

# THE PRACTICE OF POLITICAL BRIBERY IN GENERAL ELECTIONS ACCORDING TO ISLAMIC LAW AND LAW NO. 7 OF 2017

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**Abstract:** This article aims to analyze the practice of political bribery in general elections according to Islamic law and Law No. 7 of 2017. This research is significant because political bribery remains rampant in electoral contests. Elections should serve as a benchmark for democracy, where individuals are granted the freedom to make political decisions to determine the direction of the state and achieve welfare. Additionally, general elections should provide a space for public participation and aspirations to elect leaders who understand the people's interests. This study is a literature review conducted using qualitative and descriptive approaches. The primary data sources consist of the Qur'an, Hadith, and the relevant law, while books, journal articles, and other relevant sources are considered secondary data. The collected research data is analyzed deductively. The study reveals that political bribery in elections takes the form of bribery, the distribution of groceries, and the provision of charitable donations under the guise of charitable foundations. In conclusion, Islamic law and the law perceive the practice of political bribery as detrimental to the personal, familial, societal, and national aspects of life. This research recommends that stakeholders, including state institutions, religious institutions such as MUI (Indonesian Ulema Council), and society, continue to monitor the democratic process in elections to prevent vote-buying practices that contradict Islamic law and the law. This study shapes public understanding of fair and just general elections following Islamic Sharia and the law.

**Keywords:** general elections; political bribery; Islamic law; general election law

**Abstrak:** Artikel ini bertujuan untuk menganalisis praktik politik uang dalam pemilihan umum menurut hukum Islam dan Undang-Undang No. 7 Tahun 2017. Penelitian ini penting dilakukan karena politik uang masih tumbuh subur dalam kontestasi Pemilu. Padahal, Pemilu seharusnya dijadikan salah satu tolok ukur demokrasi, dimana masyarakat diberikan kebebasan dalam mengambil keputusan politik guna menentukan arah bernegara dan tercapainya kesejahteraan. Selain itu, Pemilu seharusnya menjadi ruang partisipasi dan aspirasi masyarakat untuk menghasilkan pemimpin yang mengerti tentang kepentingan rakyat. Jenis penelitian ini adalah penelitian kepustakaan. Metode yang digunakan adalah kualitatif dengan pendekatan deskriptif. Sumber data primer diambil dari al-Qur'an dan hadis serta undang-undang, sedangkan buku, artikel jurnal dan sumber relevan lainnya dijadikan data sekunder. Data penelitian yang terkumpul dianalisis secara deduktif. Penelitian menemukan bahwa praktik politik uang dalam Pemilu terjadi dalam bentuk suap, bagi-bagi sembako, dan pemberian santunan dengan mengatasnamakan yayasan amal. Kesimpulannya, hukum Islam dan undang-undang memandang praktik politik uang membawa kemudharatan bagi kehidupan pribadi, keluarga, masyarakat maupun bangsa dan negara. Penelitian ini menyarankan agar para pemangku kepentingan baik lembaga negara maupun lembaga keagamaan seperti MUI, dan masyarakat, untuk terus mengawal proses demokrasi dalam Pemilu agar terhindar dari praktik politik uang karena bertentangan dengan Hukum Islam dan undang-undang. Penelitian ini berkontribusi pada pembentukan pemahaman masyarakat dalam proses Pemilu yang jujur dan adil sesuai syariat Islam dan undang-undang.

**Kata kunci:** pemilihan umum; politik uang; hukum Islam; undang-undang pemilihan umum

## Introduction

General elections (Pemilu) are one of the pillars of democracy, serving as a platform for the realization of popular sovereignty and the establishment of a democratic government (Saharuddin, 2023; Mujiharto, 2023; Udombana, 2022). The government that emerges from the general elections is expected to possess strong legitimacy and trustworthiness and bring prosperity to all segments of society (Widjayanto et al., 2022). General elections serve as a cornerstone of democracy, with the people's direct involvement in determining the state's direction and political policies for five years, necessitating efforts from all components of the nation to uphold the quality of the elections. This is regulated in Law No. 7/2017 on General Elections (Prastiwi, 2018; Iriani et al., 2023).

The recruitment of candidates by political parties depends on the evolving electoral system of a country (Fahmi, 2011; Febrian et al., 2022). In Indonesia, legislative elections (for the DPR, DPRD I, and DPRD II) adopt a proportional representation system with an open-list system. This system allows a candidate to receive more votes than others within the same party. For political parties, a candidate's popularity directs voters' focus towards their party rather than other political parties.

One fundamental characteristic of democracy is the free competition among elites to gain the support of citizens in order to hold public positions such as the President or members of the DPR. This public support is translated into election participation to choose individuals or parties to occupy public positions. The 1955 General Elections were the first elections held by the Republic of Indonesia in response to Vice President Moh. Hatta's Proclamation No. X/1945, dated November 3, 1945, instructed the establishment of political parties in Indonesia. The 1971 General Elections were the first elections held during the New Order era, conducted on July 3, 1971, using a combination system (Prakoso, 2004). The proportional representation system with a list system was used to elect DPR and DPRD members.

Approaching the public as candidates is key to gaining their votes during elections. Political campaigns involving community visits and selected areas are candidate activities to win people's hearts. The level of public

participation in elections serves as an indicator of the democratic process. However, other reasons motivate people to participate, including reciprocating favours to candidates during campaign activities through the distribution of groceries, souvenirs, and even money, although such practices are prohibited (Sukartini et al., 2023).

Several practices to secure votes in electoral contests vary; some are conducted within the boundaries and norms of the law, while others resort to unfair means contrary to the law, namely the use of vote-buying (Wirdono, 2023). Political bribery manifests political elites employing unfair methods to gain power (Septiono et al., 2023). There are two types of political bribery: direct, which involves providing money to voters, and indirect, which involves giving various goods with high utility and exchange value (Mustika & Rodiyah, 2023).

Political bribery is prevalent in Indonesia (Thesia, 2023; Sari et al., 2023; Wartoyo & Ginting, 2023). However, such practices violate the legal provisions outlined in Law No. 7/2017 on General Elections. According to the law, the task of the Election Supervisory Board (Bawaslu) is to prevent political bribery. Bawaslu examines, assesses, and adjudicates cases of political bribery (Turyadi, 2023). Considering the political context in Indonesia, political bribery has become a customary practice among political elites to gain sympathy and support to win elections.

Political bribery is a serious problem in every election in Indonesia, ranging from village head elections, legislative members, Regional Representative Council (DPD), and regional head elections to presidential elections (Purnomo et al., 2023). Syauket (2022) states that political bribery begins during the candidate nomination process, campaign period, and even election day when the votes are counted.

Political bribery is generally employed to win the sympathy of voters in exercising their voting rights in each election. The Constitutional Court records that the most frequently cited violations in court proceedings are related to political bribery. These violations can occur at every stage, even before the registration phase of prospective candidate pairs. Political bribery occurs by taking advantage of programs funded by the state budget to create the perception that the success of those programs is the merit of a specific

individual who will run for a regional head position. Grants or assistance programs are engineered so that the public perceives them as acts of generosity by specific prospective candidates. Furthermore, candidate pairs assist organizations or community groups, including providing money or goods with the expectation of support for a specific candidate pair. Such excesses are deeply concerning and undermine the principles of democracy and the foundations of the rule of law.

Vote-buying continues to occur from one election to another, posing a significant threat to Indonesia's efforts to achieve clean, integrity-driven, and dignified elections. This is because vote-buying practices inflate political costs, ultimately leading to behaviours contrary to the law and Islamic principles. Therefore, this research aims to analyze the practice of political bribery in general elections according to Islamic law and Law No. 7 of 2017.

## **Method**

This study's research type is a literature review (Watts & Mahfood, 2014). The methodology employed is qualitative with a descriptive approach. The primary data sources were derived from verses of the Qur'an, hadith, and the law, while books, journal articles, and other relevant sources were considered secondary data. The collected research data was analyzed deductively.

## **Results and Discussion**

### **Characteristics of Political Bribery Practices**

Indonesia is a country that embraces a democratic system, a form of government that arises from the people's will and aims to fulfil their interests. When a country chooses democracy, everything should originate from the people, by the people, and for the people. Democracy is a political form of government where the power comes from the people, either directly (direct democracy) or through representatives (representative democracy) (Naim & Mokodenseho, 2023).

Democracy is "majority rule, minority right" (Kamil, 2020). A country is considered democratic to the extent that it guarantees human rights (such as freedom of speech, association, and assembly). Indicators of democratic

states include establishing a fully democratic and representative political system based on free and fair elections. Secondly, the effective recognition of fundamental freedoms and personal liberties, including freedom of religion, speech, and assembly. Thirdly, the elimination of any laws and regulations that hinder the functioning of a free press and the formation of political parties. Fourthly, the creation of an independent judiciary. Fifthly, the establishment of non-partisan military, security, and police forces.

Elections are regarded as a symbol and a yardstick of democracy, as they allow people to make political decisions and are considered as the participation and aspirations of the community. Elections are expected to produce representatives who understand the people's aspirations. Generally, elections stem from the grand conception and ideas of democracy. Freeman (1990) citing the views of John Locke and Rousseau, states that democracy guarantees freedom, justice, and equality for individuals in all aspects. In a democracy, participatory values and sovereignty are highly valued and must be practised by citizens and state instruments at the legislative, judicial, and executive levels. The key phrase in direct elections by the people is the people's sovereignty. Thus, the reputation of democracy is undeniably the true interpretation of popular sovereignty itself (Naim & Mokodenseho, 2023).

Considering the practice of elections in modern political systems, elections can be divided into two types. *Firstly*, elections are a political formality, where elections are merely used to legitimize non-democratic governments, and the elections themselves are conducted undemocratically. *Secondly*, elections as a democratic tool, where elections are conducted honestly, freely, fairly, competitively, and justly. In democratic events such as legislative, regional, or presidential elections, it is not uncommon to find the practice of political bribery, which ultimately undermines the democratic system itself (Heriyanti, 2020).

Susno Duaji, as quoted by Widodojoko (2017), mentions three practices of political bribery in elections. *Firstly*, purchasing seats in the form of "dowry" to political parties. *Secondly*, buying opportunities and legal immunity prevent election organizers, witnesses, and law enforcement from condemning their vote-buying activities. *Thirdly*, buying the votes of the

people or engaging in political bribery. Political bribery refers to any deliberate action of providing or promising money or other materials to individuals to dissuade them from exercising their voting rights or to influence them to vote for a specific election participant, or intentionally providing campaign funds from or to parties prohibited by law, or intentionally providing false information in election campaign finance reports.

In Indonesia, the term "political bribery" is not unfamiliar (Anggoro et al., 2022; Sitompul, 2023; Adlin et al., 2022). Political bribery refers to bribery or bribery with money. The concept of political bribery involves using money to influence specific decisions, wherein money becomes a tool to influence individuals in their decision-making process. Some define political bribery as an effort to influence others through material rewards, or it can also be interpreted as the buying and selling of votes in political and power processes, including the act of distributing money, whether from personal funds or political parties, to influence voter preferences (voters).

Political bribery is often carried out in various ways during campaigns, including providing money and goods. Money is a powerful political tool, making it a primary factor in people's lives. It is an important factor in boosting an individual's status while controlling strategic discourses related to political interests and power. There are several characteristics or practices of political bribery. *Firstly*, through the candidate's campaign team. Political bribery can be conducted through the candidate's campaign team using various methods to secure votes from the public, whether in the form of goods or money and, *secondly*, through close acquaintances. Political bribery can also be carried out through close relatives, such as when a sibling or family member becomes a candidate and their close relatives or acquaintances contribute to the candidate's victory. *Thirdly*, direct contributions by the candidate. Political bribery can occur through direct contributions from the candidate, employing various methods to familiarize and directly interact with the public (Kamil, 2013).

Money plays a crucial role in regional and general elections (Pilkada and Pemilu). There are other characteristics or practices of political bribery that occur. The first characteristic is using campaign materials as a means of

campaigning, such as distributing brochures, stickers, and shirts while providing rewards such as meal allowances, transportation expenses, phone credit, and fatigue compensation to both specific candidate supporters and undecided voters (floating mass). Almost all candidate pairs do this. These terms conceal the meaning of payments to supporters, and the mechanisms and standards of payment vary. Some team members receive regular payments, others receive payment just before Election Day, and some are paid based on the work they do. The team members are given an additional bonus if the candidate wins.

The second characteristic is that political bribery is not limited to money but also takes various actions, such as distributing donations to party cadres, supporters, groups, or specific communities, whether in the form of goods or money. Direct aid (political groceries, the Indonesian term typically used to refer to the distribution of goods or essential items by politicians or candidates during political campaigns is "political aid" or "campaign aid") refers to providing certain aid to communities or specific groups by particular candidates. This is done by submitting proposals specifying the requested type and amount of assistance. If the proposal is accepted, it automatically implies that the voter must be ready to vote. A concrete example of political '*groceries*' is providing necessities such as rice, noodles, cooking oil, sugar, or other grocery items. This method is usually effective because it targets economically disadvantaged communities. For instance, a legislative candidate provides groceries to the community participating in the election, gives money under the guise of charity, or offers clothing items such as sarongs or shirts.

Political bribery is prevalent in society as elections approach, and it seems increasingly embedded in the community. However, it is not easy to express and is driven by various factors: *Firstly*, the need for more commitment from officials or employees and some members of society to uphold values such as being watched by Allah SWT, recognizing the temporary nature of life, and having faith in the accountability of deeds on the Day of Judgment. *Secondly*, the need for more commitment from officials or employees and some members of society to uphold moral values, such as

honesty, speaking the truth, cleanliness, preserving modesty (*'iffah*), and maintaining personal dignity.

*Thirdly*, the lack of effective monitoring and supervision systems from top to bottom, and even if they exist, they tend to be delayed or disregarded as if they were unaware. *Fourthly*, the prevailing culture of nepotism, pretence, and lobbying focuses only on exceptions while lacking a commitment to adhering to rules, systems, norms, and procedures. *Fifthly*, the need for exemplary leaders and role models leads the community to believe that whoever becomes a leader will not be able to change their destiny, ultimately resulting in buying and selling votes to interested parties.

Concerning the factors mentioned earlier, democracy should be characterised by seven principles. *Firstly*, the important principle of diversity awareness involves passive recognition that society is diverse and requires active, positive responses to diversity itself. An organisation that upholds democratic values must preserve and protect various varieties. *Secondly*, an understanding of the meaning and spirit of deliberation necessitates the awareness and maturity to genuinely accept the possibility of compromise or even defeat in the contestation. The spirit of deliberation demands that everyone realises that not all ideas and interests will be taken or implemented, as monolithism or absolutism contradicts the democratic way of life. *Thirdly*, the means employed should align with the objectives. Still, if the purposes deviate from justifying any means, the community collectively condemns despicable actions that seek to achieve their aims while disregarding moral considerations. Therefore, the democratic worldview obliges the belief that goals must be achieved through good means or prioritise goodness in methods.

*Fourthly*, a democratic society requires honesty in the deliberation process, and it should also encompass sincerity, meaning liberation from excessive vested interests that can undermine the values and spirit of democracy itself. *Fifthly*, the fulfilment of the people's basic needs, namely food, clothing, and shelter, as these three basic needs are related to the social and cultural dimensions. Planning is necessary to ensure that citizens in a democratic society can fulfil these needs in a planned manner and concurrently aligned with the objectives and practices of democracy.

Sixthly, there should be cooperation and mutual trust among citizens to support each other functionally. Society should be free from horizontal suspicion that often incurs excessive and inefficient costs of democracy. Hence, an optimistic humanitarian foundation is required. *Lastly*, the presence of healthy democratic education, where the values and understanding of democracy should be an integral part of the education system, enabling them to be more effectively socialised to the wider society.

Considering various important points in the criteria of the democratic worldview, it is crucial to build our awareness of pluralism or diversity (Mokodenseho & Wekke, 2017; Wekke et al., 2017; Wekke & Mokodenseho, 2018; Wekke & Mokodenseho, 2017), so that we can foster cooperation among community members within a relevant framework of deliberation that aligns with Indonesian culture to achieve honest and fair consensus.

### **The Practice of Political Bribery According to Islamic Law**

In Islam, political bribery is referred to as "*risyah*." *Risyah* has various interpretations in terms of its linguistic meaning. According al-Asqalani (1991) quoting al-Arabi, *risyah* or bribery is wealth given to purchase honour/power for the recipient to facilitate/legitimize something unlawful. Muhsin (2001) defines *risyah* as something given to a judge or a person with authority to decide so that the giver can obtain legal certainty or fulfil their desires. Meanwhile, the Indonesian Ulama Council (MUI) states that *risyah* is a gift given by someone to another person (official) to approve an invalid act or invalidate a rightful act (Haryono, 2017).

Bribery can occur when its elements are fulfilled, which include the bribe recipient (*al-Murtasyi*), who is the person receiving something from another person in the form of wealth, money, or services so that they fulfil the request of the briber even though it is not permissible according to Islamic law, whether it involves action or inaction. Usually, the person committing bribery is an official, but it is not limited to officials only; it can also involve individuals in subordinate positions. The briber (*al-Rasyi*), on the other hand, is the person who provides wealth, money, or services to achieve their goals. The briber is generally someone interested in the recipient of the bribe. This interest can be legal or related to elections, leading them to resort

to any means to achieve their objectives. *Lastly*, bribery (*al-risywah*) refers to the bribe itself, which can take various forms, such as money, cars, houses, motorcycles, etc. Bribery is prohibited and highly condemned in Islam, as it is considered an invalid act, as stated by Allah SWT in Surah Al-Baqarah [2]: 188, Surah An-Nisa [4]: 29, and Surah Al-Maidah [5]: 42 and 62.

“*Risywah*” (bribery) differs from gifts (*hadiyah/ هدية*), grants (*hibah/ هبة*), and charity (*sadaqah/ صدقة*), although they all involve the act of giving. A gift is a present given to someone as a token of appreciation or generosity (*ala sabilil ikram*). The difference lies in the intention behind it—bribery (*risywah*) is given to obtain something desired, while a gift is given sincerely as a form of appreciation and affection. On the other hand, a grant (*hibah*) refers to giving something to someone without expecting any reward or specific purpose.

Bribery, or “*risywah*” in Arabic, has various forms, as explained by scholars such as Ibnu Abidin when quoting from the book *al-Fath*. He mentions four types of bribery or *risywah*. *Firstly*, there is the forbidden “*haram*” bribery involving both the giver and the recipient, which aims to gain an advantage in judicial and governmental matters. *Secondly*, there is bribery “*risywah*” towards judges to influence their verdicts, even if their decisions are correct, as it is deemed impermissible for both the giver and the receiver. *Thirdly*, there is bribery “*risywah*” aimed at rectifying a matter by requesting the ruler to reject harm and seek benefit. However, if it is not explicitly requested and someone believes that the given offering is a gift to the ruler, according to Hanafi scholars, it is permissible (*la ba`sa*). If someone performs their duties without it being a condition or due to their greed, giving them a gift is *halal* but disliked (*makruh*). *Lastly*, there is bribery to ward off threats against oneself or one's property, which is permissible for the giver but forbidden for the recipient. This is allowed because repelling harm from a fellow Muslim is obligatory, but taking money to perform an obligation is not permissible.

Islamic jurists have presented different opinions regarding the matter. *Firstly*, bribery is forbidden in all circumstances, based on the general meaning and evidence from the hadith where the Prophet Muhammad (peace be upon him) cursed those who give bribes, receive bribes, and act as brokers between

them. Engaging in political bribery is considered sinful as it involves assisting in a forbidden act, and the perpetrator should be subjected to legal consequences according to the judge's discretion. *Secondly*, bribery is permissible in cases of necessity. This opinion refers to the Sharia principle that "necessity permits what is prohibited." According to this view, if someone has a neglected right or a delayed benefit that can only be obtained or realized through *risymah*/bribery or political bribery, then in such a situation, the briber is not considered sinful. However, the recipient bears the full burden of the sin. Those who support the second opinion have laid down Sharia guidelines that must be fulfilled by individuals compelled to engage in *risymah* or political bribery.

The connection between the definition of bribery/*risymah* in all its forms and variations with political bribery, which is currently a social phenomenon, can be explored. The similarities between bribery/*risymah* and political bribery can be outlined. *Firstly*, there is the intention (the most fundamental aspect of every action). *Secondly*, there is the element of giving money. *Thirdly*, there is the element of receiving money. *Fourthly*, there is the element of acting or not acting according to the wishes or desires of the giver. *Fifthly*, there is the element of cancelling what is rightful and wrongful.

Political bribery, as part of corrupt behaviour, is considered a practice that undermines democracy, where society, as the main actor in democracy, should truly have independent agency, meaning that individuals have the right to determine their choices freely, including in electing their representatives or leaders. With the presence of political bribery, the freedom that is the essence and main objective of democracy becomes threatened. Therefore, political bribery in elections is a problem that endangers the nation's morality, even though economically, it may provide short-term assistance to the underprivileged who benefit from it. In this regard, Islam prohibits political bribery as it can undermine the democratic system.

Essentially, political bribery undermines the fundamental purpose of elections: to exercise the people's sovereignty without any interference from anyone in choosing their preferred candidates. To obtain good leaders, this practice must be avoided as it is known that a leader who engages in bribery, *risymah*, from the beginning does not guarantee that they will act differently in

the future. Besides undermining the democratic system, political bribery can also corrupt the spirit and intellect of the people, leading them to become apathetic and wait to be approached by candidates to gain personal benefits. According to *fiqh siyasah*, if political bribery is violated in elections, those involved will bear the sin, as Allah SWT detests bribery and greatly harms others and the nation. If bribery occurs during elections, it can be considered invalid as it is motivated by the intention to garner votes from others for personal gain.

### **The Implementation of Islamic Law and Legislation in Combating Political Bribery**

The practice of political bribery in Indonesian politics is often disguised under the guise of assistance, charity, and other similar terms. The shift of the term "political bribery" into religious morality has indirectly provided social protection through the cultural norms of society, which have normalized such behaviour. Once society perceives it as a common practice, the formal legal strength of the law will face challenges in addressing it. Therefore, it is crucial to carefully understand the underlying meanings behind political behaviour to facilitate an analytical separation between contributions laden with the nuances of bribery and genuine assistance. Given the challenges in obtaining clear perceptions among societal leaders, the Indonesian Ulema Council (MUI) issued a fatwa in 2018 regarding political bribery and remuneration, aiming to guide ethical choices in regional elections (Pilkada) and general elections (Pemilu).

The MUI's Fatwa Commission (*Ijtima*) on Electoral Guidance issued legal guidelines for Pemilu and Pilkada that prioritize the interests of the Indonesian nation with several legal provisions. *Firstly*, in matters of *mu'amalah* (transactions), including political affairs, Islam allows flexibility based on agreements to achieve benefits and avoid harm (*jalb al-mashalih wa dar'u al-mafasid*), as long as the agreement does not make the permissible (halal) forbidden (haram) or vice versa. *Secondly*, from the Islamic perspective, elections are a means to choose leaders or representatives who meet the ideal qualifications for realizing shared aspirations in line with the interests of the nation and its people. *Thirdly*, choosing a leader (*nashbu al-imam*) in Islam is an obligation to establish *imamah* (leadership) and *imarah* (governance) in

collective life. Therefore, the participation of Muslims in elections is obligatory, with the following conditions: (a) Direct, free, fair, and secret participation; (b) Choices based on faith, piety towards Allah SWT, honesty, trustworthiness, competence, and integrity; (c) Free from bribery (*risywah*), political bribery, fraud (*kebidan*), corruption (*ghubul*), oligarchy, political dynasties, and any acts prohibited by Sharia. *Fourthly*, as stipulated in the Constitution and relevant legislation, a maximum limit of two terms for leadership positions must be followed to achieve benefits and prevent harm (*mafsadat*). *Fifthly*, selecting and appointing regional leaders can be carried out using alternative agreed-upon methods, as long as they do not contradict Sharia principles. The current implementation of regional elections (Pilkada) is deemed to cause more harm (*mafsadat*) than benefits (*maslahah*), including sharpening horizontal conflicts within society, causing disharmony, threatening national integration, and eroding moral values due to the rampant practice of political bribery.

Examining the MUI fatwa above, some religious scholars state that political bribery is haram (forbidden), while others neither declare it haram nor permissible. Differentiating between a contribution that falls under rishwah (bribery) and a contribution classified as *amal jariyah* (worthwhile charity) is challenging. Legal uncertainty is one of the causes of the widespread practice of political bribery.

The author proposes certain values that need to be practised in life to prevent political bribery. *Firstly*, initiating life and engaging in work with sincere intentions. *Secondly*, cultivating the value of detachment towards material possessions. *Thirdly*, fostering feelings of shame and guilt for those involved in corruption and political bribery. *Fourthly*, promoting honesty and trustworthiness. *Fifthly*, avoiding instant gratification in pursuing life success. *Sixthly*, eliminating materialistic, capitalistic, and hedonistic tendencies. *Seventhly*, maintaining a mindset free from sinful behaviour. *Eighthly*, maintaining a devoutness to Allah SWT. *Ninthly*, remaining steadfast in endeavours. *Tenthly*, cultivating gratitude for blessings from Allah SWT. *Eleventhly*, nurturing patience in the face of trials to prevent falling into corruption and political bribery. *Twelfthly*, instilling fear of Allah.

Consistent law enforcement against political bribery must begin with fostering obedience to the law. Compliance with the law is inseparable from legal awareness. The law must be applied consistently, without discrimination or favouritism towards anyone or anything, except for truth and justice. However, the law is selectively enforced and loses credibility as a means of advocating rights and justice. In that case, it is not surprising that society becomes anarchic and apathetic towards the law. The prevalence of political bribery, especially concerning legislative and regional head elections, is partly due to the lack of serious and comprehensive handling of political bribery violations. Handling such violations is only done haphazardly and sporadically. Consequently, law enforcement agencies often feel frustrated in addressing these cases as they occur uniformly. Therefore, the law must maintain its credibility in upholding the supremacy of the law so that society can respect and comply with it. Thus, fostering a legal culture becomes essential in a legal state where the law can transform society for the better, promote orderliness, and establish trustworthiness in advocating rights and justice. One of the solutions proposed by the author to prevent such practices is the establishment of progressive Islamic laws.

The manifestation of progressive Islamic law includes *ijtihad*, which allows an Islamic criminal judge to apply Sharia-based laws in their legal rulings against perpetrators of political bribery and corruption. Another solution proposed is to improve the welfare of civil servants. This can be achieved through increased income, such as salary or legitimate remuneration.

From *Maqashid al-Shariah's* (objectives of Islamic law) perspective, political bribery brings more harm than benefits. The harm is based on political bribery's consequences, impacts, and influence on individuals, families, communities, and the nation. The prohibition of unjustly acquiring the wealth of others, as stipulated in Shariah (Mokodenseho & Puspitaningrum, 2022), applies not only to state officials in the executive, legislative, and judicial branches but also to the general public. Shariah recognizes the negative aspects arising from the practice of political bribery. Political bribery, which has been widespread, not only harms the state's finances but also violates the social and economic rights of the people.

The government intends to eliminate political bribery, as evidenced by regulations in the law that prohibit it and specify legal sanctions, including imprisonment and fines. The criminal offence of political bribery is regulated in Article 523, paragraphs (1) to (3) of Law No. 7/2017 on Elections, categorized into three phases: during the campaign, the quiet period, and the voting process. However, the government's seriousness in enforcing these regulations needs to be more credible, as no reports have been heard of individuals being imprisoned for engaging in political bribery, despite its widespread occurrence. This lack of seriousness is evident in the latest law on the Election of Governors/Mayors, where no article or clause specifically addresses political bribery. This indicates areas for improvement and a lack of commitment. The government, along with the legislature responsible for creating laws, do not want to complicate matters for themselves. If the prohibition of political bribery were regulated and enforced, the government, including political party members in the legislative and executive branches, would be subject to punishment.

## **Conclusion**

Political bribery is not limited to monetary transactions. However, it is packaged in various actions, such as distributing contributions (goods) to party cadres, sympathizers, specific groups, or communities. There is also direct assistance (political groceries/ the term for "political aid" or "campaign aid.") provided by certain candidates to specific communities or groups. These examples illustrate that political bribery continues to thrive in every electoral contest. Therefore, this practice must be eliminated promptly, and those involved must face deterrent consequences. Political bribery should be countered through religious institutions, including the issuance of specific fatwas by religious scholars explicitly condemning political bribery as an unethical act that violates both the law and religious norms. From the perspective of *Maqashid al-Shariah* (objectives of Islamic law) and the law, preventing political bribery is essential. Political bribery brings more harm than benefits based on its consequences, impacts, and influence on individuals, families, communities, and the nation.

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