving business, religion, and ethnicity play a role in determining a candidate's electability. On the contrary, Junaedi et al.¹³ argue that patronage does not always guarantee victory in political contests; instead, the integrity and competence of candidates are

⁷ Priyo Handoko et al., "The Practice of Patronage in Elections And Its Implications for Democratic Credibility in Indonesia," *Al-Daulah Jurnal Hukum Dan Perundangan Islam* 13, no. 1 (2023): 137, <https://doi.org/10.15642/ad.2023.13.1.137-158>; Misbahuddin Misbahuddin et al., "The Possibility of Social Conflict in the Momentum of General Elections in the Sociological Perspective of Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025): 63–82, <https://doi.org/10.22373/sjhk.v9i1.22665>.

⁸ Alouis Chilunjika et al., "Dynamics of Patronage Politics and the Tendering Process at Zimbabwe's State Procurement Board," *African Journal of Governance and Development* 11, no. 1 (2022): 82, https://doi.org/10.10520/ejc-ajgd_v11_n1.1_a5.

⁹ Rizka Halida et al., "Vote-Selling as Unethical Behavior: Effects of Voter's Inhibitory Self-Control, Decision Toward Vote-Buying Money, and Candidate's Quality in Indonesia Election," *Journal Of Social and Political Psychology* 10, no. 2 (2022): 572, <https://doi.org/10.5964/jspp.5643>.

¹⁰ Sebastian Dettman and Edmund Terence Gomez, "Political Financing Reform: Politics, Policies and Patronage in Malaysia," *Journal of Contemporary Asia* 50, no. 1 (2020): 36, <https://doi.org/10.1080/00472336.2019.1571218>.

¹¹ Ward Berenschot, "Patterned Pogroms: Patronage Networks as Infrastructure for Electoral Violence in India and Indonesia," *Journal of Peace Research* 57, no. 1 (2019): 171, <https://doi.org/10.1177/0022343319889678>.

¹² Edward Aspinall and Wawan Mas'udi, "The 2017 Pilkada (Local Elections) in Indonesia: Clientelism, Programmatic Politics and Social Networks," *Contemporary Southeast Asia* 39, no. 3 (2017): 419–20, <https://doi.org/10.1355/cs39-3a>.

¹³ Junaedi et al., "The Dangers of Political Money for a Clean Democracy Process Up To Elections for Village Heads, Regional Heads, Legislative Elections and General Elections in Indonesia," *International Journal of Business, Law, and Education* 4, no. 1 (2023): 228–29, <https://doi.org/10.56442/ijble.v3i2.159>.



the determining factors in voters' choices. Meanwhile, Daud et al.¹⁴ emphasise the importance of optimising preventive and repressive measures in law enforcement to address money politics in regional elections. Santoso¹⁵ shows that problems in enforcing election laws mainly result from limited resources, ineffective coordination between election organisers, and budget constraints. Several of these studies were similar to this study in terms of the subject matter. However, they did not specifically address the effectiveness of criminal law enforcement in curbing patronage practices in regional elections.

Departing from this gap, this study aims to examine the challenges of criminal law enforcement against patronage practices in regional elections by focusing on two main issues: (1) how do the people of Karimunjawa perceive and behave towards political patronage practices and (2) what challenges and solutions are implemented by the Jepara Regency Integrated Law Enforcement Center in enforcing criminal law against such practices? The novelty of this research lies in integrating legal anthropology and siyasah shar'iyyah as an analytical framework for assessing the effectiveness of criminal law enforcement in addressing political patronage practices in regional elections, particularly in Karimunjawa. The archipelago, known for its multicultural characteristics and unique geographical conditions, has so far received little attention in electoral, legal, and Islamic studies. With the integration approach and research locus, this research is expected to proportionately provide a deep, comprehensive, and contextual understanding of the relationship between positive law, Islamic values, and local culture in the context of criminal law enforcement against political patronage practices.

Methods

This study is categorised as empirical legal research using a qualitative case study approach.¹⁶ Primary and secondary data were used to address the central questions in this study.¹⁷ Primary data were collected through semi-structured interviews¹⁸ using purposive sampling with 10 informants, as listed in the table below:

¹⁴ Brian Septiadi Daud et al., "Law Enforcement and Overcoming Violations of Money Politic in General Election: Indonesia's Case," *Jurnal Hukum Novelty* 11, no. 2 (2020): 128, <https://doi.org/10.26555/novelty.v11i2.a15146>.

¹⁵ Maimun Rudi Santoso, "Dynamics And Enforcement Of Election Legal Issues In Lampung Province," *De Lega Lata: Jurnal Ilmu Hukum* 9, no. 15 (2024): 80, <https://doi.org/10.30596/dll.v9i1.18060>.

¹⁶ Safi' Safi' et al., "Bhag-Rembhag Sabhala'an as a Method of Resolving Religious Conflicts in the Madura Legal Tradition," *El-Mashlahah* 14, no. 1 (2024): 95–126, <https://doi.org/10.23971/el-mashlahah.v14i1.7819>; Iim Fahimah et al., "Interfaith Inheritance in Muslim Families in Indonesia: Practices, Philosophy, and the Direction of National Inheritance Law Development," *AHKAM: Jurnal Ilmu Syariah* 24, no. 2 (2024): 379–96, <https://doi.org/10.15408/ajis.v24i2.40907>.

¹⁷ Muhammad Deni Putra et al., "When the Sacred Meets the Market: The Commodification of Islamic Housing in Lima Puluh Kota, West Sumatra," *Journal of Islamic Law* 6, no. 1 (2025): 135–54, <https://doi.org/10.24260/jil.v6i1.3539>.

¹⁸ Rusydi Sulaiman et al., "The Symbol of Acculturation and Islamic Unity in Nganggung Tradition of Bangka: An Integration of Maqāsid Asy-Syarī'ah with Local Wisdom," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 2 (2024): 356–83, <https://doi.org/10.19105/al-lhkam.v19i2.14923>; Imron Rosyadi et al., "Realizing Post-Disaster Sakinah Families: Analysis of the Resilience of Semeru Eruption Survivors' Families at the Relocation Site from the Maqāsid al-Sharī'ah Perspective," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (2024): 878–902,



Table 1. Informants Data and Position

Initial Name	Position	Gender
SJ	Chairman of the Jepara Regency Election Supervisory Body/Member of the Jepara Regency Integrated Law Enforcement Centre	Male
MZ	Karimunjawa Sub-District Head	Male
IM	Karimunjawa Community (<i>Toour Guide</i>)	Male
AS	Karimunjawa Village Head	Male
MA	Chairman of the Karimunjawa Subdistrict Election Supervisory Committee	Male
ST	Member of the Karimunjawa Subdistrict Election Supervisory Committee	Male
TD	Kemujan Village Community Leader	Male
KY	Karimunjawa Community	Female
MB	Karimunjawa Community	Male
KN	Kemujan Community	Male

Data were collected directly from the Karimunjawa archipelago in Jepara Regency, which took a month to complete. Additionally, secondary data were used, consisting of primary, secondary, and tertiary legal materials.¹⁹ Primary legal materials include Law Number 10 of 2016 juncto Law Number 1 of 2015 concerning the Enactment of the Government Regulation in Lieu of Law concerning Election of Governors, Regents, and Mayors into Law, and other relevant election regulations. Secondary legal materials were collected from scientific articles, law books, magazines, and others, while tertiary legal materials were sourced from legal encyclopedias and legal dictionaries. All the collected data were further examined for their validity using a validity test. This test comprises credibility tests that consist of extended observation, increased persistence, triangulation of sources, methods, and time. This stage took place to yield accountable and trustworthy data. The next stage was analysing the data using descriptive data analysis techniques. This stage involved describing the data in a high-quality manner in the form of orderly, logical, systematic sentences to provide tangible analysis results.

Results and Discussion

Legal Anthropology of Political Participation of the Karimunjawa Community in Regional Head Elections

The study of humans from an ethnological perspective in anthropology allows us to discover the patterns of human thought and behaviour, both as individuals

<https://doi.org/10.22373/ujhk.v7i2.22560>; Dwi Fidhayanti et al., "Implementing Confidentiality Principles in Sharia Economic Dispute Resolution Through Online Dispute Resolution in Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 1 (2025): 33–52, <https://doi.org/10.30631/alrisalah.v25i1.1681>.

¹⁹ Imron Rosyadi et al., "Criminalization of Unregistered Marriage in Indonesia: A Legal System Analysis Based on Friedman's Theory," *Al-Adalah* 22, no. 1 (2025): 147–80, <https://doi.org/10.24042/adalah.v22i1.22779>.



and as community groups, in their daily lives. Meanwhile, in legal anthropology, humans are viewed as individuals who create and are influenced by the system of norms that apply in a social and cultural context.²⁰ Law here is not only seen as a set of formal rules but also as a reflection of local values that govern behaviour and social relations. In this context, to illustrate how legal anthropology shapes political participation in Karimunjawa during regional elections, we will first describe the island's geographical conditions and the community's broader social setting.

Administratively, Karimunjawa is an archipelago in the Jepara Regency, covering 46.618 km² and comprising four villages: Karimunjawa, Kemujan, Nyamuk, and Parang.²¹ Most locals in Karimunjawa work as fishermen, but as the Island has become a marine tourism destination, some community members, especially the younger generation, have begun working as tour guides for local and foreign tourists.²² In terms of sociocultural anthropology, the locals of Karimunjawa exhibit unique cultural characteristics, a result of the fusion of Javanese, Madurese, Butonese, Manganese, and Bajau tribes.²³ MZ²⁴ said that the pattern of social interaction between community members is harmonious. This harmony stems from the same feelings people share about the need for personal development and socio-economic livelihoods, supported by the tolerance the community and religious leaders demonstrate through various social activities.

The political participation of the Karimunjawa community in the context of legal anthropology is evident in the level of legal awareness among community members, who actively exercise their political rights to elect regional head candidates. Theoretically, two reasons underpin the view that public participation in exercising the right to vote serves as an indicator of the community's legal awareness and the success of democracy.²⁵ First, public participation in exercising the right to vote demonstrates that the community has sound legal knowledge and understanding of their voting rights.²⁶ This legal awareness serves as the basis for understanding and respecting every existing rule.²⁷ Second, the level of public participation in exercising the right to vote demonstrates legally conscious behaviour in complying with the law's requirements regarding their voting rights, thereby ensuring a fair, honest, and democratic electoral process.

²⁰ Wempy Setyabudi Hernowo et al., "Peran Sociological Jurisprudence Dalam Menciptakan Keefektifitasan Hukum Melalui Living Law," *Legalitas: Jurnal Hukum* 13, no. 1 (2021): 47, <https://doi.org/10.33087/legalitas.v13i1.243>.

²¹ Badan Pusat Statistik Kabupaten Jepara, "Luas Wilayah Kecamatan Karimunjawa Di Kabupaten Jepara," Badan Pusat Statistik Kabupaten Jepara, 2023, <https://jeparakab.bps.go.id/id/statistics-table/2/NDQ3IzI=/luas-wilayah-kecamatan-karimunjawa-di-kabupaten-jepara.html>.

²² IM, Interview, Karimunjawa Community (*Toour Guide*), 21 Juli 2024.

²³ Andi Irwan Benardi et al., "Kehidupan Dan Penghidupan Masyarakat Jawa Di Karimunjawa (Analisis Tingkat Pendidikan Dan Pola Interaksi Antar Etnik)," *IJTIMAIYA: Journal of Social Science Teaching* 4, no. 1 (2020): 44, <https://doi.org/10.21043/ji.v4i1.7219>.

²⁴ MZ, Interview, Karimunjawa Sub-District Head, 21 July 2024.

²⁵ Jay Barth et al., "Direct Democracy, Educative Effects, and the (Mis) Measurement of Ballot Measure Awareness," *Political Behavior* 42, no. 4 (2020): 1015, <https://doi.org/10.1007/s11109-019-09529-w>.

²⁶ Sukardi and Dodi Jaya Wardana, "Strengthening Public Participation in The Law-Making," *Justitia Jurnal Hukum* 6, no. 2 (2023): 120, <https://doi.org/10.30651/justitia.v6i2.17241>.

²⁷ Appe Hutaaruk, "The Role of Government Politics and Law in Building Public Participation in Elections," *Journal of Social Science* 4, no. 3 (2023): 856, <https://doi.org/10.46799/jss.v4i3.563>.



The research findings show that the level of participation of Karimunjawa people in exercising their right to vote in the 2024 election is relatively high, although not as high as in 2024. It was recorded that, in the election, the voter list totalled 7,560 people, including permanent and additional voters. Then, 4,947 people exercised their voting rights, with an attendance rate of 65.43%. Meanwhile, in the 2024 election, 7,517 voters cast ballots, for an 81.21% turnout.²⁸ Regardless of the motivation underlying the community's exercise of their voting rights, from a legal-anthropological perspective, the behaviour of the people in Karimunjawa has reflected awareness of and compliance with the law (the right to vote and basic rights) as a consequence of democracy. This democracy guarantees the people's sovereignty to elect regional heads, in accordance with the Regional Head Election Law and the 1945 Constitution of the Republic of Indonesia, particularly Articles 28D, paragraph (1), and 28, paragraph (3). Meanwhile, in the dimension of *siyasah shar'iyyah*, the trend of exercising the right to vote prospective leaders among people in the Karimunjawa represents moral and socio-political responsibility (*al-diniyyah al-akhlaqiyyah*).

The author's view aligns with that of Mahir²⁹ and Izadhi,³⁰ who argue that individual or community involvement in political events not only provides legitimacy to elected candidates but also reflects the worship of every Muslim according to the principles of Islam. This statement also confirms that *siyasah shar'iyyah* is relevant in the spiritual dimension³¹ while serving as a legal and ethical framework for addressing emerging political dynamics, fostering political awareness, and improving public order in the process of selecting regional head candidates in Indonesia.³² The concept of *siyasah shar'iyyah*, or Islamic political law, is part of Islamic law that refers to the state and its governance³³ based on

²⁸ ST, Interview, Member of the Karimunjawa Subdistrict Election Supervisory Committee, 15 October 2024.

²⁹ Mahir, "Synchronising Positive Law and Islamic Law Within a Justice Concept in Concurrent Elections 2024: From The Philosophical Perspective of Islamic Law," *Al-Daulah Jurnal Hukum Dan Perundangan Islam* 12, no. 1 (2022): 76, <https://doi.org/10.15642/ad.2022.12.1.76-107>; Hariyanto Hariyanto et al., "The Role and Authority of the Deputy Regional Head According to Islamic Principles within the Framework of Regional Government Law," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (2025): 13–27, <https://doi.org/10.31958/juris.v24i1.12678>.

³⁰ Sayyid Sajjad Izadhi, "The Features of Elections in the Religious Democratic System," *Journal of Islamic Political Studies* 3, no. 5 (2021): 38–39, <https://doi.org/10.22081/jips.2021.72286>.

³¹ Bani Syarif Maula, "The State Legal Policies On Sharia Application In Changing Pattern Of Indonesia's Islamic Movements," *Al-Hurriyah: Jurnal Hukum Islam* 7, no. 1 (2022): 15, <https://doi.org/10.30983/alhurriyah.v7i1.5455>.

³² Irhamdi Nasda, "Comparison of the Concepts of Democratic and Shura Systems of Government," *MILRev: Metro Islamic Law Review* 2, no. 1 (2023): 52, <https://doi.org/10.32332/milrev.v2i1.6862>.

³³ Lira Sopi Ema et al., "Membangun Politik Yang Berakhlak: Integrasi Nilai-Nilai Islam Dalam Sistem Demokrasi," *Birokrasi: Jurnal Hukum Dan Tata Negara* 2, no. 3 (2024): 209, <https://doi.org/10.55606/birokrasi.v2i3.1324>.



justice (*al-adalah*), deliberation (*shura*),³⁴ freedom (*al-hurriyah*), equality (*al-musawah*), and responsibility or trust (*al-mas'ulliyah*).³⁵

The Perceptions and Behaviour of the Karimunjawa Community Towards the Practice of Political Patronage

Society and the environment are closely related. This connection is often reciprocal, in which human behaviour affects the state of the environment,³⁶ while environmental conditions can also affect how humans behave.³⁷ Similarly, in regional head elections, people's perceptions and behaviour towards patronage practices can be influenced by several factors, including intelligence, idealism, personal desire, money politics, social interaction, and community networks.³⁸ All of these elements play a role in their decision-making process when selecting candidates for regional leaders.³⁹ However, the election process is often beset by several patronage issues, particularly money politics, which affect voters' political rights in deciding their choices.^{40 41} Then, how do people in Karimunjawa perceive and respond to patronage practices in regional head elections?

The research findings show that the majority of people in Karimunjawa still witness patronage practices in every election, targeting all levels of society. This practice is common among campaign teams and volunteers supporting candidate pairs, who often distribute goods or money in varying nominal amounts to the community to influence their voting on voting day (vote buying). Surprisingly, this practice does not significantly affect the political attitudes of the Karimunjawa community when choosing regional head candidates, even though many community members received the money. TD,⁴² a resident and community leader, confirmed that the community accepts gifts from patrons because they assume their contributions are voluntary and see no binding obligation or coercion that should affect the community's political choice.

³⁴ Maimun and Dani Amran Hakim, "Siyasah Syar'iyah and Its Application to Constitutional Issues in Indonesia," *As-Siyasi: Journal of Constitutional Law* 3, no. 1 (2023): 126–28, <https://doi.org/10.24042/as-siyasi.v3i1.15710>.

³⁵ Muji Mulia and Zakki Fuad Khalil, "Tata Kelola Pemerintahan Dalam Perspektif Syariah (Analisis Penerapan Syariat Islam Di Aceh)," *JPW (Jurnal Politik Walisongo)* 3, no. 1 (2021): 105, <https://doi.org/10.21580/jpw.v3i1.9348>.

³⁶ Andi Nursinah et al., "Environmental Sociology Approach From A Social Risk Perspective," *Internatiional Journal of Health Science* 1, no. 2 (2023): 102, <https://doi.org/10.59585/ijhs.v1i2.59>.

³⁷ Sourav Chandra Gorain, "Human, Society and Environment: A Cplaborative Study," *EPRA International Journal of Multidisciplinary Research (IJMR)* 9, no. 1 (2023): 184, <https://doi.org/10.36713/epra12247>.

³⁸ Handoko et al., "The Practice of Patronage in Elections And Its Implications for Democratic Credibility in Indonesia," 137.

³⁹ Felix Butzlaff, "Consenting Participation? How Demands for Citizen Participation and Expert-Led Decision-Making Are Reconciled in Local Democracy," *Political Studies Review* 21, no. 2 (2023): 340, <https://doi.org/10.1177/14789299221091884>.

⁴⁰ Waiphot Kulachai et al., "Factors Influencing Voting Decision : A Comprehensive," *Social Sciences Journal* 12, no. 9 (2023): 13, <https://doi.org/10.3390/socsci12090469>.

⁴¹ Muhammad Alief Farezi Efendi, "Effetiveness of Implementing E-Voting As a Representation of Election Law Development in Indonesia," *Constitutional Law Society* 2, no. 1 (2023): 28–29, <https://doi.org/10.36448/cls.v2i2.45>.

⁴² TD, Interview, Kemujan Village Community Leader, 21 July 2024.



AS,⁴³ however, has a different view of this trend, arguing that the tendency to accept money from patrons, surprisingly, reflects their apathy towards regional head candidates. The community heard promises that never happened after the candidates were elected. However, notable people or those with economic stability, such as large fishermen and tour guides, do not take such gifts. In other words, their conscience and political choice will remain unaffected. MA,⁴⁴ on the other hand, confirms that there are no direct findings reporting the community involvement in money politics during the election supervision. Alatas believes that the community is quite aware of whether such practices are appropriate. The mapping conducted reveals that novice voters are often more vulnerable to such patronage practices. ST⁴⁵ shares the same opinion, asserting that political campaign teams often target novice voters because of their limited understanding of political issues and candidate track records. What visible to novice voters, who tend to think pragmatically, are the candidates' political promises.

From a different perspective, SJ⁴⁶ argues that poor political literacy and unstable psychological profiles among novice voters seem to prompt the campaign teams of candidate pairs to target them. He adds that the groups of housewives are also prioritised targets for patronage to win votes. In this regard, KY⁴⁷ explains that patrons often utilise friendship networks among members of a housewives' association to influence other members, including through *arisan* (gathering) associations and the PKK (Family Welfare and Empowerment Program), among others. Usually, this form of patronage involves providing financial assistance, equipment, or promises to provide certain facilities to meet the association's needs after the candidate pair wins the election.

The patrons also target small fishing communities to gain more votes, especially those who depend on diesel fuel for their fishing boats. The patrons utilise the fishermen's networks through the boat *juragan* (boat boss), who influences the fishermen. MZ⁴⁸ explains that patronage practices involve providing the supplies or subsidies needed to purchase diesel fuel for small fishermen, especially those in Parang Village and Nyamuk Village, given that these two villages are remote from the city centre, making it difficult for them to obtain the fuel. This is where patrons, through network affiliations with ship captains or intermediaries, play a role by assisting the patronage practice. Meanwhile, KN⁴⁹ adds that fishermen's acceptance of patronage is generally more due to financial hurdles that hamper them from going to sea. Therefore, they see subsidised diesel fuel as a means of easing the burden on small fishermen in meeting their fishing needs.

⁴³ AS, Interview, Karimunjawa Village Head, 20 July 2024.

⁴⁴ MA, Interview, Chairman of the Karimunjawa Subdistrict Election Supervisory Committee, 24 October 2024.

⁴⁵ ST, Interview, Member of the Karimunjawa Subdistrict Election Supervisory Committee, 21 July 2024.

⁴⁶ SJ, Interview, Chairman of the Jepara Regency Election Supervisory Body/Member of the Jepara Regency Integrated Law Enforcement Centre, 13 November 2024.

⁴⁷ KY, Interview, Karimunjawa Community, 21 October 2024.

⁴⁸ MZ, Interview, Karimunjawa Sub-District Head, 21 July 2024.

⁴⁹ KN, Interview, Kemujan Community, 22 July 2024.



Similarly, MB⁵⁰ also considers the tendency to accept such help as a solution to the capital problems they face in their day-to-day activities at sea.

Referring to the findings above, from the perspective of legal anthropology, the trend of accepting such help as described above in the Karimunjawa community does not yet fully reflect compliance with the rules of the regional elections as a manifestation of legal culture. This is evident in that some members of the community accept gifts from patrons, despite claiming that these gifts do not affect their political decisions. The author argues that whatever the reasons behind receiving the assistance from patrons cannot justify their actions. Patronage in this context, however, is equal to bribery or vote-buying. In the scope of electoral criminal law, such a tendency is deemed to be unlawful within the purview of election offences, which can be subject to criminal sanctions set out in Article 73, paragraph (1), Article 187A, paragraph (1), and paragraph (2) of the Law concerning Regional Head Elections.

Article 73, paragraph (1) explicitly states that candidates and/or campaign teams are prohibited from promising and/or giving money or other materials to influence election organisers and/or voters. Meanwhile, Article 187A, paragraph (1) mentions "Any person who deliberately commits an unlawful act of promising or giving money or other material in return to an Indonesian citizen either directly or indirectly to influence a voter not to exercise the right to vote or to exercise the right to vote in a certain way." When this is the case, the vote becomes invalid. Furthermore, intervening in another person's decision to vote or not to vote for a certain candidate, as referred to in Article 73 paragraph (4), shall be punished with imprisonment for a minimum of 36 months and a maximum of 72 months, and a fine of no more than 200 million and a maximum of one billion rupiah. Article 187A, paragraph (2) states that the same punishment is applied to voters who deliberately commit unlawful acts of receiving gifts or promises as referred to in paragraph (1).

From the perspective of legal politics,⁵¹ the regulation of criminal sanctions serves as an instrument that provides legal certainty in the enforcement of election law and as a reflection of cultural values and social norms prevailing in society. Legal policies governing criminal sanctions in the regional election also foster an electoral process that prioritises integrity, honesty, transparency, and justice, and encourages active community participation in democracy.⁵² Therefore, from the perspective of legal anthropology, any parties involved in patronage and clientelism are considered to violate the law and social norms in political interactions, thereby

⁵⁰ MB, Interview, Karimunjawa Community, 21 July 2024.

⁵¹ Muhammad Shohibul Itmam et al., "Legal Politics of Mining Spatial Planning in Sumenep District: Maqāsid Syarī'ah Overview," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 1 (2025): 1–27, <https://doi.org/10.18326/ijtihad.v25i1.1-27>; Tri Diatmoko et al., "Islamic Legal Policy on Ultra-Micro Enterprise Financing and Its Implementation from the Perspective of Maqāsid al-Sharī'a," *Al-Ahkam* 35, no. 1 (2025): 87–116, <https://doi.org/10.21580/ahkam.2025.35.1.25207>.

⁵² Imawan Sugiharto, "Rekonstruksi Penegakan Hukum Politik Uang Dalam Pemilihan Kepala Daerah Berbasis Hukum Progresif," *Jurnal Pembaharuan Hukum* 3, no. 1 (2016): 113, <https://doi.org/10.26532/jph.v3i1.1351>.



undermining the development of democratic legal and constitutional governance.⁵³ This view aligns with Becker's,⁵⁴ which implies that regional elections should be understood as both a formal mechanism and a manifestation of socio-political practices. All parties are expected to uphold the values of democracy and people's sovereignty in compliance with the mandate of Article 18, paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which serves as a parameter in the process of mature democracy.

Meanwhile, Jani⁵⁵ argues that regional head elections can be considered a democratic process if the public is given the freedom to determine their political choices free from coercion, threats, and specific offers that are intended to affect their decisions. A similar opinion was expressed by Setiadi et al.,⁵⁶ implying that the parameters for democratic regional head elections basically refer to implementation based on the principles of *Luber* (direct, public, free, and confidential) and *Jurdil* (honest and fair). Harun al-Rasyid⁵⁷ also opines that money politics is not much different from bribery (*al-risywah*). Such conduct is deemed to be despicable and against the principles of the state and Islam. The harm caused by such actions is far greater than the good, which can therefore tarnish public trust, undermine the order of the democratic process, and erode community values.⁵⁸ Masdar⁵⁹ sees political patronage not as part of a culture that fosters virtue, although society sees it as usual and commonplace.

Masdar's statement also implies that, to ensure that the attitudes of voters and participants in regional elections adhere to the principles of regional elections, it is necessary to have a set of legal regulations and for all parties to demonstrate an assertive, ethical, and moral attitude relevant to the regional election process.⁶⁰

⁵³ Andi Muhammad Alif Ranggong et al., "Relationship Between Money Politics And Corruption: How They Threaten Nirmilitary Defense," *International Journal of Social Science* 2, no. 5 (2023): 2091, <https://doi.org/10.53625/ijss.v2i5.4816>; Firdaus Arifin et al., "Ambiguity and Contestation in Legal Standing Restrictions: Rethinking Public Interest and Constitutional Rights in Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, October 3, 2025, 395–413, <https://doi.org/10.24090/volksgeist.v8i2.13192>.

⁵⁴ Rolf Becker, "Voting Behavior as Social Action: Habits, Norms, Values, and Rationality in Electoral Participation," *Rationality and Society* 35, no. 1 (2022): 81, <https://doi.org/10.1177/10434631221142733>.

⁵⁵ Lucky Jani, *Modul Pemantauan Dana Kampanye*, Jakarta (2004), 2–3.

⁵⁶ Redhi Setiadi et al., "Law Enforcement In Overcoming Election Crime (Case Study Of Bawaslu, Semarang District)," *Journal Research of Social Science, Economics, and Management* 02, no. 10 (2023): 2417, <https://doi.org/10.59141/jrssem.v2i10.460>.

⁵⁷ Harun Al-Rasyid, *Fikih Korupsi: Analisis Politik Uang Indonesia Dalam Perspektif Maqashid al Syari'ah* (Kencana, 2016), 114.

⁵⁸ Ujuh Juhana et al., "Indonesian Justice System for Election Crimes," *KnE Social Sciences* 7, no. 15 (2022): 616, <https://doi.org/10.18502/kss.v7i15.12136>; Ariyanti and Supani, "Examining Muslims' Aspirations in Drafting the New Criminal Code."

⁵⁹ Masdar, "Budaya Money Politic Di Indonesia Dalam Tinjauan Qawa'id Fiqhiyyah," *El-Aqwal: Journal of Sharia and Comparative Law* 1, no. 2 (2022): 107, <https://doi.org/10.24090/el-aqwal.v1i2.7101>.

⁶⁰ Mikhael Feka et al., "Peran DKPP Dalam Menegakkan Kode Etik Penyelenggara Pemilu Dan Mewujudkan Pilkada Bermartabat," *Jap Unwira* 3, no. 2 (2020): 124–25, <https://doi.org/10.30822/jap.v3i2.865>.



Similarly, Božilović⁶¹ explains in his research that the dignity of a nation is greatly influenced by the political ethics of its prospective leaders. Political ethics play a crucial role in shaping critical and rational thinking while encouraging independent thinking and responsible action. Therefore, continuous outreach approaches and education on politics and law are essential. This can be done by promoting ethics and morality that align with the principles of Sharia.

This outreach approach and education are vital to shaping a legal culture that fosters a healthy and dignified political culture, thereby motivating the community to voluntarily adjust its behaviour to comply with applicable laws and regulations.⁶² This is in line with Lawrence M. Friedman's⁶³ theory of legal effectiveness, which implies that the development of a legal culture is part of the social forces that can influence the extent to which laws and regulations are implemented in daily life. Specifically, a culture of law that encompasses social attitudes and values can catalyse input on the content and structure of laws, thereby reinforcing the legal system.⁶⁴

Challenges and Solutions for the Integrated Law Enforcement Centre in Criminal Law Enforcement against Patronage Practices in Regional Head Elections

The Integrated Law Enforcement Centre (hereinafter referred to as the Gakkumdu Centre), consisting of the Election Supervisory Body (hereinafter referred to as Bawaslu), the Police, and the Prosecutor's Office, is an organisation with its crucial ability to maintain and ensure that all electoral stages operate following applicable legal provisions.⁶⁵ In the context of the regional election, the formation and position of the Integrated Law Enforcement Centre at the Election Supervisory Body, Provincial Election Supervisory Body, and Regency/City Election Supervisory Body are specifically regulated in the Joint Regulation of the Chairperson of the General Election Supervisory Agency, the Chief of Police of the Republic of Indonesia, and the Attorney General of the Republic of Indonesia Number 5 of 2020, Number 1 of 2020, and Number 14 of 2020. This joint regulation implements the provisions of Article 152 of Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law.

Philosophically, the legal instruments that underpin the establishment of the Integrated Law Enforcement Centre aim to achieve effectiveness and optimisation in handling reports or findings of alleged election-related crime violations, including

⁶¹ Jelena Božilović, "Ethical Principles of Political Community in the Works of Aristotle," *KULTURA POLISA* 18, no. 44 (2021): 173, <https://doi.org/10.51738/Kpolisa2021.18.1r.3.02>.

⁶² Anang Puji Utama, "Legal Awareness and National Resilience in The Socio-Cultural Field," *Jurnal Sosiologi Pendidikan Humanis* 8, no. 2 (2023): 157, <https://doi.org/10.17977/um021v8i2p157-170>.

⁶³ Lawrence M. Friedman, *Sistem Hukum: Perspektif Ilmu Sosial Penerjemah M. Khozim*, Cetakan II (Nusa Media, 2019), 17–18.

⁶⁴ Victoria V. Solovieva, "Legal Culture As An Important Element Legal System," *Russian Studies in Law and Politics* 7, no. 2 (2023): 72, <https://doi.org/10.12731/2576-9634-2023-2-72-85>.

⁶⁵ Liky Faizal, "The Problems in Implementing the Function of the Integrated Law Enforcement Center (Gakkumdu) as an Election Law Enforcement Institution," *As-Siyasi: Journal of Constitutional Law* 3, no. 2 (2023): 207–8, <https://doi.org/10.24042/as-siyasi.v3i2.19553>.



money politics, hoaxes, the neutrality of the State Civil Apparatus, and black campaigns. These instruments also uphold the principles of equality before the law, presumption of innocence, and legality. In handling the election-related criminal offences, the Integrated Law Enforcement Centre refers to the Election Supervisory Body Regulation Number 8 of 2020 juncto the Election Supervisory Body Regulation Number 9 of 2024 concerning Handling Violations of the Election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors. Thus, the Election Supervisory Body Regulation serves as a legal mechanism in supporting a more effective and efficient criminal law enforcement process. Furthermore, this regulation is expected to support a structured and directed process,⁶⁶ allowing for quick and appropriate handling of election-related criminal acts (*strafbaarfeit*) during the election stage.⁶⁷

The research findings show that the institution, in carrying out its role, often faces several obstacles in taking action against suspected perpetrators of patronage crimes during the election process. Firstly, reports of alleged election crimes often fail to meet the formal and material requirements, especially regarding evidence and witnesses. In addition, reports submitted to the Jepara Regency Election Supervisory Body did not follow the applicable official procedures, but were submitted via short message. Secondly, the community has been reluctant to become reporting witnesses. According to Sujiantoko, whenever the reporting community is asked to provide information to help the office conduct further investigations, most community members are unwilling to serve as witnesses in the cases they have reported. As a result, after the study was conducted, many public reports related to alleged patronage crimes did not proceed to the investigation stage.

On the other hand, the Jepara Regency Election Supervisory Body lacks the authority to compel the complainant to serve as a witness. This creates an obstacle to tracing and investigating the case, leading to ineffective criminal law enforcement in addressing patronage practices. The public's reluctance to serve as witnesses in this matter is more due to concerns about social relationships between them and the alleged perpetrators; they are neighbours, relatives, and members of the same organisation. This often hampers those from reporting the alleged perpetrators, and they remain silent to avoid potential conflicts in the future. Moreover, the community assumes the election contestation is temporary, which makes them hesitant to take action. In addition, there are fears of intimidation from the alleged perpetrators or certain parties if reporting occurs.

In response to this problem, the Jepara Regency Integrated Law Enforcement Centre, along with the Jepara Regency Election Supervisory Body, during the election process, has made persuasive approaches to the community by guaranteeing legal protection to build their confidence in becoming witnesses. Protection guarantee is given on the grounds of the security and safety of the reporting witness from possible intimidation and threats by the alleged

⁶⁶ Khairul Fahmi, "Sistem Penanganan Tindak Pidana Pemilu," *Jurnal Konstitusi* 12, no. 2 (2016): 266, <https://doi.org/10.31078/jk1224>.

⁶⁷ Mario Agritama S W Madjid, "Reformulasi Sentra Penegakan Hukum Terpadu Menjadi Lembaga Independen Pemberantasan Tindak Pidana Pemilu," *Jurnal Penelitian Hukum De Jure* 24, no. 1 (2024): 58, <https://doi.org/10.30641/dejure.2024.V24.057-072>.



perpetrator/reported party and certain parties. The protection guarantee is provided to the reporting witness under Law Number 13 of 2006 juncto Law Number 31 of 2014 concerning Witness and Victim Protection. On the contrary, the Law concerning Regional Head Elections and the Election Supervisory Body Regulation do not specifically regulate the protection of reporting witnesses, thereby leaving a legal vacuum.

In addition to taking action against alleged violations of patronage crimes, the Jepara Regency Integrated Law Enforcement Centre and the Jepara Regency Election Supervisory Body have taken preventive measures to minimise the potential for such violations in the regional elections through outreach programs and political and legal education activities for the community and election participants. The preventive and repressive steps taken by the Jepara Regency Integrated Law Enforcement Centre can be understood as a commitment to and responsibility for realising justice and maintaining the integrity of the election. The author views this protection for witnesses as an appropriate and crucial step to encourage those concerned to become witnesses and provide actual information on a legal matter. This step is expected to help reveal the truth behind election-related violations. This is in line with Article 117, paragraph (1) of Law Number 8 of 1981 concerning Criminal Procedure Law, stating, "Witness and/or suspect statements to investigators are given without pressure from anyone and/or in any form."

Inadequate evidence, including a lack of witnesses in criminal offences, particularly in the context of election patronage, is an obstacle to bringing the perpetrators involved to investigation, prosecution, and judicial hearings. Juhana et al.⁶⁸ and Putri⁶⁹ have confirmed that many criminal cases have not reached the trial stage due to a lack of reliable evidence, particularly the absence of witnesses who can provide credible information about the offences. Meanwhile, Klaus et al.⁷⁰ and Ningsih,⁷¹ in their study, explain that the importance of such protection is to foster a mentality that encourages people to uphold justice, protect human rights, and build public trust in the legal system. Both testimony and witness protection are essential aspects in *siyasah shar'iyah* in upholding justice and balanced truth. Testimony and witness protection in Islam have a strong foundation in the Qur'an Surah Al-Baqarah verse 283: "*Do not conceal your testimony, for whoever conceals it has indeed sinned in his heart. Allah knows all that you do.*"

The above verse indicates that Islam strongly encourages everyone to give truthful and honest testimony as a moral and legal responsibility. Meanwhile, Fauzan et al.⁷² explain in their study that a person's willingness to testify to what

⁶⁸ Juhana et al., "Indonesian Justice System for Election Crimes," 625.

⁶⁹ Devita Kartika Putri, "The Relevance of 'Character Witness' Testimony in Criminal Cases in Indonesia," *Diponegoro Law Journal* 9, no. 1 (2024): 70, <https://doi.org/10.14710/dilrev.9.1.2024.70-86>.

⁷⁰ Kathleen Klaus et al., "Demanding Recognition: A New Framework for the Study of Political Clientelism," *African Affairs* 122, no. 487 (2023): 201–3, <https://doi.org/10.1093/afraf/adad014>.

⁷¹ Elisa Pitria Ningsih, "Protection of Human Rights in the Investigation Process Criminal Offenses in Indonesia," *Journal of Strafvingering Indonesian* 1, no. 2 (2024): 12, <https://doi.org/10.62872/g9297g96>.

⁷² Faisal Fauzan et al., "Perspektif Hukum Islam Terhadap Perlindungan Khusus Bagi Pelapor Dan Saksi Tindak Pidana Pencucian Uang," *Media Syari'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial* 22, no. 2 (2021): 188, <https://doi.org/10.22373/jms.v22i2.8017>.



they have witnessed, heard, and experienced can be considered a noble act of worship. On the contrary, if someone conceals the truth, their heart is punished with sin. Thus, testimony and witness protection in the concept of siyasah shar'iyah are not merely individual issues; they are also ethical and moral issues in law and democracy. To conclude this paper, the author would like to reiterate that the successful prevention and prosecution of all forms of election-related criminal offences require cooperation among election organisers, the Jepara Regency Integrated Law Enforcement Centre, the community, and election participants, each in their respective roles. Evaluation of outreach programs and education activities involving all parties is also necessary to guarantee their effectiveness. By measuring the impact of these activities, election organisers can improve their quality. A strong synergy among various parties should lead to a smooth, honest, and healthy election that produces qualified leaders and strengthens Indonesia's democracy.

Conclusion

To conclude, the community's voting behaviour in Karimunjawa, Jepara, does not fully reflect their compliance with the law and the legal culture in regional head elections. Most people still show a permissive attitude towards patronage practices. This condition is influenced by several factors, including pragmatic views shaped by the community's social, cultural, and economic conditions, as well as apathy towards candidate pairs. However, in practice, this permissive behaviour does not significantly affect their political rights in determining their choice of regional head candidates. The main problem that hampers the Jepara Regency Integrated Law Enforcement Centre in enforcing criminal law against patronage practices is weak evidence, as community members concerned are reluctant to serve as witnesses due to fears of intimidation by the alleged perpetrators or other parties. This reluctance also stems from the fact that both complainants and the alleged perpetrators are often related as neighbours or relatives. This condition frequently presents obstacles to revealing the case and bringing it further to the investigation stage.

To overcome the root of the problem that hinders the effectiveness of criminal law enforcement against patronage practices, there needs to be a solution that protects the public as complainants and witnesses. In addition, it is essential to provide political and legal education based on Sharia values. In this context, a concrete solution is needed to enforce and prevent through an anthropological approach and siyasah shar'iyah. This approach is considered crucial, especially in shaping the tendency that reflects political awareness, public order, and the courage to uphold justice. Such an approach is also intended to maintain the integrity of the democratic and legal system, particularly during the contestation of regional head elections. This study contributes to the discourse on integrating electoral criminal law with Islamic values. It serves as a basis for the Election Supervisory Body and other relevant parties in reconstructing more equitable and progressive legal policies, particularly to mitigate and address all forms of electoral crimes, including the practice of political patronage in the context of law enforcement.



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