

**THE IMPLICATIONS OF PRESIDENT JOKO WIDODO'S ENDORSEMENT
IN THE 2024 ELECTIONS AND ITS EFFECT ON DEMOCRACY IN
INDONESIA IN THE PERSPECTIVE OF SIYASAH DUSTURIYAH**

THESIS

By:

Tasya Nabila Huriyyatun Nayyirah

NIM. 200203110049



CONSTITUTIONAL LAW (SIYASAH) STUDY PROGRAM

FACULTY OF SHARIA

UIN MAULANA MALIK IBRAHIM MALANG

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2024

STATEMENT OF THESIS AUTHENTICITY

For the sake of Allah, with awareness and a sense of responsibility for scientific development, the author declares that the thesis with the title :

THE IMPLICATIONS OF PRESIDENT JOKO WIDODO'S ENDORSEMENT IN THE 2024 ELECTIONS AND ITS EFFECT ON DEMOCRACY IN INDONESIA IN THE PERSPECTIVE OF SIYASAH DUSTURIYAH

It is true that the thesis is prepared by the author himself based on the guidelines and rules of scientific work that is accounted for, if in the future this thesis report is the result of plagiarism of others, then this thesis as a predicate for a bachelor's degree is declared null and void.

Malang, March 7, 2024

Author



TASYA NABILA H.N

NIM. 200203110049

APPROVAL PAGE

After reading and correcting the thesis of TASYA NABILA HURIYATUN NAYYIRAH. NIM 200203110049 Students of the Constitutional Law (Siyasah) Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang, with the title :

**THE IMPLICATIONS OF PRESIDENT JOKO WIDODO'S
ENDORSEMENT IN THE 2024 ELECTIONS AND ITS EFFECT ON
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DUSTURIYAH.**

Then the supervisor states that the thesis has met the scientific requirements to be submitted and tested by the Board of Examiners.

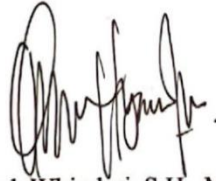
Mengetahui,
Ketua Program Studi
Hukum Tata Negara (Siyasah)


Dr. H. Musleh Harry, SH, M.Hum.

NIP. 196807101999031002

Malang, 7 Maret 2024

Dosen Pembimbing


Yayuk Whindari, S.H., M.H., LL.M.

NIP. 198706202019032013



MINISTRY OF RELIGION OF THE REPUBLIC OF INDONESIA
MAULANA MALIK IBRAHIM MALANG STATE ISLAMIC UNIVERSITY
FACULTY OF SHARIA

Jl. Gajayana 50 Malang Tel. (0341) 551354 Fax. (0341) 572533
Website : <https://syariah.uin-malang.ac.id> Email : syariah@uin-malang.ac.id

PROOF OF CONSULTATION

Name : Tasya Nabila Huriyyatun Nayyirah El-Israqiyyah
NIM : 200203110049
Study Program : Constitutional Law (Siyasah)
Supervisor : Yayuk Whindari, S.H., M.H., LL.M.
Thesis Title : The Implications of President Joko Widodo's Endorsement in The 2024 Elections and Its Effect on Democracy in Indonesia in The Perspective of Siyasah Dusturiyah.

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2.	October 26, 2023	Background	
3.	October 27, 2023	Problem Formulation	
4.	November 8, 2023	Objectives and Benefits	
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10.	February 2, 2024	Discussion of Research Results	
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14.	March 5, 2024	Discussion of Chapter IV and <i>abstract</i>	
15.	March 7, 2024	Collection of the final <i>draft of the thesis</i>	
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Malang, March 8, 2024

Knowing,

Ketua Prodi Hukum Tata Negara (Siyasah)

Dr. H. Musleh Harry, SH, M.Hum

NIP. 196807101999031002

THESIS ENDORSEMENT

The Board of Examiners of the Thesis of Tasya Nabila Huriyyatun Nayyirah El Israqiyyah NIM 200203110049 Students of the Constitutional Law (Siyasah) Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang, with the title :

THE IMPLICATIONS OF PRESIDENT JOKO WIDODO'S ENDORSEMENT IN THE 2024 ELECTIONS AND ITS EFFECT ON DEMOCRACY IN INDONESIA IN THE PERSPECTIVE OF SIYASAH DUSTURIYAH

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With Examiner :

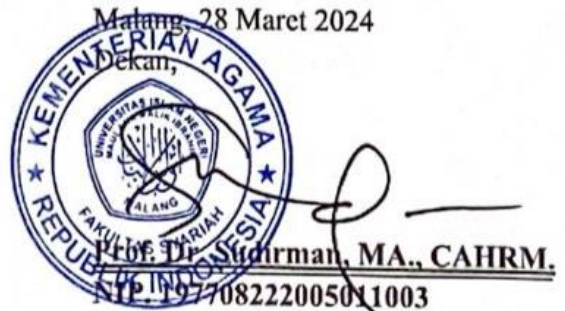
1. Khairul Umam, M.HI
NIP. 199003312018011001
2. Yayuk Whindari, S.H, M.H., LL.M.
NIP. 198706202019032013
3. Dr. Mustafa Lutfi, S.Pd., S.H., M.H.
NIP. 198405202023211024

(.....)
Ketua

(.....)
Sekretaris

(.....)
Penguji Utama

Malang, 28 Maret 2024



MOTTO

Justitiae non est neganda, non differenda

“Justice cannot be denied or delayed.”

إِنَّ لِنَفْسِكَ عَلَيْكَ حَقًّا وَلِرَبِّكَ عَلَيْكَ حَقًّا وَلِضَيْفِكَ عَلَيْكَ حَقًّا وَلِنَّ لِأَهْلِكَ عَلَيْكَ حَقًّا فَأَعْطِ كُلَّ ذِي حَقِّ حَقَّهُ

“Indeed, there is a right for you, a right for your Lord, a right for your guest and to your family there is a right. So give each of them their due.” (HR Turmudzi)

FOREWORD

Alhamdulillah wa syukurillah, for the grace and guidance of writing a thesis entitled **“THE IMPLICATIONS OF PRESIDENT JOKO WIDODO’S ENDORSEMENT IN THE 2024 ELECTIONS AND ITS EFFECT ON DEMOCRACY IN INDONESIA IN THE PERSPECTIVE OF SIYASAH DUSTURIYAH”** this can be completed properly.

Shalawat and salam may always be poured out to the great Prophet Muhammad SAW who has brought us from the realm of pitch darkness to a brightly lit realm with the existence of Islam. May we be included in the group of people who believe and get his intercession on the last day. Aamiin. With all my efforts and assistance, input guidance, and the results of discussions from various parties in the process of writing this, then, with all sincerity the author expresses his deepest gratitude to:

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2. Prof. Dr. Sudirman, M.A., CAHRM. as Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang.
3. Mr. Dr. H. Musleh Harry, SH, M.Hum. as Head of the Constitutional Law (Siyasah) Study Program, Faculty of Sharia, UIN Maulana Malik Ibrahim Malang
4. Mrs. Yayuk Whindari, S.H., M.H., LL.M. as the guardian lecturer as well as the author’s supervisor in writing this thesis. I sincerely thank the author for the opportunity of time and all forms of assistance that he has given to guide, direct, and provide input and motivation in completing this thesis.

5. The entire Board of Thesis Examiners. The author would like to thank you for taking the time to test and correct this thesis.
6. All lecturers of the Sharia faculty of UIN Maulana Malik Ibrahim Malang who have provided lectures to all of us patiently and sincerely.
7. Both of my parents, my beloved ummi father, who is the main reason for my enthusiasm to complete all the processes of studying education up to the stage of this thesis, who always give prayers, support, advice and all efforts for the author.
8. My beloved friend and my bestfriends, who always support my every step in writing this thesis.
9. To all those who I cannot mention one by one who have helped the author during the initial process until the end of the completion of the thesis.

With the completion of this thesis report, the author hopes that the knowledge that has been obtained during lectures can provide benefits in the life of the world and the hereafter. As a human being who is not free from mistakes, the author asks for forgiveness and criticism and suggestions from all parties as an effort to improve in the future.

Malang, March 6, 2024

A handwritten signature in black ink, appearing to read 'Laryu', followed by a period. The signature is written in a cursive style.

Author

TRANSLITERATION GUIDELINES

A. General

Transliteration is the transfer of Arabic writing into Indonesian writing (Latin), not the translation of Arabic into Indonesian. Included in this category are Arabic names of Arabs, while Arabic names of non-Arabs are written as the spelling of their national language, or as written in the book being referred to. The writing of book titles in footnotes and bibliographies, still uses the provisions of transliteration.

B. Consonants

ا	=	-	ض	=	dl
ب	=	b	ط	=	th
ت	=	t	ظ	=	dh
ث	=	ts	ع	=	'
ج	=	j	غ	=	gh
ح	=	h	ف	=	f
خ	=	kh	ق	=	q
د	=	d	ك	=	k
ذ	=	dz	ل	=	l
ر	=	r	م	=	m
ز	=	z	ن	=	n
س	=	s	و	=	w
ش	=	sy	هـ	=	ha
ص	=	sh	ء	=	h

ي = y

Hamzah (ء) which is often denoted by alif, when located at the beginning of the word, its transliteration follows its vocalization, not symbolized, but when it is located in the middle or end of the word, it is symbolized by a comma sign above (‘), turning with a comma (‘) to replace the symbol “ع”.¹

C. Vowels, Lengths and Diphthongs

Every Arabic writing in the form of vowel writing is written with fathah “a”, kasrah with “i”, dlommah with “u” while the long readings are each written with a “^” above the vocal letters as follows

Long vowel (a) = â For example قال becomes *Qâla*

Long vowel (i) = î For example قيل becomes *Qîla*

Long vowel (u) = û For example دون becomes *Dûna*

Especially for the reading of ya’ nisbat, it should not be replaced with “i” but still written with “iy” in order to illustrate the ya’ nisbat at the end of the word. For diphthongs wawu and ya’ after fathah with “aw” and “ay”.

Like the example below :

Diphthong (aw) = و For example قول becomes *Qawlun*

Diphthong (ay) = ي For example خير becomes *Khayyun*

D. Ta’ marbuta

¹ Guidelines for Writing Scientific Work of the Faculty of Sharia UIN Maulana Malik Ibrahim Malang, 2022.

Ta' marbutah is transliterated using "t" if it is in the middle of a sentence, if the ta' marbutah is at the end of the sentence, it is transliterated using "h". For example, الرسالة للمدرسة becomes *ar-risâlat li al-mudarrisah*, or if it is in the middle of a sentence consisting of *mudlaf* and *mudlaf ilayh*, then it is transliterated using "t" which is connected to the next sentence, for example في رحمة الله becomes *fi rahmatillah*.

E. Interpretation

The article "al" (ال) is written with a lowercase letter, unless it is located at the beginning of a sentence, while the "al" in *lafadh jalâlah* which is in the middle of a sentence that is backed up (*idhafah*) is omitted.

F. Indonesianized Arabic Names and Words

In principle, every word derived from Arabic must be written using the transliteration system. If the name is the Arabic name of an Indonesian or Indonesianized Arabic, it does not need to be written using the transliteration system.

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ABSTRACT

Tasya Nabila Huriyyatun Nayyirah 200203110049, Implikasi Sikap *Endorsement* Presiden Joko Widodo Pada Pemilu 2024 dan Pengaruhnya Terhadap Demokrasi di Indonesia Dalam Perspektif Siyasah Dusturiyah, Skripsi, Hukum Tata Negara (Siyasah), Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang
Pembimbing : Yayuk Whindari, S.H., M.H., LL.M.

Kata Kunci : Demokrasi; *Endorsement*; Pemilu

Presiden harus bersifat netral dalam bertindak dalam segala tindakan yang berhubungan dengan pemilu. Terutama dalam mewujudkan penyelenggaraan pemilu yang demokratis. Walaupun dalam PKPU No.15 Tahun 2023 terdapat kebolehan Presiden untuk berkampanye, terdapat beberapa ketentuan yang perlu diperhatikan, khususnya pelarangan penggunaan fasilitas negara. Pasal 283 UU Nomor 7 Tahun 2017 tentang Pemilu, dengan tegas melarang pejabat negara untuk melakukan tindakan yang menguntungkan atau merugikan peserta pemilu karena dapat merusak integritas proses demokrasi Indonesia.

Penelitian ini menggunakan metode penelitian yuridis normatif yaitu usaha untuk mengolah data yang berhubungan dengan Implikasi sikap *endorsement* Presiden Joko Widodo dalam Pemilu 2024 dan pengaruhnya terhadap demokrasi di Indonesia dalam perspektif siyasah dusturiyah melalui metode pendekatan perundang-undangan dan pendekatan konseptual dan menggunakan metode pengolahan data yuridis kualitatif.

Penelitian ini membuktikan sikap *endorsement* Presiden Joko Widodo pada Pemilu 2024 bertentangan dengan ketentuan peraturan perundang-undangan, khususnya Pasal 283 UU No. 7 Tahun 2017 tentang Pemilu sekaligus melanggar prinsip kepemimpinan dalam siyasah dusturiyah. Sikap *endorsement* Presiden akan menciderai proses pelaksanaan pemilu yang adil dan transparan, dapat menciderai konsep demokrasi yang menjamin perlindungan hak asasi Presiden dalam pemenuhan hak politiknya untuk memilih, tapi dinilai kontroversial karena segala tindakannya diawasi penuh sebagai kepala negara yang harus mencerminkan segala tindakan yang menunjukkan keadilan.

ABSTRACT

Tasya Nabila Huriyyatun Nayyirah 200203110049, The Implications of President Joko Widodo's Endorsement in The 2024 Elections and Its Effect on Democracy in Indonesia in The Perspective of *Siyasah Dusturiyah*. Thesis, Constitutional Law (*Siyasah*), Faculty of Sharia, Universitas Islam State University Maulana Malik Ibrahim Malang
Supervisor : Yayuk Whindari, S.H., M.H., LL.M.

Keywords: Democracy; Election; *Endorsement*

The President must be neutral in acting in all election-related actions. Especially in realizing the implementation of democratic elections. Although PKPU No.15 of 2023 allows the President to campaign, there are several provisions that need to be considered, especially the prohibition on the use of state facilities. Article 283 of Law Number 7/2017 on Elections, strictly prohibits state officials from taking actions that benefit or harm election participants because it can damage the integrity of Indonesia's democratic process.

This research uses normative juridical research methods, namely an attempt to process data related to the implications of President Joko Widodo's endorsement attitude in the 2024 Election and its influence on democracy in Indonesia in the perspective of *siyasah dusturiyah* through the statutory approach method and conceptual approach and using qualitative juridical data processing methods.

This research proves that President Joko Widodo's endorsement in the 2024 Election is contrary to the provisions of laws and regulations, especially Article 283 of Law No. 7/2017 on Elections as well as violating the principles of leadership in *siyasah dusturiyah*. The President's endorsement attitude will harm the process of implementing a fair and transparent election, can harm the concept of democracy which guarantees the protection of the President's human rights in the fulfillment of his political right to vote, but is considered controversial because all his actions are fully supervised as head of state who must reflect all actions that show justice.

ملخص البحث

تاسيا نبيلة حورياتون ناياتون ناياتون 200203110049، الآثار المترتبة على موقف الرئيس جوكو ويدودو في انتخابات 2024 وأثره على الديمقراطية في إندونيسيا من منظور السياسة الدستورية، أطروحة، قسم السياسة، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية مالانج
المشرفة : يابوك وينداري، س. ح، م. ح، ماجستير في القانون

الكلمات المفتاحية : المحسوبة؛ الديمقراطية؛ انتخابات

يجب أن يكون الرئيس محايداً في جميع الإجراءات المتعلقة بالانتخابات. لا سيما في تحقيق تنفيذ الانتخابات الديمقراطية. على الرغم من أن القانون رقم 15 لعام 2023 يسمح للرئيس بالقيام بجملة الانتخابية، إلا أن هناك العديد من الأحكام التي يجب أخذها بعين الاعتبار، لا سيما حظر استخدام مرافق الدولة. فالمادة 283 من القانون رقم 7 لسنة 2017 بشأن الانتخابات تحظر صراحةً على مسؤولي الدولة اتخاذ إجراءات تفيد أو تضر بالمشاركين في الانتخابات لأنها يمكن أن تضر بنزاهة العملية الديمقراطية في إندونيسيا.

يستخدم هذا البحث منهج البحث الفقهي المعياري، أي محاولة معالجة البيانات المتعلقة بالآثار المترتبة على تحزب الرئيس جوكو ويدودو في انتخابات 2024 وتأثيره على الديمقراطية في إندونيسيا من منظور السياسة الغبارية من خلال منهج المنهج القانوني والمنهج المفاهيمي واستخدام أساليب المعالجة النوعية للبيانات .

تثبت هذه الدراسة أن اصطفااف الرئيس جوكو ويدودو في انتخابات عام 2024 يتعارض مع أحكام القوانين واللوائح، وخاصة المادة 283 من القانون رقم 2017/7 بشأن الانتخابات وكذلك انتهاك مبادئ القيادة في السياسة الغبارية. إن تحزب رئيس الجمهورية في الانتخابات الرئاسية يضر بعملية إجراء انتخابات نزيهة وشفافة، ويضر بمفهوم الديمقراطية التي تضمن حماية حقوق الإنسان في ممارسة حقه السياسي في الانتخاب، بل يعتبر ذلك مثيراً للجدل لأن جميع تصرفاته خاضعة للرقابة الكاملة كرئيس دولة يجب أن تعكس جميع تصرفاته التي تظهر العدالة.

CHAPTER I

INTRODUCTION

A. Background

Indonesia is a country that adheres to the rule of law system as well as a democratic country that has been going on for 78 years since the independence of the Republic of Indonesia in 1945. The democratic system requires the participation and intervention of the people in accommodating the aspirations of the community in the formulation of various government policies through the people's representatives in the government.²

The implementation of democracy in Indonesia is actually not in the form of liberal democracy like the implementation of democracy in western countries, but based on Pancasila and legitimized in the Indonesian constitutional system. As stated in the Indonesian constitution, sovereignty is in the hands of the people and is exercised in accordance with the Constitution, which results in the supreme power of the state being held by the people through the principles of democracy.³

Indonesian democracy in the life of the state is oriented that every problem of Indonesian state life including the formulation of state policies has a voice in the people.⁴ Thus, the idea of popular sovereignty, which views

² Rizky Presetyo Dyah Ariyanti, Veronica Nawangsih, Riza Aisyah, Mauliana Yuniarti, Alda Nurrahmana, Renanda Maulina, "Realizing a Democratic Environment Through Election Education with the Luberjurdil Principle," *JOURNAL IKRAITH-ABDIMAS* 4, no. 3 (2021), 221.

³ Evi Purnawati, "The Journey of Democracy in Indonesia" 18, no. 2 (2020), 64.

⁴ Udiyo Basuki, "Political Parties, Elections and Democracy: The *Cosmic Law* 20, no. 2 (2020), 81.

the people as the source of state power, is in line with the concept of democracy. If the democratic system is considered detrimental to the people and only benefits certain groups, then the system is not functioning properly.⁵ Because the main purpose of democracy itself is to provide the people with the greatest possible freedom of participation.

The organization of general elections in order to elect representatives of the people as leaders of the Indonesian government is a barometer for the implementation of democracy.⁶ Because with the general election, the people can determine their best representatives to occupy the position of government administrators at the central to regional levels so as to create a manifestation of popular sovereignty.

The implementation of general elections is based on the principles of direct, general, free, secret, honest and fair in the application of the principles of a democratic state based on applicable regulations, which requires all levels of society to have the right to vote and the right to vote, including a powerful President who also has the right to provide support and votes to the election participants he chooses.

This is in accordance with Article 62 of the General Election Commission Regulation (PKPU) Number 15 of 2023, which states that state officials are entitled to carry out election campaigns whether they have the status as members of political parties or not members of political parties, but must pay attention to their responsibilities in the exercise of state and/or

⁵ Munir Fuady, *The Concept of Democratic State*, ed. SH. Aep Gunarsa, 1st ed. (Bandung: PT Refika Aditama, 2010), 37.

⁶ Janedjri M. Gaffar, *The Politics of Election Law* (Jakarta: Konstitusi Press, 2022), 87.

government authority, as well as the prohibition of the use of state facilities and facilities related to their positions.⁷

The President and Vice President who are state officials are not allowed to carry out activities that lead to promoting certain candidate pairs if their position as President and Vice President is still active.⁸ The importance of this emphasis is an effort by election organizers to prevent the slanting of opinion of the President's votes and support and the implementation of the President's neutrality as a state official. Concerns related to the potential for *endorsement* or support are also very concerned, when the President provides support to one of the candidates, especially when the support is conveyed publicly, the public will consider it as an attempt to take advantage of his position and authority as head of government and head of state to win the candidate of his choice which can be categorized as a violation of political ethics, political parties, power, and the state.

Feri Amsari, an expert on constitutional law, says that the president is damaging the party system, causing ethical and moral damage. "The problem is ethical and moral damage because the president will support his son. But what is worse is that the president is damaging our party system".⁹

The President's *endorsement* of election contestants is often considered as a real act of supporting one of the candidates, which is actually a concern

⁷ Article 62 PKPU No. 15 of 2023 concerning Election Campaigns, State Gazette of the Republic of Indonesia Number 548 of 2023

⁸ Article 283 of Law No. 7/2017 on Elections, State Gazette of the Republic of Indonesia Number 6109 of 2017

⁹ Willa Wahyuni, "HTN Expert Highlights President's Political and Party Ethics," *Hukum Online.Com*, 2024, <https://www.hukumonline.com/berita/a/pakar-htn-soroti-etika-berpolitik-dan-berpartai-presiden-lt65b0e55cd7242/>.

not only related to the Presidential Election (Pilpres), but also directly related to democracy in Indonesia and deviates from the spirit of the Law. The President may campaign in accordance with Law No. 7/2017 on Elections, but with the limitation of not using state facilities.

To prevent the country's image and the results of the upcoming elections from being affected by the President's actions, because the President holds the highest office, the President must be aware that what he does has significant consequences. As is known lately, some of President Joko Widodo's actions are considered to show the President's lack of neutrality, as evidenced by the President's meetings with Prabowo Subianto, who is also the chairman of the Gerindra Party, Airlangga Hartarto, and Zulkifli Hasan, the chairman of the National Mandate Party, who is one of the presidential candidates. These three men belong to the Advanced Indonesia Coalition, or KIM, which supports Prabowo Subianto and Gibran Rakabuming Raka as the number two pair for the presidential and vice presidential elections in 2024.¹⁰

On the other hand, Fikih Siyasah has an important role in the structure of Islamic state administration. Fikih Siyasah regulates Islamic law with the aim that it is applied effectively in society based on legal principles and rules in accordance with Islamic law to achieve benefit, order and justice.

¹⁰ Norbertus Arya Dwiangga Martiar, "Meeting between President and Prabowo Not in Line with Neutrality Message," *Kompas.Id*, January 6, 2024, <https://www.kompas.id/baca/polhuk/2024/01/06/pertemuan-presiden-dengan-prabowo-dinilai-tak-sejalan-dengan-pesan-netralitas>.

Therefore, Fikih Siyasaah can be classified as a field related to Islamic state administration or Islamic politics.¹¹

Furthermore, Siyasaah Dusturiyah is one type of Fikih Siyasaah that is important to understand. Siyasaah dusturiyah is the authority of the Islamic government to make and determine a legal provision based on the principles of Islamic law that have been established by Allah SWT. In Indonesia, the study of Fikih Dusturiyah is reflected in the 1945 Constitution.

From the description of these problems, this research focuses on the issue of *endorsement* and neutrality of the President in elections which aims to find out and understand the impact and influence on democracy in Indonesia from a siyasaah perspective through research written entitled **“THE IMPLICATIONS OF PRESIDENT JOKO WIDODO’S ENDORSEMENT IN THE 2024 ELECTIONS AND ITS EFFECT ON DEMOCRACY IN INDONESIA IN THE PERSPECTIVE OF SIYASAH DUSTURIYAH”**.

B. Problem Limitation

The author limits the analysis of this research to President Joko Widodo’s support for presidential and vice presidential candidates in the 2024 elections, in accordance with the provisions contained in Article 283 of Law Number 7 of 2017 concerning Elections and Article 62 of KPU Regulation Number 15 of 2023 concerning General Election Campaigns.

¹¹ Efrinaldi, *Fiqh Siyasaah: The* (Padang: Granada Press, 2007), 6.

C. Problem Formulation

Problem formulation is an important part of research so that the research studied is relevant and in accordance with the author's objectives.

1. How is President Joko Widodo's *endorsement* in the 2024 election according to Article 283 of Law Number 7 of 2017 concerning Elections and Article 62 of the General Election Commission Regulation Number 15 of 2023 concerning General Election Campaigns?
2. What are the implications of President Joko Widodo's *endorsement* in the 2024 elections for the democratic system in Indonesia?
3. How is President Joko Widodo's *endorsement of* Presidential candidates according to *Siyasah Dusturiyah*?

D. Research Objectives

Based on the formulation of the problem above, this research aims, among others :

1. Understand and analyze the implications of President Joko Widodo's *endorsement* in the 2024 election based on Article 283 of Law Number 7 of 2017 concerning Elections and Article 62 of the General Election Commission Regulation Number 15 of 2023 concerning General Election Campaigns.
2. Analyze and understand the implications of President Joko Widodo's *endorsement* in the 2024 elections for the democratic system in Indonesia.

3. Understand and analyze the attitude of President Joko Widodo's *endorsement of* Presidential candidates from the perspective of *siyasah dusturiyah*.

E. Research Benefits

Some of the expected benefits of this research include :

1. Theoretical Benefits

This research is expected to contribute to science and insight in the field of constitutional law (*siyasah*) and add to the literature, reading material and references for writers in improving their ability to analyze.

2. Practical Benefits

- a. Conveying information to the public and the academic community, especially among students of the Faculty of Sharia, is very important to understand the implications of the President's support for the Presidential candidate and his deputy in the election, and how it can affect democracy in Indonesia.
- b. Become a reference material for basic information and additional knowledge in developing research for researchers who have a topic connection with the discussion or study.

F. Research Methods

1. Type of Research

This research uses normative juridical, or normative legal research methods. This type of research is a library legal research method

conducted by examining library materials or secondary data only,¹² mainly focusing on legal documents such as laws, decisions, regulations, and others to evaluate the effectiveness of a law.

2. Research Approach

This research uses two research approaches, namely *Statutory Approach* and *Conceptual Approach*. The Statutory Approach is used to analyze aspects related to existing legal provisions, such as laws, decisions, and regulations. While the Conceptual Approach is used to understand broader issues and concepts related to the problem being studied.

a. *Statue Approach*

It is a research approach whose basic reference material is legal material.¹³ This approach is carried out by examining and reviewing aspects of regulations and related legislation in order to solve the problems raised.¹⁴

In this research, the laws and regulations studied are:

- 1) Constitution of the Republic of Indonesia 1945
- 2) Law No. 7/2017 on General Elections
- 3) General Election Commission Regulation (PKPU) Number 15 of 2023 concerning General Election Campaigns

b. *Conceptual Approach*

¹² Soerjono Soekanto Sri Mamudji, *Normative Legal Research: A Brief Overview* (Jakarta: Rajawali Pers, 2015), 24.

¹³ Amiruddin Zainal Asikin, *Introduction to Legal Research Methods* (Jakarta: Raja Grafindo Persada, 2006).

¹⁴ Peter Mahmud Marzuki, *Legal Research*, 1st ed. (Jakarta: Kencana, 2007).

It is an approach method that uses or leads to elements of legal concepts and legal principles.¹⁵ Conceptual approaches depart from the views and doctrines that develop in legal science.¹⁶ This method of approach is very important because by understanding these views and doctrines, we can use them as a basis for building legal arguments in resolving existing legal issues. These views and doctrines help clarify ideas by providing an understanding of legal concepts and principles that are relevant to the legal issue at hand.¹⁷

3. Data Type

In this research, the legal materials used are primary legal materials, secondary legal materials and tertiary legal materials.

a. *Primary legal* materials, namely legal materials that are binding for individuals and society and have authority.¹⁸ Legislation is the main source of law in this research and what is used is legislation relating to the attitude of support and neutrality of the President towards the Presidential candidate in the election, namely :

- 1) Constitution of the Republic of Indonesia 1945
- 2) Law No. 7/2017 on General Elections
- 3) General Election Commission Regulation (PKPU) Number 15 of 2023 concerning General Election Campaigns.

As well as other laws and regulations related to the topic of this research discussion

¹⁵ Johnny Ibrahim, *Theory & Methodology of Normative Legal Research*, ed. D.Ng. Setiyono Wahyudi, 2nd edition (Malang: Bayumedia Publishing, 2006).

¹⁶ Peter Mahmud Marzuki, *Legal Research*, 15th ed. (Jakarta: Kencana, 2021).

¹⁷ Bambang Waluyo, *Legal Research in Practice* (Jakarta: Sinar Grafika, 2008).

¹⁸ Peter Mahmud Marzuki, *Legal Research*.

- b. *Secondary* legal material, acts as a support for primary legal material. It aims to assist the analysis and understanding of primary legal materials. Including research findings, literature, scientific theories, legal publications, and expert opinions are examples of secondary legal materials that contribute to a deeper understanding of the subject matter under investigation.¹⁹
 - c. *Tertiary* legal materials, are sources of information that assist in obtaining instructions and explanations about primary and secondary legal materials. It includes legal dictionaries, encyclopedias, and other sources that can enrich the understanding and analysis of primary and secondary legal materials.
4. Legal Material Collection Method

The method of collecting legal material used is the deductive method, or a thought based on observations from general matters to specific matters. Therefore, the author uses this method to observe general problems related to the discussion that the author raises in this thesis, then draws specific conclusions. In this case, this research explains the election law which generally regulates elections and can be drawn legal conclusions under Article 283 for special actions in the form of

¹⁹ Bambang Sunggono, *Legal Research Methods*, 5th Edition (Jakarta: PT Raja Grafindo Persada, 2003).

support and alignment of the President to the Presidential candidate in the election.

5. Legal Material Processing Method

Qualitative normative juridical research is research that refers to legal norms contained in various laws and regulations, court decisions.²⁰

This research uses a qualitative juridical analysis method, namely in the form of in-depth interpretation of legal materials as usual normative legal research. Furthermore, the results of the analysis will be connected to the problems in this study to produce an objective assessment to answer the problems in the study. This method was chosen because the author needs an in-depth and comprehensive overview of the regulations related to the President's neutrality and support in general elections as stipulated in the 1945 Constitution of the Republic of Indonesia, Law No. 7 of 2017 concerning General Elections, and General Election Commission Regulation. (PKPU) No. 15 of 2023 concerning General Election Campaigns.

More than that, the approach in this research is also organized systematically to describe the legal material collected, which is then all connected with the relevant laws and regulations, and described in the form of descriptions, so that conclusions can be drawn which will be a solution to the problems and research issues.

G. Previous Research

²⁰ Zainudin Ali, *Legal Research Methods*, 3rd Edition (Jakarta: Sinar Grafika, 2011).

Based on literature searches and observations conducted by the author, identified several theories and previous studies that became *turning points*, and have correlations with the research being conducted . As follows :

1. Thesis by Adil Satria Putra. Faculty of Law, University of Jember 2019 entitled “Neutrality of Regional Heads in the Implementation of the General Election of the President and Vice President”.²¹ The type of research used is normative juridical, using statutory and conceptual approaches to positive law in Indonesia. The research method applied is deductive legal material analysis which systematically describes and explains a set of data obtained. The sources of legal materials used include primary and secondary legal materials, as well as supporting non-legal materials.

The results of the discussion of this study show that regional heads, as elements of village government organizers, may not be involved in election campaigns and are prohibited from making decisions that benefit themselves, their families, other parties, or certain groups. The implementation of this policy is important to study, because the actions of regional heads who deliberately violate it will be charged with electoral sanctions in accordance with Article 490 of Law Number 7/2017.

The difference between this research and the author’s research is the subject of research. This research focuses on the attitude of neutrality and regional heads as leaders of a region in elections, while the research

²¹ Adil Satria Putra, "Neutrality of Regional Heads in the Implementation of the General Election of the President and Vice President" (University of Jember, 2019).

studied by the author examines the attitude of neutrality of a President as head of state and public official towards the general election of candidates for President and vice President.

2. Thesis by Muhammad Hilmi. Faculty of Sharia and Law, Sultan Syarif Kasim Riau State Islamic University Pekanbaru 2019 entitled "Implementation of State Civil Apparatus Neutrality in the General Election of President and Vice President based on Law Number 7 of 2017 concerning General Elections".²² This research is a type of normative legal research that aims to collect data related to the neutrality of State Civil Apparatus employees in the General Election of the President and Vice President based on Law Number 7 of 2017 concerning General Elections. The research method used is the deduction method, which is useful for deducing concrete knowledge about the right principles to apply in solving a particular problem. The sources of legal materials used include primary, secondary, and tertiary legal materials.

The results of the discussion of this research show that State Civil Apparatus employees are not allowed to openly support one of the candidates in the General Election of the President and Vice President, because this can be considered a violation of the Election Law and the Law on ASN. The legal consequences for ASNs who do not maintain neutrality in the Presidential and Vice Presidential Elections based on Law Number 7 of 2017 concerning General Elections can be in the form

²² Muhammad Hilmi, "Implementation of *State* in the General Election of President and Vice President Based on Law Number 7 of 2017 concerning General Elections" (State Islamic University Sultan Syarif Kasim Riau Pekanbaru, 2019).

of administrative sanctions processed through Bawaslu according to their level.

The difference between this research and the research studied by the author is the subject of research. This research focuses on the neutrality of State Civil Apparatus employees in the General Election of the President and Vice President, while the research reviewed highlights the President's neutral attitude in maintaining and applying neutrality to the Presidential candidates and their representatives in elections that affect democratic life.

3. Journal by Muhammad Abdul Aziz and Tomy Michael. Faculty of Law, University of August 17, 1945 Surabaya 2020, entitled "Governor Neutrality in General Elections".²³ The research is a Normative Juridical research that uses analysis and review of primary data from the Constitution and Law, as well as secondary data obtained from literature studies.

The results of this research discussion show that the Governor is not required to be neutral, especially because of his association with a political party and personal interests in government. This is in accordance with the theories outlined in the research.

The difference between this research and the research studied by the author is the different research subjects. The author's research focuses on the President in maintaining and implementing a neutral attitude towards

²³ Muhammad Abdul Aziz and Tomy Michael, "Governor Neutrality in General Elections" 4, no. 3 (2020), <https://doi.org/10.15408/adalah.v4i3.16215>.

the Presidential candidates and their representatives in elections that have an impact on democratic life. Meanwhile, the study examines the Governor's neutrality in the General Election.

4. Journal by Vanesa Ajeng Ayu Ningtyas. Faculty of Law, University of Indonesia 2021, entitled "Neutrality of the State Civil Apparatus in Elections between Political Rights and Obligations to Implement Good Governance".²⁴ The research includes normative juridical research with a legislative approach and literature study by examining the obligation to be neutral for the State Civil Apparatus in addition to the existence of political rights for Indonesian Citizens to participate in elections in Indonesia.

The result of this research discussion is that the concept of neutrality of ASN in elections in the implementation of good governance cannot be considered as a form of deviation from the political rights of an ASN. In the restriction of voting rights stipulated in the provisions of the 1945 Constitution, what is meant is that it is limited to prohibiting ASN in election campaign activities that have the potential to disrupt the neutrality of ASN, not necessarily by prohibiting an ASN from exercising its right to vote in the election or prohibiting an ASN from being able to register as a candidate for election.

The difference between this research and the research that the author examines is the concept of ASN neutrality in elections does not limit the

²⁴ Vanesa Ajeng Ayu Ningtyas, "Neutrality of the State Civil Apparatus in Elections Between Political Rights and Obligations to Implement Good Governance," *Binamulia Hukum* 10, no. 1 (2021).

rights and principles of ASN in managing good governance. Meanwhile, the author's research is that the President's neutrality in elections in the form of endorsements can affect the concept of democracy even though his political rights as an Indonesian citizen have been protected. As well as injuring the principles in *siyasah dusturiyah*.

5. Journal by Marindra Agriawan and R. Sigit Widiarto. Faculty of Law, Atma Jaya University Yogyakarta 2023, entitled "Neutrality of Civil Servants in General Elections Viewed from a Human Rights Perspective".²⁵ This research is a normative legal research that uses secondary data as the main data. The data obtained is analyzed by positive legal description, positive legal systemation, positive legal analysis, positive legal interpretation, and assessing positive law.

The results of this study show that the existence of neutrality rules is not a violation of human rights, because the rules are intended so that a civil servant can focus on the government duties that have been assigned so that he can provide fair services without being influenced by political considerations and prevent unfair interference in voting. The rule is a legal consequence for a civil servant to have a public service relationship with the government. When someone decides to become a civil servant, they must be ready to follow and comply with the existing rules.

The difference between this research and the research studied by the author is that the concept of neutrality is not a violation of human rights,

²⁵ Marindra Agriawan and R Sigit Widiarto, "Neutrality of Civil Servants in General Elections Viewed from a Human Rights Perspective," *Journal of Citizenship* 7, no. 2 (2023).

while the author's research concludes about the President's neutrality in the form of *endorsements* in elections that affect democratic life.

Table 1.1

No.	Name/Agency/ Year/Title	Problem Formulation	Research Results	The Difference
1.	Adil Satria Putra / Faculty of Law, University of Jember / 2019 / Neutrality of Regional Heads in the Implementation of General Elections of the President and Vice President	<p>1. What is the form of neutrality of regional heads in the implementation of the general election of the President and vice President?</p> <p>2. How is the future regulation of Bawaslu's authority in the presence of violations in the form of non-neutrality in the general election of the President and vice President</p>	As an element of village government organizers, regional heads are prohibited from participating and being involved in election campaigns. In addition, they are also not allowed to make decisions in favor of themselves, family members, other parties, or certain groups. This prohibition aims to ensure neutrality and fairness in the electoral process.	<p>The difference between this research and the research studied by the author is the research subject.</p> <ul style="list-style-type: none"> The author's research examines the attitude of <i>Endorsement</i> and neutrality of the President as head of State and head of government. While this study examines the neutral attitude of a regional head towards the general election of candidates for President and Vice President.
2.	Muhammad Hilmi / Faculty of Sharia and Law, Sultan Syarif Kasim Riau State Islamic University Pekanbaru / 2019 / Implementation of Neutrality of the State Civil Apparatus in the General Election of the President and Vice President based on Law Number 7 of 2017 concerning General	<p>1. How is the neutrality of the State Civil Apparatus (ASN) in the Presidential and Vice Presidential Elections based on Law Number 7 of 2017 concerning General Elections?</p> <p>2. What are the legal consequences for the State Civil Apparatus (ASN) who cannot maintain neutrality in the</p>	The discussion results of the study show that ASN employees are not allowed to support one of the candidates openly and blatantly, because this can be considered a violation of the election law and the law on ASN. Consequently, State Civil Apparatus (ASN) who are unable to maintain their neutrality in the Presidential and Vice Presidential Elections based on Law Number 7 of	<p>The difference lies in the subject of the research studied.</p> <ul style="list-style-type: none"> The subject of the research studied by the author is the President in maintaining and implementing a neutral attitude towards the Presidential candidates and their representatives in the upcoming elections that affect democratic life. Meanwhile, the research is the neutrality attitude

	Elections.	Presidential and Vice Presidential Elections based on Law Number 7 of 2017 concerning General Elections?	2017 concerning Elections can be subject to administrative sanctions through a process carried out by Bawaslu according to the level of violation.	of State Civil Apparatus employees in the Presidential and Vice Presidential Elections.
3.	Muhammad Abdul Aziz and Tomy Michael / Faculty of Law, Universitas 17 Agustus 1945 Surabaya / 2020 / Governor Neutrality in General Elections	What is the governor's neutrality obligation in an election?	The results of the discussion from the study state that the Governor is not required to be neutral based on the theories previously described. This is because the Governor himself comes from a political party and has many political and personal interests in a government, making it difficult for him to be neutral.	The difference between this research and the research studied by the author is: <ul style="list-style-type: none"> • The subject of the research studied by the author is the President in maintaining and implementing a neutral attitude towards the Presidential candidates and their deputies in the upcoming elections that affect life. democratic. • Whereas in the study is the attitude of the Governor's neutrality in the General Election.
4.	Vanesa Ajeng Ayu Ningtyas/ Faculty of Law, University of Indonesia/ 2021/ Neutrality of State Civil Apparatus in Elections between Political Rights and Obligation to Implement Good Governance	1.What is the concept of political rights of an Indonesian citizen and their possible limitation by the State? 2.How can the concept of neutrality for ASN be enforced with the aim of realizing good governance in Indonesia?	The result of this research discussion is that the concept of neutrality of ASN in elections in the implementation of good governance cannot be considered as a form of deviation from the political rights of an ASN. In the restriction of voting rights stipulated in the provisions of the 1945 Constitution, what is meant is that it is limited to prohibiting ASN in election campaign	<ul style="list-style-type: none"> • In this study, the concept of ASN neutrality in elections does not limit the rights and principles of ASN in managing good governance. • Meanwhile, the author's research is that the President's neutrality in elections in the form of endorsements can affect the concept of democracy even though his political

			activities that have the potential to disrupt the neutrality of ASN, not necessarily by prohibiting an ASN from exercising its right to vote in the election or prohibiting an ASN from being able to register as a candidate for election.	rights as an Indonesian citizen have been protected. As well as injuring the principles in <i>siyasah dusturiyah</i>
5.	Marindra Agriawan and R. Sigit Widiarto/ Faculty of Law Atma Jaya University Yogyakarta/ 2023/ Neutrality of Civil Servants in General Elections Viewed from a Human Rights Perspective	1. How is the neutrality of civil servants in general elections? 2. How is the neutrality of civil servants in general elections from a human rights perspective?	The results of this study show that the existence of neutrality rules is not a violation of human rights, because the rules are intended so that a civil servant can focus on the government duties that have been assigned so that he can provide fair services without being influenced by political considerations and prevent unfair interference in voting. The rule is a legal consequence for a civil servant to have a public service relationship with the government. When someone decides to become a civil servant, they must be ready to follow and comply with the existing rules.	The differences between this research and the research studied by the author are <ul style="list-style-type: none"> • In this research, the concept of neutrality is not a violation of human rights, • while the author's research concludes about the President's neutrality in the form of <i>endorsements</i> in elections that affect democratic life.

The focus of this research is the implications of President Joko Widodo's *endorsement* attitude in the 2024 elections and its influence on democracy in Indonesia according to the *siyasah dusturiyah* perspective, so that this research is not directed or similar to other authors because even though the theory is the same, the purpose of this research has never been studied before from a different perspective.

H. Systematization of Discussion

To obtain optimal research results, in a study entitled "The Implications of President Joko Widodo's *Endorsement of* Presidential Candidates in the 2024 Election and its Effect on Democracy in Indonesia in the Perspective of *Siyasah Dusturiyah*". the author divides it into 4 sub-chapters as follows :

Chapter I Introduction, in this study, the authors begin with an introduction that contains the background of the problem, problem formulation, objectives, research benefits, previous research, research methods and systematics of research or discussion.

Chapter II Literature Review, in this sub chapter, contains juridical concepts and legal theories that serve as a basic foundation in the study and analysis of the problem of the Implications of President Joko Widodo's *Endorsement of* Presidential Candidates in the 2024 Election and its Effect on Democracy in Indonesia in the Perspective of *Siyasah Dusturiyah*.

Chapter III Research Results and Discussion. This sub-chapter contains the results of the description and discussion of what the author studies about the Implications of President Joko Widodo's *Endorsement of Presidential Candidates in the 2024 Election and its Effect on Democracy in Indonesia in the Perspective of Siyasa Dusturiyah*.

Chapter IV Closing. This is the final chapter which contains the results of the research and discussion of the author along with a summary which is also equipped with suggestions and proposals or suggestions as well as a bibliography as a reference source for further research in the future.

CHAPTER II

LITERATURE REVIEW

A. General Election

Elections are an important component of a country's democratic system, allowing the people to participate in selecting their leaders and representatives for the legislative and executive branches of government. Therefore, the implementation of General Elections is one way to demonstrate that a country practices democracy.

1. Definition of General Election

Elections are a democratic process and an important component of a country's system of government. Through elections, the people have the right to directly elect their representatives and cast their votes in determining who will hold government positions. The electoral process also facilitates political competition between parties or candidates to obtain the mandate of the people and gain power to lead a particular country or region. As such, elections are a key instrument in implementing democratic principles and providing opportunities for the political participation of all citizens.²⁶

People conduct elections as a form of procedural democracy and implementation of the fulfillment of people's human rights in the political field to run a democratic governance life and elections are carried out in

²⁶ Khairul Fahmi, *General Elections & Popular Sovereignty*, 2nd ed. (Jakarta: PT RajaGrafindo Persada, 2012).

order to realize people's sovereignty, because not every citizen can rule or manage the country directly. Elections are an important mechanism in realizing popular sovereignty, where citizens have the opportunity to determine their representatives who will manage the country on their behalf, which is a way to ensure that political power is not concentrated in a few individuals or interest groups, but is held by democratically elected representatives.

With elections, every citizen has the right to an equal opportunity to contribute to the political process and form a government that represents their interests. Elections are also a means of championing democratic values such as freedom of speech, the right to vote, and government accountability to the people.

The opinions of these experts emphasize that elections are not just a formal process, but also the very foundation of a healthy and functioning democratic system. Therefore, elections must be conducted in a fair, transparent and accountable manner to ensure legitimacy and public trust in the political and governance process. Experts opinions on elections include the following :

- a. According to Ibnu Tricahyo, elections are a tool in realizing people's sovereignty which aims to form a legitimate government and become a way to channel the aspirations and interests of the people.²⁷
- b. According to Suryo Untoro, he explained that elections are a process carried out regularly by the people of Indonesia, who are entitled to elect members of the people's representative bodies.

²⁷ Ibnu Tricahyo, *Electoral Reform Towards the Separation of National and Local Elections* (Malang: In Trans Publishing, 2009).

- c. According to Ali Moertopo, elections are a way for the people to exercise their sovereignty in accordance with the principles in the preamble of the 1945 Constitution.²⁸

Elections are a crucial element in a democratic system, as the results can reflect how democratic a country is.²⁹ Democracy is the system of government of a country that is willed by the people. The people form the government through elections, where they choose their representatives and leaders. In the electoral process, the people, as the ultimate sovereign holders of the country, determine the course of their future for the next five years by electing their representatives.³⁰

According to Jimly Asshiddiqie, there are four objectives of the general election, namely :

- 1) Predicting the likelihood of a peaceful transition of government leadership
- 2) Turnover of officials who will represent the interests of the people in representative institutions
- 3) Realizing the principle of popular sovereignty in representative institutions
- 4) Ensure the realization of the principle of human rights of citizens.³¹

Meanwhile, Ramlan Surbakti argues that, in organizing elections, there are several advantages that can be achieved, including :

- a) Elections, in accordance with democratic principles, are an expression of the sovereignty of the people from them, for them and by them.
- b) Elections help people to exercise their right to vote and participate in the democratic process.

²⁸ Ali Moertopo, *National Political Strategy* (Jakarta: CSSI, n.d.).

²⁹ G.Sorensen, *Democracy and Democratization* (Yogyakarta: CV Pustaka Pelajar, 2013), 54.

³⁰ M. Zaid Wahyudi, *Keeping the Election Luber, Jurdil* (Kompas Daily, 2009).

³¹ Jimly Asshiddiqie, *Introduction to Constitutional Law, II* (Jakarta: Sekretariat General and Registrar of the Constitutional Court of the Republic of Indonesia, 2006).

- c) Elections serve as a solution to leadership transition and are an important process to determine the continuity of the country.
- d) Elections help people to participate in public policy-making. Choosing leaders who match individual criteria and principles is an important task, and people have a responsibility to ensure campaign promises are fulfilled.
- e) Elections are also a tool to connect the government and the people, allowing people's aspirations to be realized in government plans.³²

So, the conclusion is that elections are defined as a means of realizing the sovereignty of the people as the highest power holder in a country, by means of people's participation in electing their representatives, as well as a means of strengthening the legitimacy of the government so that the programs and policies made can be implemented and realized smoothly.³³

2. Principles of General Election

In Indonesia, elections are based on the principle of "Luber Jurdil", which stands for Direct, General, Free, Secret, Honest and Fair. This principle is the underlying guideline for elections in Indonesia, the purpose of which is to maintain transparency, accountability, and legitimacy in a democratic system. In the context of elections, it is important that every voter and political party is treated fairly and free from fraud.

These electoral principles are regulated in Law Number 7 of 2017 concerning Elections, in Article 1 paragraph (1) and Article 2 which emphasize these principles as the basis for organizing elections. In the

³² Ramlan Surbakti, *Understanding Political Science*, PT Gramedia (Jakarta: PT Gramedia, 1992).

³³ Muhammad AS hakim, *General Elections and Legitimacy* (Jakarta: Obor Book Foundation, 2011).

academic paper of the Draft Election Law that has been approved by the President and the DPR, the principles of elections are explained as follows:³⁴

a. Direct

Every citizen has the right to vote directly in accordance with his or her conscience without intermediaries, and without being represented. This principle is closely related to democratic rights, as the direct election of representatives to parliament is the foundation of democracy. This right must be owned directly by every citizen, not given to individuals or groups or to anyone who wants to hold power.³⁵

b. General

Every citizen who meets the requirements of the law has the right to participate in elections. Elections must guarantee equal opportunities for all citizens without any exceptions, discrimination based on ethnicity, religion, race, class, gender, region of origin, occupation, or social status.

c. Free

This principle emphasizes that all citizens have the right to determine and vote independently and make decisions without pressure or influence from other parties. Every citizen must be ensured security when exercising their rights, so that they can vote according to their own interests and conscience.

d. Secret

The principle of secrecy in general elections guarantees that voters who cast their votes are safe and unknown to anyone and in any way other than themselves, They cast their votes anonymously on the ballot paper so that no one can find out who they voted for.

e. Honest

All parties involved in organizing elections, including election organizers, governments, election participants, election supervisors, observers, and voters, must act and behave honestly in accordance with applicable laws and regulations.

f. Fair

This principle emphasizes that all voters, political parties, and election participants must be treated equally and equally and free from all

³⁴ Director General of Politics and Public Administration, *Academic Paper on the Draft Law on the Implementation of Elections* (Ministry of Home Affairs, 2016), 35.

³⁵ Fajrurahman Jurdi, *Introduction to General Election Law* (Jakarta: CV Kencana, 2018), 16.

forms of fraud in organizing elections. This fair principle ensures that every individual involved in the election gets the same treatment and is not influenced by personal interests or certain groups. This fair attitude is very important to ensure the quality and integrity of the elections that take place.

Electoral principles are also part of the rules in the implementation of elections with the aim of strengthening a democratic state system, ensuring that elections are carried out with fairness and integrity, as well as providing legal certainty and preventing fraud in the implementation of elections. Electoral principles are the basis for maintaining consistency in the regulation of the electoral system, guaranteeing the rights of voters, and respecting basic law.

3. Election Mechanism and Organization

In the process of implementing general elections, there are several parts of the election organizers both at the central and regional levels. In accordance with Law No. 15/2011 on the Organizing of General Elections, the election management body, also known as the electoral body, is an organization that conducts general elections to elect the President, Vice President, and members of the House of Representatives.³⁶

According to the General Election Law, there are three institutions responsible for organizing elections: the General Election Commission (KPU), the Election Supervisory Agency (Bawaslu), and the Honorary Board of Election Organizers (DKPP). The KPU acts as a national election organizing agency, which must carry out its functions independently.

³⁶ Article 1 of Law No. 15 of 2011 on the Implementation of Elections, State Gazette of the Republic of Indonesia Number 101 of 2011

Bawaslu has the responsibility to oversee the implementation of elections throughout Indonesia. Meanwhile, after DKPP receives a report or alleged violation of the code of ethics from an election organizer, DKPP is responsible for conducting an investigation and verification and examining the report.³⁷

In the implementation of general elections, every voter and political party must be treated fairly and free from all forms of fraud. By prioritizing the principles of elections, namely direct, general, free, secret, honest, and fair, is also part of the rules governing the holding of elections. The aim is to strengthen the democratic system, create fair and dignified elections, and ensure legal certainty and prevent double actions in election regulations. In addition, the implementation of elections must be carried out independently, honestly, fairly, professionally, accountably, effectively and efficiently.

Therefore, the role of election organizers is very important in ensuring the implementation of free and fair elections. The success of general elections in achieving their ideal goals is highly dependent on the quality of the performance of the election organizers.³⁸ As well as efforts to maintain the principles of elections and improve the quality of general elections in Indonesia.

General elections can be held after going through several stages, among others:

³⁷ Bintan R. Saragih, *General Elections in Indonesia* (Jakarta: Gaya Media Pratama, 2010), 77.

³⁸ MukhMukhtie Fadjar, *Engineering the General Election System* (Malang: Setara Press, 2013), 45.

a. Voter Registration

This stage is the responsibility of specialized officials where they register voters by visiting the homes of potential voters. Citizens who have met the requirements to vote are allowed and entitled to vote. The terms and conditions of voters include :

- 1) Voters are Indonesian citizens, including those living abroad.
- 2) Voters are 17 years old and above / or married. For voters who are married, they can still vote even if they are under 17 years of age.
- 3) Voters are proven to be physically and mentally healthy. Voters who have mental disorders do not have the right to vote.
- 4) Voters are citizens who are not currently deprived of their rights due to criminal charges and suspended by a court decision.

After registration is done, all registered residents will be announced by the PPS (Voting Committee), and get a card to vote so that people can find out who can and cannot vote. This time can be used to register those who have not yet registered.

b. Election Participant Registration

The parties or candidates that the public will vote for in an election are called participants in the election. They can consist of members of political parties or individuals. Specifically for political parties, in order to participate in elections, they must fulfill certain conditions, namely :

- 1) Must be verified as a legal entity under the Political Party Law
- 2) Has a management structure at all provincial levels
- 3) Has a management structure of 75% of all districts and cities in the province concerned.
- 4) Has a management structure of 50% of all sub-districts in the province concerned.

- 5) Have a minimum of 30% female representation in the management of the central political party
- 6) Having a membership of at least 1,000 people or 1/1000 (one thousandth) of the total population incorporated in the management of a political party as indicated by a membership card.
- 7) Having a permanent office in every political party management structure at the central, provincial and district / city levels until the final stage of the general election.
- 8) Submitting their own names, symbols, and icons of political parties and submitting them to the KPU and providing the account number of the Election Campaign funds on behalf of political parties to the KPU.³⁹

c. Determination of Election Participants

In the form of drawing the numbers of election participants by the KPU to determine the serial number, which is attended by all election participants.

d. Campaign Period

One of the most important components before voting is campaigning. Campaigns involve all political events. Campaigns are professionally organized based on the objectives of political parties and candidates participating in the election. During this campaign period, candidates who are contesting the election are given time to describe themselves and their vision and mission to the entire community.

The election campaign begins three days after the candidates are endorsed as candidates for the election, and lasts until just before the quiet period. This campaign period provides an opportunity for

³⁹ “Requirements for Political Parties to Become Election Participants,” Bandung, JDIH KPU Kab, 2022.

candidates to develop and convey visions, ideas, and programs that are considered beneficial to society.

e. Voting and Vote Counting

It is done at the time that has been announced by the KPU by giving their voting rights through the ballot sheets that have been provided.

f. Election result determination

Bawaslu is tasked with maintaining that the determination of election results is carried out fairly, honestly and transparently⁴⁰ after the conclusion of the election results when the vote counting has been fully implemented by the KPU.⁴¹

B. Endorsement

Endorsement is an act or statement that shows one's support or approval of something or someone.⁴² *Endorsement* is a marketing technique where a person or business entity asks another individual to promote their product or brand by providing an endorsement or recommendation. This is done in various ways, such as creating engaging content, sharing photos of the product, and publicizing the content on social media.⁴³

Meanwhile, what is meant by political *endorsement* is an act in which a person or group provides support or recommendation for a

⁴⁰ Fadjar, *General Election System Engineering*, 65.

⁴¹ Muhadam Labolo, *Political Parties and the Electoral System in Indonesia Theory, Concepts and Strategic Issues* (Jakarta: PT RajaGrafindo Persada, 2017).

⁴² Fatihul Khoir, "The Concept of *Endorsement* in Islamic Perspective," *ULIL ALBAB: Multidisciplinary Scientific Journal* 2, no. 7 (2023): 3023-30.

⁴³ Fatihul Khoir.

particular candidate or political party. In the context of elections, political *endorsements* can be made by political figures, celebrities, or other famous people who have influence in society. The way political *endorsements* work involves giving overt or implied support to a candidate or political party. These endorsers can support in various ways, such as attending campaign events, giving public statements, or participating in activities involving the endorsed candidate.

Methods to attract voters' attention by force are no longer relevant. According to Lukmantoro, *endorsement* or political advertising is considered more effective because it has a more convincing function,⁴⁴ that is :

1. Persuading and convincing people to vote for their political choice
2. It is easier to distinguish candidates from each other.
3. Provides information on vision (ideology used as a reference for action), mission (actions or practices to use power resources), and program (mathematically operationalized political concepts).

Both contestants and political parties now use political marketing to increase political socialization. Advertising allows political parties to gain the attention of voters and inform them about their party.

Political *endorsements* can influence people's perception of a particular candidate or political party. While *endorsements* can increase popularity and support for endorsed candidates, their effectiveness is also affected by factors such as political issues, campaign quality, political party support, and other factors that affect the outcome of elections.

⁴⁴ Triyono Lukmantoro, *Political Contests on the Mass Media Stage*, 2004.

Endorsements in politics are also not new. For example, in 2016, during the United States Presidential Election, US President Barack Obama directly and openly expressed his support for presidential candidate Hillary Clinton.⁴⁵

Judging from a video uploaded on a youtube account, Obama called Hillary the right person to replace him. Obama showed his endorsement of Hillary by praising her publicly at the Democratic National Convention held in Philadelphia, calling her the most suitable individual to be in the White House. Not only that, Barack Obama himself also received *endorsements* when he became a Presidential candidate in 2008 from famous figures in the US such as Oprah Winfrey.

C. **Democracy**

Indonesia is a democratic country whose system of government regulates political power and decision-making by the people or citizens. Democracy is a system of government from the people, for the people, and by the people, where everyone can take part in decisions that will affect their lives in the state.

1. Definition of Democracy

Democracy is a pattern of government in which the whole society is actively involved in decision-making by their elected

⁴⁵ BBC News, "US presidential election: Obama urges Democratic voters to support Hillary Clinton," *BBC News Indonesia*, July 28, 2016, https://www.bbc.com/indonesia/dunia/2016/07/160728_dunia_pilpres_as_obama_clinton.

representatives.⁴⁶ In a democracy, the legitimacy of government comes from the will of the people who determine their representatives through elections. It is also a system of government in which every citizen has equal rights, duties, standing and power to participate in government and their personal lives. Thus, power is vested in the people and exercised by them directly through their elected representatives with due regard to popular sovereignty.⁴⁷ Then some experts have defined democracy with different opinions, including the following : ⁴⁸

- a. According to Joseph Schmeter, democracy is a form of institutional planning used in making political decisions, where individuals have the authority to fight for the voice of the people by voting.
- b. Sidney Hook argues that democracy is a government in which the freely given consent of the majority of the adult population determines important government decisions.
- c. According to Philippe C. Schmitter, democracy is a system of government in which citizens are responsible for the actions of the government in the public domain. They act indirectly by cooperating with their elected representatives.
- d. According to Henry B. Mayo, democracy is a system in which public policy is determined by the majority through representatives who are effectively supervised by the people in periodic elections. It is based on political equality and operates in an environment that grants political freedom to all individuals.

Of the many schools or theories of politics, law and statehood, the concept of democracy is one of them.⁴⁹ This shows that democracy has

⁴⁶ Abdul Aziz Hakim, *State of Law and Democracy in Indonesia*, 1st ed. (Yogyakarta: Pustaka Pelajar, 2011).

⁴⁷ Munir Fuady, *The Concept of Democratic State*.

⁴⁸ A. Ubaedillah and Abdul Rozak, *Pancasila, Democracy, Human Rights and Civil Society*, 3rd ed. (Jakarta: ICCE UIN Syarif Hidayatullah, 2008).

⁴⁹ M. Taopan, *Pancasila Democracy, An Applicative Conceptual Analysis*, 1st ed. (Kupang, Jakarta: Sinar Grafika, 1989).

a unique meaning and scope within the theoretical framework of these systems. Typically, these theories arise when studying sovereignty (the source of legal power), politics, and the state. For example, the theory of popular sovereignty, such as the theory of theocracy, state sovereignty, and legal sovereignty, according to Dr. C.S.T. Kansil, S.H. is part of the science of law.⁵⁰

The principle of democracy, also known as popular sovereignty, has two meanings. First, it is related to the system of government, i.e. how the people are involved in governance. Second, it is influenced by the nation's historical cultural conditions, leading to the use of terms such as constitutional democracy, people's democracy, and Pancasila democracy, among others.

The basic principles of democratic governance include separation of powers, rule of law, equality and liberty. The aim is to prevent an institution or individual from controlling too much power for personal or group interests. In addition to dividing power, democracy also places law as the basis of government. Since everyone has the right to fair treatment under the law, democracy is often associated with the rule of law. Theoretically, equality and freedom are defined as the right of every individual to enjoy their lives and achieve happiness.⁵¹

To be sure, the people are the ultimate subject of every modern state and government. The people are often regarded as the upstream

⁵⁰ C.S.T Kansil, *Introduction to Indonesian Law and Legal System* (Jakarta: Balai Pustaka, 1989).

⁵¹ Muhadam Labolo, *Political Parties and the Electoral System in Indonesia Theory, Concepts and Strategic Issues*.

and the estuary in the state process. Because the people of the state have sovereignty and power, the people become the central point.⁵²

2. Elements and Requirements of Democracy

The establishment of democracy in a social order depends on the main elements and conditions that support democracy itself. The elements in question are :

a. State of Law

The rule of law is a principle that emphasizes that the law is above all in a country, and all actions of citizens and state administrators must be in accordance with applicable law. In the Indonesian context, the concept of the rule of law is clearly regulated in Article 1 paragraph (3) of the 1945 Constitution which states that “The State of Indonesia is a State of Law”.

b. *Civil Society*

Civil society is characterized by openness, freedom from state interference and domination, critical, participatory and egalitarian. According to Gellner, civil society is not only a necessary condition for democracy, but also a natural feature of values such as freedom and independence, both in internal and external contexts.

c. Political Infrastructure

Political infrastructure consists of political parties, or political institutions whose members share the same principles, principles and beliefs.⁵³

People’s political participation is the most important element and means because the theory of democracy states that people’s political participation must be carried out because it is the people who best understand what they want and what they want.⁵⁴ This means that the active involvement and participation of citizens is indispensable in

⁵² Sidik Jatmika, *The US Obstructs Democracy, Exposing the Double Standard Politics of the United States* (Yogyakarta: Bigrafi Publishing, 2000).

⁵³ Tri Dwi Sulisworo, Dikdik Wahyuningsih, and Baegaqi Arif, *Democracy*, 2012, 12.

⁵⁴ Miriam Budiardjo, *Participation and Political Parties* (Jakarta: Gramedia, 1982), 1-5.

upholding democracy. The principle of people's sovereignty is realized by the fact that they are actively involved in making decisions about government policies, by organizing elections as a supporting pillar of the country's democracy by directly electing their representatives so that the interests of the people and government policies can be increasingly aligned.

In *Polyarchy*, Robert A. Dahl's classic but monumental work, he states that democracy requires eight constitutional guarantees that are important conditions for the realization of democracy, namely:⁵⁵

- 1) Freedom to form and join organizations,
- 2) Freedom of speech, right to vote
- 3) Right to hold public office
- 4) The right of political leaders to compete fairly for support and votes
- 5) Access to alternative information, free and fair elections
- 6) Institutions for making government policies that respond to voices (voters, people) and other expressions of (political) choice.

3. Criteria for a Democratic Rule of Law

According to the *International Commission of Jurists* conference held in Bangkok in 1965, the main requirements that must be met by the *Representative Government Under The Rule of Law* (democratic *rule of law*) are :⁵⁶

- a. The existence of constitutional protection. The term constitutional protection refers to the protection given by the state to its citizens regarding constitutional human rights, which includes guarantees in law on the methods by which such protection can be obtained.

⁵⁵ Jimly Asshiddiqie, *Law and the Pillars of Democracy, Legal Thoughts Constitutional* , 13.

⁵⁶ Toto Pandoyo, *A Review of Some Provisions of the 1945 Constitution* (Yogyakarta: Liberty, 1983), 98.

- b. There is a free and impartial judiciary. A free and impartial court is an independent judiciary that cannot be influenced by anyone, including the authorities.
- c. The implementation of free elections, which occurs when voters can vote according to their conscience without coercion or pressure.
- d. There is freedom of expression, which is the right of everyone protected by law to express their opinions in writing or orally, either individually or collectively.
- e. Freedom of association and opposition is guaranteed by law for citizens to form associations or political parties, as well as to exercise opposition or constructive criticism. They have the freedom to do this either through their representatives in the legislature or independently, provided that they do not violate any applicable laws.
- f. There is civic education. By providing civic education to the community so that they understand their rights and obligations based on applicable laws and regulations.⁵⁷

In a democratic government, all six conditions must be met. If not, the government system does not deserve to be called a democratic government, especially if there are actions that contradict these six principles.

4. Types of Democracy

Democracy is a political system practiced in many countries. Each country implements a different system of democracy. There are three points of view that can distinguish democracy, including ideology, methods to convey the wishes of the people, and focal points.

- a. Based on Ideology⁵⁸

⁵⁷ Toto Pandoyo.

⁵⁸ Septi Nurwijayanti and Nanik Prasetyoningsih, *State Politics* (Yogyakarta: UMY Law Lab, 2009).

From an ideological point of view, there are two types of democratic political systems, namely constitutional democracy or liberal democracy, and people's democracy.

1) Constitutional democracy (liberal democracy)

Individual freedom is the basis of constitutional democracy. The

prominent feature of constitutional democratic government is that it has limited government power and is not allowed to act arbitrarily against its people, because the government's power is limited by the constitution.

2) People's Democracy

The ideology of people's democracy aims to abolish social class distinctions and private property. It is a particular type of democracy that puts a proletarian dictator in the leading role. Countries like Czechoslovakia, Poland, Hungary, Romania, Bulgaria, Yugoslavia, and China adopted people's democratic systems during the Cold War. "Proletarian democracy" is a term used to describe a political system of people's democracy rooted in marxism-communism.

b. Based on the method of expressing the will of the people

The democratic political system can be categorized into three types based on how the people channel their wishes and will, namely direct democracy, representative democracy, also known as representative democracy, and representative democracy with a referendum system.⁵⁹

1) Direct Democracy

In a direct democracy system, people can directly voice their wishes in a meeting attended by everyone. Countries with smaller populations and smaller territories are ideal places to implement this democracy. This system was used in Athens in Ancient Greece (4th century BC).

⁵⁹ Septi Nurwijayanti and Nanik Prasetyoningsih, *Constitutional Politics*, 11.

2) Representative Democracy

Representative democracy is a common choice today. This is due to the ever-increasing population growth and the vastness of the territory, which makes direct democracy difficult to implement. In a representative democracy, the people elect their representatives to represent them in representative institutions, also known as parliaments, to articulate their wishes.

3) Representative Democracy with referendum system

Referendum system representative democracy is a combination of direct democracy and representative democracy. Although the people elect their representatives to sit in representative institutions, the influence of the people remains through the referendum system and people's initiatives to oversee and control these representative institutions.

c. By Focal Point

Based on its focus, democratic political systems can be divided into three types, namely formal democracy, material democracy, and combined democracy.⁶⁰

1) Formal Democracy

Formal democracy is also known as liberal democracy or Western-style democracy. Formal democracy is a form of political democracy that creates equal politics without compromising the economy. In formal democracy, everyone is considered to have equal rights and degrees.

2) Material Democracy

Material democracy is a type of political system known as democracy that emphasizes the elimination of economic and political differences, sometimes even eliminating political equality. In order to reduce economic differences, the ruling party uses the term "state" to describe both state property and private property.

3) Joint Democracy

A composite democracy is a type of democracy that combines the advantages of both formal and material democracy, while overcoming their weaknesses. In this democracy, every

⁶⁰ Jeff Hayness, *Democracy in the World* (Jakarta: Grasindo, 2000), 112.

individual has the same level and rights, but is restricted to the general interests of society. The principles of equality and human rights must be maintained in the government's efforts for the welfare of the people.

D. Siyasah Dusturiyah

Siyasah dusturiyah is important to use in this research because it is part of fikih siyasah that discusses the issue of state legislation. Siyasah dusturiyah also encompasses the concept of the rule of law, which states that public policy must be in accordance with religious and legal principles.

1. Definition of Siyasah Dusturiyah

Siyasah dusturiyah is the part of Islamic political science that deals with matters of state legislation, including concepts such as constitutions, legislation, democratic institutions and shura. It involves the formulation and execution of well-prepared and detailed plans.⁶¹

Siyasah Dusturiyah, is one of the important aspects of Islamic political science. It involves the power of the Islamic government in making and enacting laws based on the provisions that have been revealed by Allah SWT in Islamic sharia. In addition, Siyasah Dusturiyah also discusses the concept of the rule of law in the context of siyasah, as well as the symbiotic relationship between the government and citizens, and the rights that must be protected.⁶² The

⁶¹ (Kamma et al., 2023)

⁶² Muhammad Iqbal, *Fiqh Siyasah: Contextualization of Islamic Political Doctrine*, Cet 1 (Jakarta: Prenada Media Group, 2014), 177.

word “siyasah” comes from the word “sâsa”, which means to organize, manage, or govern. Siyasah in language means making policy or something political to achieve certain goals.⁶³

Abdul Wahab Khalaf explains that Siyasah is a series of legal regulations made to regulate the situation and ensure order and benefit. He argues that the object of Jurisprudence is to make the laws and regulations necessary to manage the state in accordance with religious teachings. Fikih Siyasah is a stand-alone branch of science although it is included in the Science of Jurisprudence, which discusses topics such as allegiance, waliyuh ahdi, khalifah, imamah, and imarah, as well as the title of head of state, appointment and dismissal of the head of state, and their conditions.

Meanwhile, the word “*dusturi*” comes from the Persian language which originally referred to people who have authority in religion and state. However, when this term was translated into Arabic, “*dusturi*” came to refer to a set of rules governing the relationship and basis of cooperation between members of the state community, both written and unwritten. Abu A’la Al-Maududi gave the meaning of “*dustur*” as the main principles of state governance reflected in laws, regulations and customs.⁶⁴

⁶³ Muhammad Ramadhan, *Contextualization of Islamic Political Doctrine in Fiqh Siyasah*, ed. Achyar Zein (Pekalongan, Central Java: PT Nasya Expanding Management, 2019).

⁶⁴ Djazuli, *Fiqh Siyasah: Implementation of the People's Welfare in the Signs of Sharia* (Jakarta: Kencana, 2003)., 152.

In general, *siyasah dusturiyah* refers to decisions or laws issued by the head of state for the benefit of the people. *Fikih Siyasah Dusturiyah* discusses the relationship between leaders and members of their society, as well as related institutions. Hence, in the discussion of *fiqh siyasah dusturiyah*, the focus is more on regulations and laws relating to state affairs, assuming that they are in harmony with religious principles and aim to fulfill human needs and improve their welfare. Within the scope of *fiqh siyasah dusturiyah*, topics that can be covered include :

- a. *Siyasah Tasyri'iyah*
Discusses the issue of *ahlul halli wal aqdi*, representatives of the people. relations between Muslim and non-Muslim communities in a country, such as basic laws, implementing regulations, regional regulations, etc.
- b. *Siyasah Tanfidiyah*, including issues of Imamate, *bai'ah*, *wizarah*, *waly al-ahdi*, and so on.
- c. *Siyasah Qhadaiyah*, which includes judicial matters.
- d. *Siyasah Idariyah*, including administrative and personnel matters.

2. Scope of *Siyasah Dusturiyah*

The jurisprudence of *siyasah dusturiyah* covers a very broad and complex field of life, even so, in general it includes matters such as :⁶⁵

- a. Problem and scope of discussion
- b. About the *Imamate*, its rights and duties
- c. About the people, their status and their rights.
- d. About *bai'at*
- e. About *ahlu halli wal aqdi*
- f. About *waliyul ahdi*
- g. About representation

⁶⁵ DjazulDjazuli, *Fiqh Siyasah: Implementation of the People*, 47.

h. About the *wizarah* and its comparison.

In the fiqh of *siyasah dusturiyah*, there are two main things that must be considered.⁶⁶ First, making laws that are in accordance with Islamic teachings. The state has an important responsibility to create laws that are in accordance with Islamic teachings. In this regard, the government has the legislative power (*Sulthah al-tashri'iyah*) to carry out this task. This involves interpretation and inference of the texts of the Qur'an and Hadith. Interpretation refers to the government's attempt to understand and determine the true intent of the legal demands described by the *nashas*, while inference involves the use of the *Qiyas* method to deal with new problems based on similarity of legal causes.⁶⁷

Inference refers to the technique of making laws with regard to the values of sharia and the wishes of sharia (Allah). In the absence of laws, legislative powers will be broader and stronger, as long as they remain in accordance with Islamic teachings.

Second, the task of implementing the law. The state is responsible for executive affairs (*Sulthah al-tanfidziyah*). Here, the state has the authority to elaborate and implement the legislation. In this case, the state makes policy in international and domestic relations. The government, or head of state, is assisted by a cabinet or council of ministers, formed according to the needs of each Islamic state. The

⁶⁶ Iqbal, *Fiqh Siyasah: Contextualization of Islamic Political Doctrine*.

⁶⁷ Iqbal *Fiqh Siyasah: Contextualization of Islamic Political Doctrine*.

supreme executor of this power is the Islamic State. The executive's political policies must conform to religious teachings and values, just as legislative policies must adhere to religious principles.⁶⁸

Third, the responsibility to defend the laws made by the legislature. Al-sulthah al-qadha'iyah is the judicial institution responsible for this task. In Islamic history, these institutions usually consisted of wilayah al-hisbah (the judiciary that dealt with minor offenses such as cheating and fraud in business), wilayah al-qadha' (the judiciary that dealt with civil and criminal matters between fellow citizens), and wilayah al-mazhalim (the judiciary that dealt with misconduct of state officials, such as making decisions that harmed the people and violating human rights).⁶⁹

⁶⁸ Iqbal *Fiqh Siyasah: Contextualization of Islamic Political Doctrine*.

⁶⁹ Iqbal. *Fiqh Siyasah: Contextualization of Islamic Political Doctrine*, 67.

CHAPTER III

RESEARCH RESULTS AND DISCUSSION

A. Presidential *Endorsement* Based on Law Number 7 Year 2017 and PKPU Number 15 Year 2023

Presidential *endorsement* is a form of support given by President Joko Widodo (Jokowi) to his preferred candidate for the office of president. The term is often discussed and studied, especially since Jokowi asked political figures to endorse the candidate. Presidential *endorsements* can help candidates to gain support from voters and strengthen their image in the eyes of the public. Presidential *endorsements can* also be a tool for candidates to differentiate themselves from their competitors in the Presidential election.

Endorsements in politics are not a new phenomenon. Another example of an *endorsement* occurred during the 2016 US Presidential Election.⁷⁰ At the time, US President Barack Obama openly endorsed Democratic Presidential candidate Hillary Clinton. In a video uploaded on Hillary Clinton's *YouTube* account, Obama stated that Hillary was a suitable figure to replace him as the 45th President of the US. Obama also praised Clinton at the Democratic national convention in Philadelphia, calling her the most worthy candidate to occupy the White House. Not only that, Barack Obama himself also received support from various famous figures in the US when he became a candidate in 2008, one of which was Oprah Winfrey.

⁷⁰ BBC News, "US presidential election: Obama urges Democratic voters to support Hillary Clinton."

In a political party system, the President often has a key role as the highest leader of his political party. And his every action is considered as a barometer of the extent to which a President can maintain his neutrality in making decisions related to internal parties. Presidential neutrality in political parties is important because there is a potential conflict of interest between State leadership duties and party leadership duties. Presidential neutrality is actually the principles of democracy, power sharing, and respect for the independence of government institutions.⁷¹

Therefore, the President should remain neutral in his behavior as he is a public politician. If he or she feels partiality and interest in a candidate of his or her choice, then the President should keep those feelings to himself or herself until he or she casts his or her vote at the polling station during the General Election. The principle reflects efforts to prevent excessive concentration of power, ensure fair treatment of all citizens, and maintain the integrity of the political system and government.

Article 283 of Law Number 7 of 2017 concerning General Elections states the prohibition for state officials, structural officials, functional officials in public positions, and other state civil apparatus to carry out activities that support or direct favoritism towards election participants before, during, and after the campaign period.⁷²

⁷¹ Kurnia Ramadhana, "Presidential Neutrality and Election Independence," Indonesia Corruption Watch, 2023..

⁷² Article 283 of Law No. 7 of 2017 concerning Elections, State Gazette of the Republic of Indonesia Number 6109 of 2017.

The violation of the article is evidenced by the President's attitude, which is shown by signals of favoritism and endorsement of President Joko Widodo on certain figures that appear repeatedly from the codes he conveyed on a number of occasions. For example, before the campaign, during a volunteer meeting, President Jokowi was with Central Java Governor Ganjar Pranowo. The President signaled that the President would be a thin, white-haired leader, suggesting Ganjar, the number three Presidential candidate. Similarly, at the Perindo Party's anniversary event, the President also signaled that the next Presidential election would be for Mr. Prabowo.⁷³

On another occasion, actions that showed the President's *endorsement* even during the campaign period were the President's one-on-one meeting with the Minister of Defense, Prabowo Subianto, who is now also contesting as a presidential candidate in the 2024 presidential election with Gibran Rakabuming Raka, Jokowi's first son, as his vice president. As well as his meeting with the two leaders of the Advanced Indonesia Coalition (KIM), namely the Chairman of the Golkar Party, Airlangga Hartarto, and the Chairman of the National Mandate Party, Zulkifli Hasan, who supported Prabowo Subianto and Gibran Rakabuming Raka.

In addition, there was a very surprising photo in which the President stood next to his minister, namely Prabowo Subianto as defense minister who was a Presidential candidate and was in a state facility, namely the Air Force airfield. In front of the defense equipment, President Joko Widodo also stated

⁷³ Budi Setyarso, "President Jokowi Admits He Will Not Be Neutral in 2024 Presidential Election," tempo.co talking facts, 2023, https://nasional.tempo.co/read/1731263/presiden-jokowi-akui-tak-akan-netral-pada-pilpres-2024?page_num=2.

firmly that the President can campaign. In addition, the incident of the President's car being used to brandish a sign of support is also evidence of the President's abuse of authority by using state facilities in campaigning activities.⁷⁴

However, some regulations also explicitly regulate the campaigns of the President, Vice President, and other state officials. State officials who are members of political parties have the right to campaign, as long as they do not violate the prohibitions and restrictions set by law, which are as follows :

1. Article 299 paragraph (1) of Law Number 7/2017 on General Elections, which states that "The President and Vice President have the right to carry out the Campaign".⁷⁵
2. Article 281 paragraph (1) of Law No. 7/2017 on General Elections, which states that the President and other officials may carry out elections as long as they do not use facilities in their positions or are on leave outside state responsibility
3. Article 62 of the General Election Commission Regulation (PKPU) Number 15 of 2023 concerning Election Campaigns, which states that State Officials are entitled to carry out Election Campaigns whether they are members of political parties or not members of political parties but must pay attention to the duties of state and/or government administration and the prohibition of the use of state facilities and facilities attached to positions.⁷⁶

State officials may not use facilities at their workplace, except for state official security facilities as stipulated in laws and regulations. They must also take leave outside the state's responsibility.

⁷⁴ Dian Erika Nugraheny and Ihsanuddin, "Jokowi: The .

⁷⁵ Article 299 of Law No. 7 Year 2017 on Elections, State Gazette of the Republic of Indonesia Number 6109 of 2017.

⁷⁶ Article 62 PKPU No. 15 of 2023 concerning Election Campaigns, State Gazette of the Republic of Indonesia Number 548 of 2023.

Article 304 of Law No. 7/2017 on Elections explains that state facilities may not be used to carry out campaigns. The facilities in question include means of transportation such as official vehicles; office buildings, official houses, or government-owned houses; office facilities such as regional radios and other equipment; and other facilities financed by the state.⁷⁷ Meanwhile, Article 305 regulates security, health, and protocols attached to each state official which are carried out professionally and proportionally.⁷⁸

However, in practice there are several incidents that prove the abuse of power by President Joko Widodo, for example, there are photos of the President's face used as the background of campaign posters, as well as several moments in a number of events where the President actively meets with ministers who sit in a particular candidate coalition, in a position that is not on leave. This shows why other ministers who are not part of a particular candidate's coalition do not receive the same treatment.

In political and governance ethics, political officials and elites must be just, trustworthy, and avoid conflicting interests.⁷⁹ Haryatmoko argues that political ethics covers more than just political action, but also includes the practice of social institutions, laws, communities, social structures, politics

⁷⁷ Article 304 of Law No.7/2017 on Elections State Gazette of the Republic of Indonesia Number 6109 of 2017.

⁷⁸ Article 305 of Law No.7/2017 on Elections, State Gazette of the Republic of Indonesia Number 6109 of 2017.

⁷⁹ Rahman Yasin, "Political Ethics in Elections: The *Ethics and Elections* 5, no. 1 (2019): 1-12, <https://journal.dkpp.go.id/index.php/jep/article/view/6>.

and economics. There are three aspects of political ethics, namely goals, methods, and political actions.⁸⁰

Presidential neutrality is actually a principle of democracy, power sharing, and respect for the independence of government institutions. These principles reflect efforts to prevent excessive concentration of power, ensure fair treatment of all citizens, and maintain the integrity of the political and governmental system. As the leader of the country, the President must be fair and respect the ongoing democratic process.

The President's neutrality is important for the people to feel confident that the election is conducted honestly and fairly. The President should avoid actions or statements that could influence the outcome of the election or show personal support for a particular candidate. An attitude that shows preference for one of the election participants can be interpreted as breaking the rules and threatening the integrity and morality of leadership. The President's decision shows disregard for the rule of law and basic principles of democracy. It creates distrust of the electoral process, which should be the main pillar of our democratic system.

The President should avoid actions or statements that could influence the outcome of an election or indicate personal support for a particular candidate. The President must uphold the principle of independence during elections. This is because it can mobilize state structures to follow the President's stance, as their leader. If this happens, then the principles of free

⁸⁰ Haryatmoko, *Political Ethics and Power* (Jakarta: Kompas Media Nusantara, 2003).

and fair elections will gradually disappear from the upcoming democratic party. Then the emergence of public concerns about the oligarchy of power due to the President's attitude that is considered not neutral will raise criticism, such as several things that are considered to provide opportunities for a handful of people or individuals from certain groups to hold power.⁸¹

Other consequences include loss of public trust, accusations of bias, and political instability. In addition, if the President is actively involved in determining his successor, it could create a dangerous precedent where the President has complete control over power.⁸² In a democracy, there should be a clear separation of powers between the executive, legislative and judicial branches. The President's interference could undermine public confidence in the electoral process. The doubts behind Joko Widodo's promise of neutrality are mainly due to indications of power orchestration to achieve power. Supporting one candidate is considered unethical and not in accordance with the constitutional mandate. The President's position could impact the quality of a fair and honest election.

B. Implications of the President's *endorsement* attitude in the 2024 Election for the Democratic System in Indonesia

In general, democracy refers to a system of government in which ultimate power and sovereignty rests with the people. It involves popular

⁸¹ Triwahyuningsih, *Direct Presidential Elections (Within the Framework of Indonesian Democracy)*, c. 1 (Yogyakarta: PT Tiara Wacana Yogya, 2001).

⁸² Wahyu Wibisana, "Here Are Five Negative Impacts of President Jokowi's Statement That He Will Intervene in the 2024 Elections," *Indopos.Co.Id*, June 3, 2023, <https://www.indopos.co.id/headline/2023/06/03/inilah-lima-dampak-negatif-atas-pernyataan-presiden-jokowi-yang-akan-cawe-cawe-di-pemilu-2024/>.

participation in decision-making, freedom of association, opinion, and political education. There are two forms of democracy : direct, where citizens are directly involved in decision-making, and representative, where citizens elect representatives to make decisions on their behalf.

Affan Gaffar states that democracy is a universal political idea that includes principles such as government based on the will of the people, freedom of association, opinion, and elections.⁸³ The principles of democracy include freedom, justice and openness.⁸⁴ Hence, the legitimacy of government is based on the will of the people who have voted. In running their government, the people choose their representatives freely through a democratic party.

In political science, there are two types of democracy, namely normative (substantive) and empirical (procedural) democracy.⁸⁵ From a normative perspective, democracy should ideally be implemented by a country, as indicated by the statement “Government of the people, by the people, and for the people” which is generally incorporated into a country’s constitution. However, nominally democracy cannot always be applied in the real political life of the country. Therefore, democracy must be understood from an empirical perspective, i.e. actual democracy .⁸⁶

⁸³ Afan Gaffar, *Indonesian Politics; Transition to Democracy* Pustaka Pe (Yogyakarta, 2005).

⁸⁴ Agus Dedi, "Implementation of Democratic Principles in Indonesia," *Moderate Journal* 7, no. 1 (2021): 1-9, <https://ojs.unigal.ac.id/index.php/modrat>.

⁸⁵ Affan Gaffar, *Indonesian Politics: Transition to Democracy* (Yogyakarta: Pustaka Pelajar, 2002).

⁸⁶ J Kaloh, *Democracy and Local Wisdom in Direct Elections* (Jakarta: Kata Hasta Pustaka, 2008).

Many political, legal and state theories have been proposed about democracy, demonstrating the complexity and importance of the concept. Democracy is a form of government based on majority rule and principles such as popular sovereignty, political equality, and consultation with the people. These theories often arise in the context of understanding the sources of legal, state and political sovereignty. As stated by C.S.T. Kansil, S.H., popular sovereignty is an important component of legal science theory.

In accordance with Article 1 Paragraph (2) of the 1945 Constitution, Indonesia, a democracy, stipulates that the people have the right to have sovereignty. However, obstacles and threats to democracy itself emerge over time. One of the major threats to democracy in Indonesia is the weakening power of democracy when faced with forces that oppose it, and a sense of hopelessness towards democracy that does not achieve its goals.⁸⁷

The process of elections for the President, representatives of the people, and regional heads, which are part of the Indonesian legal system, running democratically is key in ensuring the successful implementation of democracy. Through the principle of election principle “Luberjurdil” which stands for Direct, General, Free, Secret, Honest, and Fair, is the basis of elections in Indonesia.

Elections are considered a benchmark as well as a symbol of democracy, and democratic elections are not just a symbol, but must also be held democratically. In realizing democratic elections, human rights (HAM)

⁸⁷ State Gazette of the Republic of Indonesia Number 75 of 1959.

also contribute to the process. Every Indonesian citizen has the right to fulfill and obtain their rights, including political rights as citizens. This is in line with Article 1 Paragraph (2) of the 1945 Constitution, which stipulates that the people have the power to determine sovereignty.⁸⁸

In addition, the Act contains other provisions, such as :

1. *Political Rights*. As stated in Article 28E paragraph (3) of the 1945 Constitution which reads “Everyone has the right to freedom of association, assembly and expression”.⁸⁹
2. The Right to Vote, which is the right to vote, or the right to be elected in general elections, is regulated in Article 27 paragraph (1), which states: “All citizens shall be equal before the Law and Government and shall uphold the Law and Government with no exceptions”.⁹⁰
3. The Right to Participate in Government. Or it can be called the right to participate in government. It is regulated in Article 28D of the 1945 Constitution, paragraph (3) which states that “Every citizen has the right to equal opportunity in government”.⁹¹
4. The right to have their human rights respected as fellow Indonesian citizens. This is in accordance with Article 28J paragraph (1) of the 1945 Constitution, which reads “Every person shall respect the human rights of others”.⁹²
5. The right to fight only collectively to develop, society, nation and country. As stated in Article 28C Paragraph 2 of the 1945 Constitution, “Every person has the right to advance himself in fighting for his rights collectively to develop, society, nation and country”.⁹³

Political rights are legal rights that must be owned by everyone to achieve, seize and obtain power that is useful for themselves based on democratic principles. Or in other words, political rights are the right to participate in a government that reflects a democratic state government

⁸⁸ State Gazette of the Republic of Indonesia Number 75 of 1959..

⁸⁹ State Gazette of the Republic of Indonesia Number 75 of 1959.

⁹⁰ State Gazette of the Republic of Indonesia Number 75 of 1959.

⁹¹ State Gazette of the Republic of Indonesia Number 75 of 1959.

⁹² State Gazette of the Republic of Indonesia Number 75 of 1959.

⁹³ State Gazette of the Republic of Indonesia Number 75 of 1959.

through political participation guaranteed by the 1945 Constitution. One form of political rights is the right to elect and be elected in general elections, as stipulated in Article 28D Paragraph (3) of the 1945 Constitution of the Republic of Indonesia.⁹⁴

Article 43 Paragraphs (1 and 2) of Law No. 39/1999 on Human Rights emphasizes that every citizen has the right to be elected and to vote in general elections. This states that every citizen has the right to be elected and chosen through direct, general, free, secret, honest and fair voting in accordance with the provisions of laws and regulations.⁹⁵ The implementation of political rights can be seen through the implementation of general elections (elections) which is a mechanism to utilize political rights. This includes participation in political organizations, the right to vote and be elected in elections, and direct involvement in election campaigns.

However, the human right to choose and be chosen, including in politics, when held by someone who is a public official will have certain implications in a democratic system. The President as a state official and the central figure of a country should be able to maintain the spirit of neutrality towards elections as the head of state and head of government of Indonesia. Some of the President's actions and statements show that state officials are allowed to support and campaign for certain candidates, and this is a serious violation of democracy. The President's *endorsement* is contrary to the beliefs and principles of democracy, namely :

⁹⁴ State Gazette of the Republic of Indonesia Number 75 of 1959.

⁹⁵ Article 43 of Law No. 39 Year 1999 on Human Rights, State Gazette of the Republic of Indonesia Number 165 of 1999..

1. Freedom, or Equality

Where the principle that everyone is considered equal and has the same opportunity to develop according to their potential has become very important. In this case, people, ministers or political parties who are not in line and do not agree to support the candidate pair “endorsed” by President Jokowi will certainly get different treatment, so this treatment is not in accordance with this democratic principle.

2. Principle of Popular Sovereignty

Article 1 Paragraph (2) of the 1945 Constitution affirms that sovereignty is vested in the people and exercised in accordance with the Constitution. Indonesia’s commitment to the democratic system emphasizes that power rests with the people. This also applies to regional head elections, which must comply with national election rules. However, if the process inhibits people’s participation and expression of their opinions, then popular sovereignty becomes irrelevant in the life of the country.⁹⁶

3. Rights and Obligations

The basic principle of democracy is that people are responsible for implementing the values of the state to create prosperity. This means that all people should be involved in all matters relating to the state, have an obligation to participate in the electoral process, and have the right to become government officials. Therefore, the President’s endorsement event is considered to be contrary to the principles of Pancasila democracy embraced by society.

The implications of the President’s non-neutral *endorsement* stance can disrupt a democratic, honest and fair election process. The President, as a public official and head of state, has the right to vote, but to ensure democratic, honest and fair elections, the President must remain neutral.⁹⁷ Jokowi has stated that he will maintain his neutrality as President in the 2024 elections. However, some evidence suggests that Jokowi is not neutral, such as meeting with Presidential candidate Prabowo Subianto and expressing his opinion on the 2024 Presidential election. The President’s non-neutrality will

⁹⁶ State Gazette of the Republic of Indonesia Number 75 of 1959.

⁹⁷ Abdul Aziz Hakim, *Rule of Law and Democracy in Indonesia*.

cause political poverty to occur which could disrupt a fair, democratic and honest election process.

Democracy in Indonesia does guarantee the human rights of all its citizens, including the President who is also an Indonesian citizen, by allowing the President to speak out, express his opinion and declare his alignment in the election.⁹⁸

However, the President, as a public official, is limited in all his actions, including his actions in campaigning, before, during and after the campaign period and the facilities used in accordance with the regulations in the law and other regulations.

C. Presidential *Endorsement of Presidential Candidates Viewed from the Perspective of Siyasah Dusturiyah*

In *siyasah dusturiyah*, the requirement of the President of the Islamic state is held by the imam (caliph), also known as the Imamate. The Imam, also known as the Caliph, also referred to as the leader, is the person who acts as the people's representative in running the government. holding power, and applying sharia law. The basic rules on the form of government and the limits of its powers, the process of electing the leader of a village or state, the limits of general powers to manage public affairs, and the relationship between the ruler and the people are discussed in *Siyasah dusturiyah*.⁹⁹

Leaders in Islam have a term called *Umara* or *Ulil amri*, which comes from the word "*amir*". In the structure of Islamic society, *Ulil amri* is the

⁹⁸ Rozak, *Pancasila, Democracy, Human Rights and Civil Society*.

⁹⁹ Efrinaldi, *Fiqh Siyasah: The* .

highest leader.¹⁰⁰ Umar once used the word Amir when he led the Muslims to replace Abu Bakr.

The term leader is found in the Qur'an, precisely in QS An-Nisa' verse 59 which reads :

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

Meaning : “*O you who believe! Obey Allah and obey the Messenger (Muhammad), and the Ulil amri (those in authority) among you. Then, if you differ in opinion about anything, then refer it back to Allah (the Qur'an) and the Messenger (his sunnah), if you believe in Allah and the Last Day. That is better for you and better for the outcome*”.¹⁰¹

Leader or also known as *Ulil amri* in Islam, is a person who is given a mandate and assigned to take care of other people's affairs. Therefore, the leader is the one who is assigned to look after the interests of the people. Furthermore, a leader in Islam is also referred to as Imamah. *Al Imamah* is leadership and someone who is appointed as a leader is called an imam, as stated in QS. Al-Baqarah verse 124 which reads :

وَإِذِ ابْتَلَىٰ إِبْرَاهِيمَ رَبُّهُ بِكَلِمَاتٍ فَأَتَمَّهُنَّ قَالَ إِنِّي جَاعِلُكَ لِلنَّاسِ إِمَامًا قَالَ وَمِنْ ذُرِّيَّتِي
قَالَ لَا يَنَالُ عَهْدِي الظَّالِمِينَ

¹⁰⁰ Ali Akhbar Abaib Mas Rabbani Lubis, *Legal Science in the Knot of Siyasa Dusturiyah Reflections on the Theory and Practice of Constitutional Law in Indonesia*, ed. M. Harir Muzakki, *Journal of Chemical Information and Modeling*, vol. 53 (Yogyakarta: Semesta Aksara, 2019).

¹⁰¹ QS. An-Nisa: 59

Meaning : “*And (Remember) when Abraham was tested by his Lord with a few sentences, then he carried them out perfectly. He (Allah) said, “Indeed I have made you a leader for all mankind”. He (Ibrahim) said, “(I ask also) from some of my descendants.” Allah said, “(Your prayer I grant, but) My promise is not for the wrongdoers”.*”¹⁰²

In the Qur’an, the word “*amir*” is not found, but the word “*amara*” is mentioned a lot. The word that refers to leaders is the word “*Ulil amri*”, although scholars differ on its meaning. Some interpret “*Ulil amri*” as the head of state, government, scholars, and even the Shias interpret it as their infallible imams. What is closer to the meaning of *ulil amri* is *Ahlul halli wal aqdi* in Fikih siyasah. However, the word “*amir*” is found in the hadith and was known to the Companions.

Rashid Ridha said that among the people there must be someone who has the wisdom and intelligence to organize the interests of the community. They should also be able to solve defense and security issues, as well as political and social issues. In Islam, that is what is called *Ahlu Shura*, or *Ahl alhall wa al-aqdi*. the appointment of a Caliph does not make sense, except for those who choose him voluntarily.

In his book *Al-Ahkam As-Sulthaniyyah*, Imam Al-Mawardi states that a holder of the Imamate must have seven ideal conditions, namely :¹⁰³

1. Justice by fulfilling all the requirements
2. He has knowledge that enables him to make ijthad on cases and rulings.

¹⁰² QS. Al-Baqarah: 124

¹⁰³ Lc Imam Al-Mawardi, translated by Fadli Bahri, *Al-Ahkam As-Sulthaniyyah Laws of State Administration in Islamic Sharia* (Bekasi: PT Darul Falah, 2012), 3.

3. Healthy senses (ears, eyes and mouth) that allow him to deal with issues directly.
4. Healthy organs, free from defects that could prevent them from working quickly and perfectly.
5. He has insights that enable him to lead people and oversee all interests.
6. He has courage that enables him to protect his country and fight against enemies.
7. Nasab, being from Quraysh, has been recognized based on the *nashas* and *ijma'* of the scholars. Some people debate why Imams from Quraish should be appointed as caliphs because of their qualities and the contradiction with other texts from the Qur'an and Hadith. However, there is another opinion that says that the reason is that the Quraysh tribe has always produced many people who are qualified to be appointed as caliphs.¹⁰⁴

In general, *fikih siyasah* does not prohibit democratic systems because democracy gives all citizens the opportunity to participate in policy-making, either directly or indirectly. Direct democracy systems usually use referendums, or opinion polls, to involve the public in policy-making, and this electoral system is easy to implement in small and remote areas.

The principle of public welfare in Jurisprudence emphasizes that the primary purpose of politics should be to serve the public interest and create welfare for all. In the context of politics, this means that policies and political decisions should be made by considering the impact and benefits to society as a whole, not just for the benefit of certain individuals.

When it comes to neutrality and *endorsement*, from an Islamic perspective, the President's *endorsement* is a very important issue to consider. *Endorsement* is a process in which someone who has significant authority or policy gives support or permission to others to do certain things. In terms of

¹⁰⁴ Lc Imam Al-Mawardi, translated by Fadli Bahri, 4.

Fikih Siyasah, the President's attitude of *endorsing* and favoring a particular candidate pair is not in line with the view of Fikih Siyasah. Therefore, it is clear that leaders have the authority to order their staff members to do things that are obligatory, *mustahab*, or permissible.

The leader, in this case the President, must set a good example, be fair and impartial to anyone. He must abandon personal interests and protect his people for the common good. As the Apostle said "*Whoever is given power by Allah to lead the people, then does not advise them, then Allah forbids him to enter heaven*". (HR Bukhari)¹⁰⁵

So, it can be concluded that a leader is a person who functions as a representative to fulfill the wishes of the people and do what they should do, nurture, protect, carry out all their responsibilities, and be responsible for everything that is done for the public interest. The President's *endorsement* of one of the candidates in the election, of course, contradicts the principles in *siyasah dusturiyah* which prioritizes the principle of justice as the main principle that must be upheld by the *Imamate* as head of state, in realizing a state that provides benefits for its citizens.

¹⁰⁵ HR. Bukhari

CHAPTER IV

CLOSING

A. Conclusion

Based on the description above, it can be concluded that from the theories described above, it states that :

1. The President must be neutral in general elections. The President's *endorsement* of one of the candidates in the election is based on his lack of neutrality as head of state and is considered contrary to the provisions of the Law. The President's *endorsement* and partisanship are not allowed, although there is the permissibility of campaigning, the President must understand the limits and provisions of the requirements in campaigning in accordance with what is stated in Article 283 of Law Number 7 of 2017 concerning Elections and Article 62 of KPU Regulation Number 15 of 2023 concerning General Election Campaigns. Meanwhile, what happened was that all of the President's actions before, during and after the campaign period were contrary to what should be.
2. Although Indonesian Democracy guarantees and protects the rights and human rights of the President as a Citizen, the *endorsement of the* President is still contrary to applicable laws and regulations. The fact that human rights in a democratic country in Indonesia protect its citizens in their political rights, namely voicing their choices in elections, is not pleasing if it is applied to the President as a politician figure and the father

of the country who certainly has a great impact and influence in all his actions, In addition, the fact that the President has many personal interests and political parties in the government can result in his inability to maintain a neutral and fair attitude.

3. The attitude of President Joko Widodo's *endorsement* in the 2024 Election is not in line with the principles of leadership in the Islamic perspective of *siyasah dusturiyah* which states that the *Imamah* or Leader, namely the President, must lead his people fairly and wisely, encourage and provide good behavioral role models that do not cause inequality to all his people.

B. Suggestion

From the results of the discussion studied by the author, the author suggests that the President must maintain his neutrality, in accordance with the provisions in the 1945 Constitution. The President as a public official and head of state must maintain neutrality in the electoral process to ensure that elections can be held democratically, honestly and fairly. The President should not make decisions or take actions that are favorable or detrimental to one of the Presidential and Vice Presidential candidate pairs, let alone campaign to voice his support for a particular candidate pair but still use all facilities and facilities financed by the state, this is in accordance with what is stated in Article 281 of Law No.7 of 2017 concerning Elections. The author also suggests that the President should not take a role in the election process

because the President must maintain the spirit of neutrality in order to achieve justice.

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