



# The existence of campaign practices in simultaneous local elections 2020 in Gorontalo province from the perspective of *siyasa fiqh*

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## ABSTRACT

This study examines campaign practices in the Regional Election 2020 in three regencies in Gorontalo Province. The locus of the problem is the existence of campaign practices on the aspects of the period, objectives, and dynamics, and the view of *siyasa fiqh* regarding this matter. This qualitative study employs a juridical and *fiqh siyasa* approach. Data collection uses in-depth interviews and documentation related to objects. The results show that the campaign practices in the Regional Election 2020 in Pohuwato, Gorontalo, and Bone Bolango Regencies still need to fulfill the element of justice for all candidate pairs, especially for non-incumbent candidates. The non-fulfillment of this principle of justice from the perspective of *siyasa fiqh* is considered to have usurped the political rights of non-incumbent candidate pairs. In addition, money politics tends to reinforce that the dominance of economic capital is still a reference for attracting voters.

**Keywords:** Regional election; *siyasa fiqh*

## 1. INTRODUCTION

The implementation of elections every five years in Indonesia experiences various changes. Post-reform, the aim of elections is not only to have a good implementation process but to concentrate more on the substance of democracy. As stated in Article 22E paragraph (6) of the 1945 Constitution of the Republic of Indonesia, the General Elections are conducted to elect members of the People's Representative Council (DPR),

the Regional People's Representative Council (DPRD), and the Regional Representative Council (DPD), and executed in a direct, public, free, confidential, honest, and just manner once every five years.

The substance of democracy in question is the holding of elections that are based on law and the existence of credible election management institutions that continue to reform their authorities, such as the KPU (General Election Commission), Bawaslu (The General Election Supervisory Agency), and DKPP (The General Election Organizer Ethics Council). Their duties and functions are interconnected to ensure the success of the election. The KPU is in charge of carrying out the election stages, the Bawaslu focuses on prevention, supervision, and prosecution, and the DKPP deals with ethical violations of election organizers.

Elections in the regions are used to elect only candidates for members of the DPRD, DPR RI, DPD, and the President. Currently, through Law 10 of 2016, regional head elections are enforced, the implementation of which is borne by the general election commission. This change in regulation implies a change in the post-reform electoral context in Indonesia as reflected in the construction of the democratic party, which is the people's euphoria.

In local election contests, each candidate prepares a campaign to win the 'political match' since there is usually more than one candidate. They try to attract the electorate's attention, which in practice is a democracy, determines victory. The more votes or support they get, the greater the chance of winning the election. Thus, the winner will occupy power in the government. That is the nature of democracy, free competition among elites to win support for certain public positions. However, campaign practices sometimes violate Islamic values, such as Islamic communication principles. In Islam, communication in conducting campaigns must maintain good words in terms of substance and structure, as stated in Surah Al-Hajj Verse 30 below:

ذَٰلِكَ وَمَنْ يُعْظِمِ حُرْمَتِ اللَّهِ فَهُوَ خَيْرٌ لَهُ عِنْدَ رَبِّهِ وَأَجَلْتُ لَكُمْ الْأَنْعَامَ إِلَّا مَا يُنْتَلَىٰ عَلَيْكُمْ فَاجْتَنِبُوا الرِّجْسَ مِنَ الْأَوْثَانِ وَاجْتَنِبُوا قَوْلَ  
الزُّورِ ۝

That [has been commanded], and whoever honors the sacred ordinances of Allah – it is best for him in the sight of his Lord. And permitted to you are the grazing livestock, except what is recited to you. So, avoid the uncleanness of idols and avoid false statements.

In this context, this study examines the implementation of regional elections characterized by elite competition from the perspective of fiqh siyasa. This study focuses on the practice of campaigning by political elites in the Regional Elections 2020 in

Gorontalo Province, especially in Pohuwato Regency, Bone Bolango Regency, and Gorontalo Regency.

## 2. METHODS

This descriptive qualitative study displays assessment procedures and produces descriptive data in written or spoken words from people and observed behaviors. In this case, researchers interpret and explain the data from interviews, observation, and documentation to get detailed and precise answers to research problems. The selection of a qualitative research approach is based on the specifications of the subjects to obtain in-depth information that includes social reality. The symptoms investigated cover the socio-political situation under study, including aspects of place, actors, and activities that interact holistically. In this case, the socio-political situation includes all the informants' views, thoughts, attitudes, and feelings and institutional document data observed regarding the implementation of the simultaneous local elections in 2020. These symptoms are interrelated entities influencing each other to produce holistic and integral data. Furthermore, the researcher describes the data that has been collected and arranges it according to scientific research systematics.

The study occurred in three regions in Gorontalo Province which held regional elections in 2020: Pohuwato Regency, Gorontalo Regency, and Bone Bolango Regency. The location selection was based on two considerations—first, only these three districts held simultaneous local elections in Gorontalo Province in 2020. Second, in the context of campaign practices during the simultaneous local elections in 2020 in Gorontalo Province, there were several cases of violations of the campaign rules of Law Number 10 of 2016 concerning the Election of Governors, Regents and Mayors and Law Number 7 of 2017 concerning General Elections. Data was collected through interviews with several informants as parties who have played a role in organizing elections in three districts in Gorontalo in 2022. They are campaign teams, candidate pairs, Bawaslu, and other related elements. In addition, the study also implemented documentation techniques to support data by recording documents. Agus Salim stated that documentation is still used as a data collector if the information collected comes from documents such as books, journals, newspapers, magazines, activity reports, meeting minutes, inscriptions, and the like. In a broad sense, documents include photographs, records, tapes, videos, disks, artefacts, and monuments. The study also applies three approaches. First, a juridical approach that examines the standard campaign rules, in this case, Law Number 7 of 2017 concerning Elections, Law Number 10 of 2016 concerning the Election of Governors, Mayors, and Regents, and other regulations related to the implementation of regional elections. Second, the Fiqh approach is an effort to understand the rules in the political life of the Gorontalo people (*siyasa fiqh*). Third, a

sociological approach to closely understand the social conditions of the people of Gorontalo, especially in the political year of the simultaneous local elections in 2020.

### **3. RESULTS AND DISCUSSION**

In this section, you present and interpret the findings of your study. Firstly, you report the results obtained from your research, typically using tables, figures, or other forms of data representation. You may include statistical analyses, measurements, or any other relevant information. Following the presentation of results, you then discuss and interpret their implications. You can compare your findings with previous studies, highlight significant trends or patterns, and explain any unexpected or interesting observations. This section often includes critical analysis, the formulation of hypotheses, and the exploration of potential explanations for the results obtained. This section would be approximately 3500-4000 words.

#### **The Existence of Campaign Practices in Pohuwato, Gorontalo, and Bone Bolango Regencies**

The essential variables that need to be considered in the existence of a campaign are the timeframe and objectives. These factors are crucial to ascertain whether the pairs of regional head candidates have met the stipulated period and duration. The KPU usually regulates campaigns in the regional head elections. In 2020, the campaign for regional head candidate pairs, as stipulated in the Regulation of the General Election Commission of the Republic of Indonesia Number 13 of 2020, starts from September 26 to December 5, 2020. The campaign concept for the Regional Head Elections in 2020 is quite different since the Pandemic Covid 19 requires candidate pairs to follow the health protocols set by the government strictly. For example, as stated in Article 58, regional head candidates must prioritize online campaigns through social media. In article 88c, the KPU even strictly prohibits the campaign team from carrying out activities that involve large numbers of people, such as music performances and social services.

This rule does not eliminate social activities but imposes restrictions, such as campaigns where only 50 people can attend and comply with established health protocols. If, in practice, violations occur, Bawaslu will take action against candidate pairs concerning Law No. 6 of 2018 concerning Health Quarantine with administrative sanctions in the form of warnings and administrative fines. In addition, under Articles 212 and 218 of the Criminal Code relating to crowds during regional head elections, they can be threatened with imprisonment and fines.

In Gorontalo Province, the Regional Head Elections in the three regions showed that the scheduling scheme provided by the KPU to each pair of candidates was relatively proportional. However, in practice, it has not fully indicated the fulfilment of

the principle of justice, especially for opponents of the incumbent. This indication is reflected in the regulatory scheme and the position of the political elite in promoting themselves. From the regulatory scheme, regional head elections in the three regencies have similarities as regulated in the Regional Head Election Law. Two incumbents from the three regencies are running again, the Regent of Gorontalo Regency, Nelson Pomalingo, and the Regent of Bone Bolango Regency, Hamim Pou.

Meanwhile, the Regent of Pohuwato Regency can no longer run for office since he has led for two terms. However, his older brother later ran for and won the Regional Head Election in Pohuwato Regency in 2020. In the context of the period, it was clear that the incumbent had carried out his campaign long before the determination of the candidate pair by the KPU. This indication is reflected in the incumbent's massive involvement in social events. Moreover, as a supervisor of civil servants, the incumbent has carried out an indirect campaign that has built his image in his environment. Indeed, no regulations prohibit them as long as they do not carry party symbols or use state facilities. However, the stamp of 'building a political image' has naturally attached to their position as regional heads.

In Gorontalo Regency, the incumbent, Nelson Pomalingo, was caught using authority, programs, and activities that benefited or harmed one of the candidate pairs in his region or another region six months before determining the pair of candidates. Indications of this violation are regulated in the provisions of Article 71, paragraph 3 of Law number 10 of 2016 concerning the Election of Governors, Regents, and Mayors. At that time, the incumbent pair had to receive a disqualification recommendation from the Bawaslu of Gorontalo Regency for violating the election administration. The incumbent pair allegedly inserted a campaign agenda in the tourism cruising program at the Youth, Sports, and Tourism Office of Gorontalo Regency, production of hand sanitiser NDP 912 through the Regional Disaster Management Agency of Gorontalo Regency, and submission of fishery assistance to the Gorontalo District Fisheries Service. In addition, the incumbent has also mobilised civil servants several times for his political interests. The election lawsuit filed by Tomi Yunus presented several findings indicating that the incumbent pair had politicised civil servants and used money politics for their interests.

The tendency of incumbents to steal the start of campaigns is difficult to study since the interpretation of campaigns outside the stages with the incumbent as the regional head is always a debate whose objectification depends on the point of view. The election organisers consider it a violation of election administration, while the incumbent considers it a service to the community according to their duties and functions. However, in terms of regulations, the provisions of Article 71, paragraph 3 have a philosophy that is regulated to refer to equal rights between pairs of candidates

who will run for office. Since incumbents are generally not given such rules, allegations of abuse of power for campaign interests might occur.

In Bone Bolango Regency, the Petahana was accused of providing social assistance from business carts, signing of MoUs between Bank Sulutgo and the village government and MOUs with Bank Indonesia, giving motorcycle boxes to extension workers, and making circulars regarding the collection of zakat from civil servants. However, unlike the Gorontalo District case, in Bone Bolango, the Bawaslu did not find any violation of Article 71, paragraph 3. According to one of the Bawaslu leaders, Zen Baladraf, apart from these cases, the Bone Bolango Bawaslu list also contains reports on the results of supervision of social assistance carried out by the regional government on behalf of the covid task force through the local Social Service. Pictures of the Regent and Deputy Regent are on the social assistance packages. They are known to run again with a different partner in the regional elections 2020. Another report is related to the provision of social assistance by the Nasdem Regional Representative Council (DPW) in the incumbent house. However, the results of the Bawaslu study indicated that these reports needed to meet the formal and material elements, especially in Article 71, paragraph 3 of Law 10 of 2016.

Regarding the use of zakat in campaigns in Bone Bolango Regency, there are indications of the politicisation of zakat by incumbents. For this reason, this indication needs to be explained further from the perspective of *siyasa fiqh*. Implementing this perspective employs the fatwa issued by the Batsul Masail institution as a product of the *siyasa fiqh* issued by Nahdatul Ulama. Furthermore, in its fatwa, NU stated that another name for cash distributed to voters is obligatory (zakat) or sunnah alms. The fundamental question concerns the legal status of paying zakat and giving alms to voters during elections. This fatwa gives two verdicts. First, zakat or alms intended solely to make the recipient choose a particular candidate is illegitimate and is included in *risywah* (bribery). This section applies the same law as in the previous section of the fatwa. However, the text of the fatwa continues with a different and more forgiving interpretation: if zakat or alms is meant to fulfil the obligation to pay zakat or give alms, and at the same time, it is for the recipient to choose a particular candidate, the zakat or alms is still valid, but the reward is incomplete. Thus, if the gifts from the candidates are accompanied by the intention to pay zakat or give alms, it can be classified as zakat or *sadaqah*. However, if it is not accompanied by true intentions but only the desire to influence voter behavior, the gift is considered *risywah*. Therefore, the candidate's intention is an essential element in this fatwa since it (its' *niyyat*) is an essential concept in Islam. Once the intention is considered, one cannot judge an action based solely on its outward appearance. The Prophet Muhammad said that actions are judged on the motivation behind them.

The re-narration of this fatwa will produce the following illustration. Suppose we have two candidates who give money to voters and hope that recipients will vote for them. From NU's perspective, one of the candidates will make a risywah while the other will not. Therefore, one of the candidates sinned by doing risywah, while the other fulfilled his religious obligation by paying zakat even though he did not get the full reward. The fine line separating the two actions is the intention to practice religion through zakat or alms. Here, NU clerics are open to the possibility that giving gifts to voters may have good intentions and be acceptable in Islam. The problem is that considering intention in these matters can create loopholes that allow people to 'buy' votes. Therefore, one might accuse that this NU fatwa provides a way out of the sin of risywah, not by preventing candidates from distributing money to voters, but by including an element of "right" intention. This gap makes it easier for candidates to switch from risywah to alms. In addition to the criticisms above, the authors are open to the possibility that the emphasis of this fatwa is on "imperfect" rewards. It means that NU does not want Muslim candidates to 'buy' votes because even if they intend to pay zakat or alms, the rewards they receive are far from perfect. However, it must be acknowledged that this fatwa is open to a permissive interpretation of vote-buying activities.

In Pohuwato Regency, the position of the political elite running for office is quite different from the two previous regencies. The incumbent who has served two terms, Syarif Mbuinga, can no longer run in the regent election contestation. However, his older brother, Saiful Mbuinga, chose to run and gain the support of the majority of political parties, such as Gerindra, PPP, Demokrat, Golkar, PBB, Berkarya, Hanura, PAN, Perindo, and PKPI. This support cannot be separated from his status, supported by the former Regent of Pohuwato. This privilege had a very significant impact on his victory in the Regional Head Election in 2020.

Reports regarding the distribution of aid packages bearing the name SMS (Saiful-Suharsi) when they have yet to be designated candidate pairs are difficult for Bawaslu to act. However, when an Election Result Dispute (PHP) occurred at the Constitutional Court, Iwan Adam, as one of the candidate pairs, filed a lawsuit against SMS, who allegedly committed a structured, systematic, and massive violation in the Pohuwato Regional Head Election in 2020. One of the points put forward as evidence is that SMS, through its campaign team, distributed the money in several areas, such as in the Subdistricts of Popayato Timur, Denggilo, Paguat, Buntulia, Marisa, and Randangan. There are indications of money politics being carried out by the volunteer team of Saiful Mbuinga and Suharsi Igrisa, which allegedly involved elements of the Village Apparatus, Village Head, and KPPS (Voting Organizing Group), which were carried out covertly or openly by distributing money in the amount of IDR. 70,000 to IDR.

2,500,000,-. The distribution was carried out in various ways, one by recording the names of everyone who had received the money.

Findings on political practice indicate that money is a powerful political tool to attract potential voters. In elections, money plays an important role, especially in the application of money politics. As a means of campaigning, the modus operandi of money politics is to solicit support from the public through distributing brochures, stickers, and t-shirts to sympathisers of specific candidates and potential voters who have yet to make a choice (floating mass). This term hides its true meaning of "paying the voters," which includes food allowance, transportation fee, phone credit fee, fatigue fee, and witness fee. The mechanism and standard of payment to the campaign team also vary. Some team members receive payment regularly, some receive it before election day, and some are paid during the campaign period plus a bonus if the candidate wins, while others are paid based on how much they work. To explain further, here are the differences between political cost and money politics:

<b>Political Cost (Dana Politik)</b>	<b>Money Politic (Politik Uang)</b>
Political financing for winning, such as campaigns, mass mobilization, witnesses, and more technical supervision over the implementation of democratic contestation, the acceptance and utilization of which must be taken into account.	Not part of political financing. It is informal, tends to be illegal, and is strictly prohibited in several democratic countries. It is distributed ahead of the general election.
Political costs are allowed in statutory regulations since there are costs that candidates must incur to disseminate ideas to the public.	In statutory regulations, money politics by giving money (vote buying) to elect a certain pair of candidates is prohibited.
Political costs are the prices that must be spent on political activities, such as consumption and transportation costs during campaigns. Money politics allows vote-buying transactions to occur.	Money politics allows vote-buying transactions to occur.



Responding to the practice of money politics in regional elections, Islamic law (fiqh) has attempted to provide guidelines to prevent such actions from being carried out during campaigns. Several Islamic organizations in Indonesia have attempted to study this matter and provide a legal basis from a fiqh perspective to prevent the practice of money politics in campaigns. The goal is to create a fairer and cleaner campaign. Regarding the distribution of money during the campaign, several fatwas issued by Islamic organizations in Indonesia provide several legal opinions. First, some NU clerics want a strict and firm fatwa. They stated that all candidates who distribute cash during the campaign are perpetrators of risywah. Among the NU figures who held this view were Said Aqil Siroj, General Chairperson of the PBNU, and Malik Madani, who at that time was the head of the PBNU Syuriah. Three days before the opening of the NU Alim Ulama National Conference in 2012, Said Aqil Siroj expressed his personal opinion that "Risywah (bribery) in politics is the same as committing corruption which is a heinous act and is forbidden by religion."

The second opinion comes from Malik Madani, who questions the legitimacy of any political alms. He argues that the definition of alms in the works of Islamic jurists (fiqh books) overrides this practice. He states that "alms are called alms because of the sincere intentions of the doer." Candidates who expect votes in return for their donations are not genuine and are thus categorised as political bribes, not alms. According to Malik Madani, the appropriate religious text for candidates is a hadith: "Those who give bribes and those who accept bribes will both go to hell." In a more profound understanding, Malik's argument shows the character of a 'purist' who refuses to mix religious and electoral motivations when donating money. His assessment of this practice contrasts with NU's fatwa, which views the amalgamation of political intent as only diminishing, not eliminating, the rewards entirely.

The fact that the NU fatwa provides an 'option' to mix intentions when giving alms in the context of elections implies that there are different thoughts within the NU community. The implication is as expressed recently by two NU scholars. The first is Kiai Ahmad Zahro from Surabaya, who does not hold a structural position in NU. As a professor of Islamic law, Kiai Ahmad Zahro stated that money politics in fiqh is not necessarily wrong since an act's status depends on its intention. He added that that is allowed if the candidate intends to give alms and the recipient does not make a promise [to vote]. The second cleric, who in principle does not oppose the practice of vote buying, is Gus Baha from Rembang, Central Java. He was once a member of the Syuriah PBNU. Labeling all gifts from candidates to voters as risywah is a mistake for him. In the context of competition between pious and unholy candidates, where victory is determined by buying votes, spending money by pious candidates is justified by religion.

In addition to issuing individual fatwas, NU also highlighted the issue of implementing regional elections at their 33rd congress through the Bahtsul Masail ad-Diniyah al-Qanuniyah Commission. During the discussion at the congress, they noted two problems. First, the general behaviour of voters has not changed, which has resulted in the growth of the practice of money politics and transactional politics. The statutory provisions that regulate and create clean regional elections have indeed been stipulated, including the threat of sanctions for those who violate these provisions. However, these statutory provisions cannot be implemented effectively without strategic and fundamental steps to prevent the practice of money politics and create harmonious and high-quality regional elections. Second, the simultaneous regional elections, which display the political configurations of various candidate pairs, are prone to conflict and many disputes over the results.

The discussion aims to oversee the implementation of statutory provisions during simultaneous regional elections, to produce quality and inexpensive local elections, and elect trustworthy regional heads. In addition, it also aims to increase public awareness to use their right to vote responsibly and intelligently to minimize the practice of money politics in regional elections. NU explained that the arguments/legal basis for high-quality and low-cost regional elections are the aqwal 'ulamā, fiqhiyyah principles, prophetic hadiths, and relevant verses of the Quran. In this regard, NU raises several hadiths as follows:

Hadith about regrets that will befall people who ask for a position of leadership

عن أبي هريرة : عن النبي صلى الله عليه و سلم قال ( إنكم ستحرصون على الإمارة وستكون ندامة يوم القيامة فنعم المرزعة وبئست الفاطمة ).

*"Abu Huraira reported: The Prophet, peace and blessings be upon him, said, 'Verily, you may earnestly desire a leadership position, but you will regret it on the Day of Resurrection.'"*

الحسن حدثنا عبد الرحمن بن سمرة قال : قال لي النبي صلى الله عليه و سلم ( يا عبد الرحمن بن سمرة لا تسأل الإمارة فإنك إن أوتيتها عن مسألة وكلت إليها وإن أوتيتها من غير مسألة أعنت عليها وإذا حلفت على يمين فرأيت غيرها خيرا منها فكفر عن يمينك وأت الذي هو خير).

*"Al-Hasan told us that Abdurrahman bin Samurah said, Rasulullah SAW said to me, "O Abdur-Rahman! Do not ask for a leadership position if you receive it due to asking ....", "O Abdur-Rahman! Do not ask for a leadership position, for if you receive it due to asking ...."*

Understanding the hadith regarding the prohibition of asking for a position must consider its textual or contextual aspects. The difference between the Prophet's era and today requires us to understand this hadith contextually. Nowadays, especially in Indonesia, someone has to apply or nominate themselves to get a particular position. This circumstance relates to the rules established by the Republic of Indonesia, where everything is based on the law. The correlation between the hadith regarding the prohibition of asking for specific positions and the implementation of low-cost and quality local elections lies in nominations and campaigns.

Regional head and deputy regional head nominations are carried out by political parties or a combination of political parties and independent nominations (without parties). This process shows that there has been a request for a position/power in which the candidates are ambitious to occupy that position. Regarding campaigning, each candidate will try to convey their vision and mission to get the people's sympathy, commit fraud, and spend a lot of money and funds. In this case, some indications citing the hadiths above as proof is not to express NU's disapproval of the implementation of direct regional elections but to warn prospective leaders that it will be their regret. Therefore, they must try to uphold the trust placed on their shoulders.

Various descriptions of the campaigns in the three regions show advantages favoring the incumbent candidate pair. Their structured latitude as political elites and regional heads allows them to build commitment and lead voters to choose. From a regulatory standpoint, Law 10 of 2016 concerning the Election of Governors, Regents, and Mayors, article 71, paragraph 3 stipulates that incumbents are not allowed to use their authority, programs, and activities that are beneficial or detrimental to one pair of candidates in their region and other regions 6 (six) months prior to the date of determination of the pair of candidates. However, this article only applies to the determination of candidate pairs. In contrast, six months before the candidates' determination, it has yet to be possible to list which candidate pairs would compete and register at the KPU.

This article will also need help when paired with the provisions of Article 187A, which regulates the prohibition of giving money and other materials. The application of Article 187A is only at the campaign stage, while the application of Article 71 paragraph 3 is during the pre-campaign period. The construction of overlapping articles in the law determines the existence of a campaign by the pair or prospective pair of candidates

who will compete. According to Jayusdi Rivai, one of the secretaries for winning the incumbent in Gorontalo Regency, the momentum from protecting incumbents to limiting campaign crowds benefited the incumbent pair more. This situation was triggered by other candidates' attempts to build a political image amid strict rules.

In contrast, the incumbent has indirectly built his image from his position and the program he has been implementing for a long time. The incumbent winning team in Bone Bolango Regency, Yuriko Kamaru, made a similar statement which saw that special protection from election organisers for incumbents was legitimate, one of which was because they controlled the bureaucratic structure. However, Yuriko added that election organisers or Bawaslu must be able to apply existing rules proportionally and not look for other legal references to find fault.

Of the three regions holding Regional Elections in Gorontalo Province in 2020, the incumbent won two Gorontalo and Bone Bolango Regencies. Meanwhile, Pohuwato Regency was won by the older brother of the incumbent Regent, who has served two terms. The number of votes obtained was relatively different. Saipul Mbuinga and Suharsi Igirisa, supported by Golkar, Gerindra, PPP, Demokrat, PDIP, PAN, Perindo, Berkarya, Hanura, and PBB, won the most votes with a difference of 10,000 votes with the candidate who won the second most votes.

**Table 1** Recapitulation of Votes for the Regent and Deputy Regent candidates of Pohuwato Regency

No	Name of Candidate Pair	Number of Votes
1	Hamdi Alamri-Zairin T.D. Maksud	10.484 votes
2	Ibrahim Bouti-Miswar Yunus	15.605 votes
3	Iwan Sjafruddin Adam-Zunaidi Z.Hasan	27.200 votes.
4	Saipul Mbuinga-Suharsi Igirisa	37.190 votes

*Source: KPU of Pohuwato Regency in 2020*

The incumbent pair in Bone Bolango Regency also won significant votes in winning the Regional Election in 2020. Hamim-Merlan, supported by Nasdem, Demokrat, and PKS, received a total of 43,099 votes, followed by the incumbent pair, vice-regent Kilat Wartabone and Syamsir Djafar Kiyai with 30,271 votes. The difference between the two is more than 13,000 votes.

**Table 2** Recapitulation of Votes for the Regent dan Deputy Regent candidates of Bone Bolango Regency in 2020

No	Name of Candidate Pair	Number of Votes
1	Ismet Mile-Sukandi Talani	15.039 votes.
2	Hamim Pou – Merlan Uloli	43.099 votes
3	Rusliyanto Monoarfa – Umar Ibrahim	12.856 votes
4	Kilat Wartabone-Syamsir Djafar Kiayi	30.271 votes

*Source: KPU of Bone Bolango Regency in 2020*

Meanwhile, the incumbent pair in Gorontalo Regency, Nelson-Hendra, supported by PPP, Golkar, Gelora, Garuda, and PBB, also won with 93,196 votes, followed by Rustam Akili-Dicky Gobel with 64,667 votes. The difference in votes is around 28,529 votes.

**Table 3** Recapitulation of Vots for the Regent and Deputy Regent candidates of Gorontalo Regency in 2020

No	Name of Candidate Pair	Number of Votes
1	Tonny Junus dan Daryatno Gobel	57.788 votes
2	Nelson Pomalingo- Hendra Hemeto	93.196 votes
3	Chamdi Tumenggung Mayang- Tomy Ishak	14.785 votes.
4	Rustam Akili - Dicky Gobel	64.667 votes.

*Source: KPU of Gorontalo Regency in 2020*

The vote tally in the three regions shows the composition of the campaign period and objectives for the Regional Elections in 2020. First, from a regulatory perspective, Law 10 of 2016 concerning the Election of Governors, Regents, and Mayors have not fully complied with the principles of justice, especially the provision of equal opportunities for all pairs of candidates other than incumbents during the campaign. This absence is reflected in the phrase "candidate pair" in Article 71, paragraph 3, which is difficult to apply since the object is unclear. In addition, in March 2020, the Subdistrict and Village Election Supervisory Committee was deactivated for three months due to the escalating covid outbreak. Some of these factors have triggered campaign inequality among candidate pairs and have yet to fulfill the elements of equality and fairness of rights.

#### 4. CONCLUSION

From the perspective of *siyasa fiqh*, this issue is studied in terms of the unequal fulfillment of the principle of justice between incumbent and non-incumbent candidate pairs. The Regional Election, which was participated in by incumbents in three regencies in the province of Gorontalo, illustrates the absence of the principle of justice, which is a benchmark in the election political arena. *Siyasa fiqh* always upholds the benefit and welfare of society. Therefore, the incumbent's concept of stealing the start does not reflect these values.

تصرف الإمام علي الرعية منوطاً بالمصلحة

*"The policy of the imam (head of state) for his people must be for the benefit of the people."*

Based on the description of the *fiqh* rules, it is clear that the government is not allowed to create laws and regulations that are detrimental to the people. Therefore, government policy must align with the public interest, not the interests of particular groups or oneself. Applying this principle implies that the government must consider the principle of professionalism. In other words, laws and regulations must prioritize the public interest based on the principles of justice and equality. It means that there should be no special treatment for certain parties occupying certain positions and wishing to run for re-election to occupy those positions in the next period. This principle is inherent in *fiqh siyasa*.

Applying *fiqh* rules that prioritize the benefit of the people in formulating regulations on the implementation of Article 71 Paragraph 3 can limit the use of power by incumbent contestants. This limitation is to avoid arbitrariness that incumbent candidates could potentially perpetrate. Thus, these restrictions protect the public from actions that benefit the incumbent candidate pair and the potential for intimidation from incumbent candidates to the public who do not provide support during the campaign.

Furthermore, the pattern of campaigns in several regions in Gorontalo province in 2020 indicates the abuse of the incumbent's power, who uses his authority as regional head to benefit his political electability during the campaign period. This indication is proven by allegations of providing social assistance from business carts, signing of MoUs between Bank Sulutgo and the village government and MOUs with Bank Indonesia, giving motorcycle boxes to extension workers, and making circulars regarding the collection of zakat from civil servants by incumbent candidates in Bone Bolango Regency.

The principle of justice in *siyasa fiqh* or Islamic political law is fundamental since justice is the main principle interpreted as applying just law or fair rules. Justice is upheld by applying Sharia law which regulates all aspects of human life, including government and politics. The justice is more inclined to transparency, accountability, and public participation in political decision-making. *Siyasa fiqh*, with fundamental principles, must be implemented by the government and all stakeholders to create a just and prosperous state for all people. Islam establishes fundamental values in political life, including in the election of a leader. There are central values that need to be contained, according to some Islamic *fiqh* experts, values that are based on deliberation, justice, and equality.

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