

# THE VILLAGE HEAD ELECTION CONFLICT RESOLUTION IN MORAMO COMMUNITY IN *MAQÂSHID SYARÎ'AH* PERSPECTIVE

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**Abstract:** This article examines the phenomena of social conflict and conflict resolution that accompany the election of village head in Moramo Sub-district, South Konawe, from the perspective of *maqâshid syarî'ah*. In order to help to explain the dynamics of social conflict that occurs, the focus of the study was analyzed using two approaches, namely the sociological and theological-normative (*syar'î*) approaches which are empirical in nature. Data were collected using participant observation and in-depth interviews, while data analysis used was the interactive model of Miles, Huberman and Saldana. This article concludes that the social conflict in the village head election occurred as an implication of three triggering factors, namely financial factors, camp conflict, and candidate egoism. These triggering backgrounds emerged social segregation and disharmony which resulted in the form of conflict resolution which the local community termed as Putabo. In the perspective of *maqâshid syarî'ah*, Putabo is seen as an effort to create benefit which means a form of harmony and conformity between religious principles and the social-social dynamics in Moramo.

**Keywords:** *maqâshid syarî'ah*, conflict resolution, *putabo*

## Introduction

This study aimed to unravel the dynamics of conflict resolution for village head election in Moramo Sub-district, South Konawe—hereinafter referred to as MSSK—from the perspective of *maqâshid syarî'ah*. The efforts to unravel the village head election conflict in MSSK are important to study because the phenomenon of social conflict is perceived to trigger disharmony in the MSSK community within a wider radius, so empirical solutions to problems through scientific research are needed. In this context, the direct contestation of the regional head election as a manifestation of the state's formal law towards a democratic reform strategy is tested for its compatibility and becomes an interesting discourse for scholars/academics to study empirically and scientifically. As suggested in the conclusion of Utomo's,<sup>1</sup> Hendrawan's,<sup>2</sup> or Sobari's study<sup>3</sup> in which it raises the theme through research that voiced the quality of regional leadership election in the perspective of the formal legal policies that overshadow them or post-regional head election conflict that occurred in various regions in Indonesia, such as in Buton Regency,<sup>4</sup> Sijunjung,<sup>5</sup> Cimahi,<sup>6</sup> to the national capital of Indonesia.<sup>7</sup>

This description illustrates that regional head election is not only related to political factors, but this phenomenon is also a widespread trend and takes place in various social strata, both in urban and rural areas. This is not without reason, considering the democratic decentralization process imposed by the Indonesian government through Law No. 32 of 2004 has become a general provision for each region to exercise their territorial freedom in the implementation of local democracy, one of which is through the momentum of the election for the heads of their respective regions. The pluralistic structure of Indonesian society, on the other hand, is a factor that triggers divisions due to differences in political affiliation. From this phenomenon, it is common

for friction to emerge, which will lead to social conflict in the community.

The tendency of conflict in the momentum of regional leadership elections can be seen as a social phenomenon that occurs customary in society as a continuation of common interests in dealing with other groups, thus forming conflict of groups.<sup>8</sup> The trigger for the emergence of this conflict can also be seen from the social ontology which is modeled in the form of habituation in community groups,<sup>9</sup> or it can also be triggered by frustration among the general community by bringing unresolved problems of national identity—by borrowing the Craib’s technical definition—termed as quasi-group.<sup>10</sup>

At the classification level, as Ginsberg argues, the quasi-group that appears at the momentum of the village head election is a grouping of people who have common interests and refer to what is called a “potential group”. In the view of researchers, this potential group in the midst of a society that has an interest in creating the same mode of behavior among its members. At a certain momentum—in this context, the election of the village head—this same mode of behavior manifests in a group of supporters of a candidate for village head, and on the other hand, can also group into communities that reject the candidate for village head.

The reality of this social conflict also occurred in the MSSK community during the contestation process for the village head election. Interestingly, based on the researcher’s study of the local government documentation of the South Konawe Regency between January and December 2019, 17 cases of conflict were recorded in the election of village heads in the region. This dynamic is present amid a democratic culture that has grown in Moramo society. Uniquely, this democratic culture is still accompanied by the cultural typology of the MSSK community, which is allegedly

attached to a charismatic hegemony that is closely related, so that fanaticism towards the figure of a prospective leader sometimes becomes a cause of friction and ignites social conflict intergroups of people.

These objective facts need to be anticipated through intervention steps to implement peace building and conflict resolution. Therefore, the effort to resolve social conflict through conflict resolution in this context is important to be studied and analyzed empirically, especially from the perspective of *maqâshid syarî'ah* as a form of a methodological instrument of Islamic law.

## **Methodology**

Based on this description, this article is focused on conflict resolution effort for village head election from the perspective of *maqâshid syarî'ah*. The conflict resolution in question is carried out by first looking at three main dimensions, namely the trigger factors, form, and impact of the conflict. Therefore, *maqâshid syarî'ah* as one of the methodological tools that exist in the dynamics of social Islamic law is the main discourse of this effort.

Therefore, this study used a qualitative approach with a case study research type. In order to assist in explaining the dynamics of social conflict that occurs, the focus of the study was analyzed using two approaches, namely the sociological and theological-normative (*syar'i*) approaches which are empirical in nature. The sociological approach is used to help to understand and analyze the village head election system, while the theological-normative approach is used to examine the rules or norms that apply during the village head election process. The study objectives were directed at observations and descriptive-analytic tracing of the village head election process, with the researcher acting as

the key instrument. Data collection was carried out using participant observation and in-depth interviews, while data analysis used in this study was the interactive model of Miles, Huberman and Saldana.

## **Results and Discussion**

### **The Dimensions of Social Conflict of Village Head Election at MSSK**

A glimmer of hope for the creation of an ideal democracy after the implementation of regional autonomy (*otoda*) in various regions in Indonesia, gives fresh air to the implementation of a new electoral round of the regional head election, including in the MSSK area. Interestingly, the village head election process at MSSK does not only leave positive news with the election of a new village leader but is also accompanied by unfavorable implications from the social conflict in the community during the village head election process.

In the context of this research, the conflict dimension revolves around socio-cultural dynamics present developing the life of the MSSK community, especially in the momentum of the elected village head in the area. Technically, the stages of village head elections in MSSK have taken place according to the favorable legal rules that should be followed. This stage begins with registering a candidate for the village head then followed by each candidate's socialization for the village head. The candidates' appearance for village head candidates at MSSK emphasizes the potential for performance and community support obtained during the candidacy period. At this stage, the conflict-prone points can spatter into social conflicts in the MSSK, which will continue until the ends of electoral process.

The author examines the dimensions of conflict in MSSK based on three assumptions. *First*, the trigger factors of conflict in village heads' election in MSSK. In this context, the social conflicts that occur are triggered by financial factors, inter candidates' supporter conflicts, and candidate egoism. The economic inability of the MSSK community, coupled with the provocation of candidates who have financial and funding capabilities, divides the community into group segmentations that support each candidate. Next, the factor of conflict between groups also triggered the social conflict that occurred. This is because, during the village head election, the candidates compete with each other to attract public sympathy and seek voting support. At this stage, the provoked society will support each other for their respective candidates, and finally will create social conflicts. This condition will be related to the third trigger, namely the candidate's egoism for the village head, who wants to win the election. In fact, in one of his researches, Gueorguiev stated that economic factors are able to change public opinion. In the contest for village head elections in MSSK, it can be concluded that link between financial factors and the driving of public opinion can triggers social conflicts in the MSSK community.<sup>11</sup>

In the researcher's view, the egoism of the candidate for the village head in gaining vote support from the community is a form of the elite's effort in reaching their political interests. This condition has the potential to become a source of conflict energy at the grassroots level of society if the political passion of the elite takes advantage of the differences that naturally exist in society. This is what needs to be watched out for as an entity that triggers social conflict in a region's political election.

*Second*, the form of conflict in the village head election in MSSK. The conflicts that arise in MSSK manifest in two things, namely the occurrence of social segregation and disharmony. It

cannot be denied that the village head election process at MSSK will lead to a village leader's election, which automatically eliminates other village head candidates and makes them the losers in the political arena of village head elections. This condition led to the existence of segregation at the grassroots level of the supporters of each candidate. The implication is the emergence of cohesiveness of the MSSK community members at moments of village activities, usually carried out in harmony without any separation between the supporters of village head candidate.

Next, the form of social conflict that occurs is the emergence of social disharmony among the MSSK community. It is common to say that the emergence of social-community disharmony is a continuation of the segregation in the social structure of the MSSK community. The emergence of social space between supporters of one candidate and another in the contest for village head elections opens a path of disharmony friction in the community, which is sometimes triggered by fanaticism, as is the result of Paturisi's research,<sup>12</sup> which is commonly present as a form of the plurality of a community.<sup>13</sup> Moreover, Indonesia's democratic ecosystem, which points to openness and freedom to choose future leaders, has contributed to changing voter behavior. When citizens have the right to elect a candidate's name directly, personal fanaticism and personal sentiment towards charismatic figures -in this case, the village head candidates in MSSK- become dominant in coloring the voter behavior patterns.

Finally, the *third* dimension is the aspect of the implications of social conflict, which causes social-community relations to be cut off in the MSSK community. The social conflict that began with the village head election process continued in a pattern of social-community relations fractures during the head of the state's election. Between the winning side and the loser in the

village head contest, it seems as if they no longer mingle and unite in harmony with the opposite group.

The researcher can state straightforwardly that the emerge of disharmony that leads to the breakdown of social-community relations is a product of communal behavior that is formed by a certain value system and influences someone to act based on this value. In this case, the experience becomes a keyword that plays a major role in determining the meaning of an event, as Mannheim's statement which tends to reflect human experience as a manifestation of the expansion of the meaning of a certain value that has been recognized by local traditions,<sup>14</sup> and becomes a kind of analysis of social action<sup>15</sup> as well as a frame of meaning -which is termed as "*Sinnzusammenhang*."<sup>16</sup>

### **The Study of Social Conflict of Village Head Election at MSSK**

In its normative analysis, Islamic law has the essence of the principle of perception of all patterns of human behavior, both in the relation between human beings and in the relation between humans and the Creator (God). In other words, Islamic law is a dialectical meaning of the interaction of meaning, text, and theological-humanist context among all human behavior in exploring and interpreting revelation through tradition.<sup>17</sup> Hence, it is reasonable to say that religion is a subjective human authority which is correlated through the *syara'* law. At the level of implementation, this correlation is connected through human actions in obeying and submitting to *syara'*.<sup>18</sup>

On the other hand, from a sociological perspective, conflict is a fact that cannot be denied from human life. Besides, the pluralism factor of Indonesian society is a potential for triggering conflict due to this diversity. In the context of the MSSK community,



the diversity of voting choices in the village head election process does not stop at the moment of contestation. However, differentiation and support for the selected candidates continue until higher regional leaders' election, such as legislative members' election at the regional and central government levels. This is as stated by Suloi, who said: "The disputes of the MSSK community did not stop at the village elections but continued until the last presidential election until there were quips on social media"

The narrative at least provides an overview of the sociological aspects that characterize the MSSK social-community life. Differentiation of individuals and groups, on the one hand, with individuals and groups on the other emerge intergroup struggles intended for the definition and existence of each group in the community. In this case, the defensive among prospective village leaders' supporters experiences competition and results in conflict and social disharmony. Especially if there is a factor of "closeness" between the candidates and the voters, it will create a "short axis" and, in the end, trigger horizontal conflicts between groups of supporters of each candidate.

The defensive attitude shown by the MSSK community in supporting their respective candidates can be pointed out as the impact of the political culture of the pastoral, which is closely related to the "colors" of society in Indonesia, especially in terms of awareness, interest, and attention to the social system in general. The *kaula's* political culture character focuses on the output of a system and not on the input aspect or awareness as a political actor. The implication is in the stagnation of community members in their position as passive *kaula* subjects.

Referring to Fisher's idea of intergroup conflict, the researchers examined the phenomenon of conflict in MSSK as a form of *constructive social conflict*.<sup>19</sup> This can be indicated

by several prerequisite factors that accompanied the emergence/issuance of the conflict, including:

*First*, there is a critical issue that frames a social conflict in the form of competing candidates for village head candidates who advance in political contestation in the MSSK area. This issue in the downstream area has become a common concern of the interested parties in the contestation process. *Second*, there is a dissimilarity of interests or expectations related to the object of attention of the interested parties. In this context, the distinction of interests and expectations of the conflicting parties is evident in the form of differences in support for each candidate for village head candidates in MSSK.

*Third*, there is an initiation of social conflict in the form of sedition or slander which in reality leads to the development of more real and open conflict. Therefore, the MSSK community has its own customary approach which is termed as *putabo*—as a form *counter-action* for the agitation that developed in the community during social conflict. *Fourth*, there is an emergence of a psycho-social crisis in the form of competition between village head candidates that are continuously raised and maintained by each interested group, thus sparking further social conflict. Some of these prerequisite conditions then accumulate at the peak stage of the conflict which can be accompanied by social chaos.

### **Between *Maqâshid Syarī'ah* and Social Conflict**

Whether it is recognized or not, religion's sacred mission revolves around its strategic role in showing the way of salvation for its adherents. In a more detailed narrative, the mission also covers the role of religion in organizing human life in a better direction, including implementing the humanization of political life to align with the noble values of religious teachings.

A more specific discourse on the implementation of the humanization of the human role in various aspects of life can be seen through the study of Islamic legal philosophy. Through the perspective of the study of Islamic law, there is an axiological study of Islamic law which includes the objectives of law with the term *maqâshid syarî'ah*. Lexically, the term *maqâshid syarî'ah* comes from two words. *Maqâshid* is the plural of the word *maqshud* which means purpose or intention. Meanwhile, *syarî'ah* is interpreted as a way to a water source. Thus, the terminology of *maqâshid syarî'ah* can be understood as the goals to be achieved from a stipulation of Islamic law.

As this description, it is common that the essence of *maqâshid syarî'ah*, one of which lies in the aspect of benefit to human life. In fact, al-Syâtibi stated that the core of *maqâshid syarî'ah* is in its usefulness for human life.<sup>20</sup>

On the other hand, the times have also brought changes in the methodology of Islamic law. Indirectly, this creates a pattern of adaptation to the stipulation of the Islamic law that must accommodate social life problems following the era's context. Even so, Islamic law remains in its position as the main cause of Islam<sup>21</sup> and the root of the dogma of law<sup>22</sup> so that it impacts the integration between Islamic law and visible social realities. As expressed in Taliaferro's research, the integrative side of these two aspects is a form of compromise conformity between human and divine law that can be mediated by universal law as Ibn Rushd's idea.<sup>23</sup> If it is narrated more straightforwardly, religion -in this context- is a creed-humanist entity and an inviolable reality for its domination of role in regulating the order of human life following its nature as an individual, social, and divine being.

It can be said that law is a reflection of the constellation of a community. In this case, the law acts as a preserver and an object

that reflects community life based on religious ideals and social-societal ideals. For this reason, the legal system, in reality, will always be upheld on the relationship relationality ideas, targets, and ideals of the community.

The essential role of law in maintaining the order of people's lives, in reality, can be carried out through various patterns. This is mainly related to the situation and condition of the locus a community lives in. There is a pattern of legitation which is generally carried out through court forums. In this pattern, the law acts in accordance with the standard and formal rules of the juridical regulations issued by the government. In addition, there are also patterns outside the court that also have the same function in resolving conflicts that occur in society. This pattern is outside the court and puts forward peaceful settlement through several means. This pattern is known as alternative dispute resolution.<sup>24</sup> In certain situations, the resolution of social conflicts through peaceful means outside the court, as well as aided by dialogue between leaders of religious communities, has proven to be effective in creating a space of peace in the midst of a pluralistic society.<sup>25</sup>

The manifestation of the constellation of community communities, as Houven argues, can be through customary law loopholes that arise and develop in the community of a society. The constellation embodied in customary law deserves to be defended as the natives law. The author analyzes Houven's opinion based on two main assumptions. First, it cannot be denied that the position of customary law is a form of authentic law that is raised based on facts that occur in a community, so it can be said that customary law is also an actual law. Second, the constellation of customary law has a role as anticipatory law in maintaining community stability as well as playing a role if Islamic law has not been fully explored in providing solutions to social and

legal problems that occur in a community. In fact, in a broader context, it can be clearly stated that customary law is a non-formal legal format that grows and develops naturally in a community. The importance of this law that can be considered as the core source of the formulation of statutory regulations in society.<sup>26</sup>

Otherwise, there are also those who state that the constellation of customary law that develops in a community also has weaknesses in the aspect of legality strength. Among the weak points, it appears in the limitations of customary law which can only solve social problems in one particular area. This means that customary laws that have developed in one area are not necessarily applicable to other areas. In addition, the weakness of customary law is the level of reliability, as in Falahy's research which states that the existence of recognition of customary law only applies to communities that recognize the existence of customary law, and does not apply universally as positive law.<sup>27</sup>

The same thing also happened to the MSSK community who had rules based on their ideals and ideas. Sociologically, these rules are manifest in the form of humanist relations between members of society without leaving the norms of life and local wisdom, as concluded by Muslim's research.<sup>28</sup> When examined in a broader scope, the relationship rules that were formed long ago in the MSSK community are similar to the conditions of medieval Spanish society when they started to intersect with Indian culture. At this point of intersection between cultures, an effort emerged to restore customary law and religious traditions that had been internalized in the community for a long time. The intersection of these two elements of law ultimately leads to a textual agreement known as "*requerimento*."<sup>29</sup>

Social phenomenon in MSSK and the two objects' character position, namely Islamic law and social reality, seem to have a relationship with each other to trigger social life regulation

continuously. This human reality can be seen from the pattern of life of the MSSK community, which is closely related to the value of Islamic law in their daily lives. The MSSK community itself sees Islamic law as a force that can create a good community structure and a community order with values and norms in their daily lives. It is typical for the MSSK community to position Islamic law as a base integrated into their life pattern, integrating with ideas, goals, and ideals.

The traditional approach used by the MSSK community has contributed to the construct of Islamic law in upholding legal norms as well as establishing the standard approach (*putabo*) as an effort to resolve conflicts in the election of village heads in the region, following Layish's idea of describing *adat* as an option for legal sources of Islam.<sup>30</sup> With the synergy that is formed between the traditional *putabo* approach law with Islamic law, it indirectly emphasizes the position of *maqâshid syarî'ah* as one of the references in reaching the benefit of mankind.

### **Conflict Resolution through *Putabo Adat* Approach in the Perspective of *Maqâshid Syarî'ah***

The option of social conflict resolution has a flexible character. It is not a rigid formula that can apply to the community's social system; however, it must adapt to the conflict's character and profile. If observed through theological nuances, it can be said that the resolution of a conflict is a non-violent approach based on the sacred mission of religion in protecting the realization of the fundamental rights of each human being. In an Islamic perspective, this is often referred to as *maqâshid syarî'ah*, which includes five aspects, namely: *hifzh dîn* (protecting religion); *hifzh nafs* (protecting life and safety); *hifzh nasl* (protecting the continuity of the generation); *hifzh 'aql* (protect the mind); and *hifzh mâl* (protecting property). The five elements of *maqâshid*

*syarī'ah* provide an essential reference for Muslims concerning the implementation of human activities, whose the main target is to protect fundamental human rights.

Likewise, in the customary traditions of the MSSK community, there is a conventional approach called *Putabo* which is used as a conflict resolution effort in selecting village heads in the region. *Putabo's* traditional approach focuses on solving social conflicts using the foundation of social norms combined with formal law in the form of granting fines – which in terms of the MSSK community is called *pohala*. Fines/*pohala* are impose on members of the MSSK community who are proven to spread false news to the others. Moreover, if the accused party feels offended, especially if the news is not proven to be true.

In this context, it can say that the traditional approach can be the basis for determining Islamic law, as concluded in Fawzi's research,<sup>31</sup> as long as there are no arguments against the conventional approach from being applied. A similar conclusion was also stated by Hursh in his research, that the traditional approach, which can bring benefits when applied, can be a form of provision that is acceptable to Islamic law.<sup>32</sup>

Based on this mindset, *Putabo* can be said to be an attempt to social conflicts in the momentum of village head elections at MSSK. The imposition of *pohala*/fines on communities that violate the *adat* rules is a form of firmness in the customary law construction in MSSK, which takes to realize the benefit (*mashlahah*) of individuals and communities. This goal is the estuary of *maqâshid syarī'ah*, as concluded of Bahrudin's research<sup>33</sup> which in Mutakin said that benefit (*mashlahah*) is the core of *maqâshid syarī'ah*. Of course, this permissibility is still considered an effort that is far from the side of adultery so that it has harmony with *maqâshid sharī'ah* or the principles of religious values.

In the researcher's observations, this phenomenon appears based on the recognition of Islamic law as a pattern of maintaining social order in its form as a study of the main and fundamental objectives of *syarī'ah* (*maqâshid syarī'ah*). This form of recognition is manifested in effort to resolve the social conflict that took place in the process of selecting village head at MSSK. In a deeper context, the researcher can state straightforwardly that the position of Islamic law is not shifted by the social reality of the MSSK community which is plural and has undergone continuous changes in various fields—including the pluralistic political choices of the community. Therefore, the transformation that is always rolling in the MSSK community needs to be aligned with the existing social spirit rhythm but is still based on the construct of a normative framework contained in Islamic religious texts, including in resolving the problems that are present in the community, as concluded in both Aji's<sup>34</sup> and Winarno's<sup>35</sup> researches. Through the perspective of *maqâshid syarī'ah*, *putabo* is positioned as a social conflict resolution strategy by reducing "social clash" and acted as an antidote to social conflict at the locality level of the MSSK community.

The main point that is important to understand is the concept of the flexibility of Islamic law when dealing with dynamic societal contexts. The dynamics of Islamic law can be developed through actualizing instrumental values in an effort to develop law according to the context of the times. Conceptually, it cannot be denied that in Islam there are fundamental values that are absolute and cannot be changed throughout the ages. However, these basic values must have universal meanings that can always be adapted and applied according to the needs of the community.<sup>36</sup> Therefore, in this context, al-Maududi's statement is important to understand in real terms.



Instrumental values as described above can be developed in accordance with the demands of the development of society which is the object of implementing the law. It is common for the ushul fiqh rule “the customs of a society to be made into law” as a reference in examining the *putabo* tradition in the MSSK community. Thus, the basic matters in the field of Islamic law can be accommodated in the preparation of customary law mosaics that arise from the phenomenon of society so that Islamic law – read: *maqâshid syarî‘ah* – meets its dynamic point.

In the observations of researchers, the dynamism of *maqâshid syarî‘ah* which was manifested through the emerge of conflict resolution over the election of village heads in MSSK so as to reduce social divisions there has increasingly reaffirmed the essence of *maqâshid syarî‘ah* in creating human benefit. In the context of political and social problems that occur in the MSSK community, conflict resolution efforts through the customary *putabo* approach, the perspective of *maqâshid syarî‘ah*, have two important dimensions. First, *maqâshid syarî‘ah* is in fact able to build a sincere plurality through the development of *kalimatun sawa* (awareness of meeting points) at the esoteric level among community members living in MSSK. Second, *maqâshid syarî‘ah* has an important role as a pattern of resolving conflicts outside the court on the basis of mediation. These two dimensions, in the author’s view, can be categorized in alternative dispute resolution<sup>37</sup> at MSSK.

## **Conclusion**

From this description, it is reasonable to say that communities that have strong and rooted traditional traditions will not be separated from the continuity of transformation with the times. Likewise, the reality that occurs in the MSSK community in the momentum of the village head election. Unfortunately, this

momentum is accompanied by a massive movement in the form of an upheaval of social conflict among community members that forms a political dimension in the MSSK area. The implication is the presence of progressive effort that manifests through conflict resolution using a sociological approach—which is sensitive to customary traditions and local characters—and a normative theological approach—in the construct of *maqâshid syarî‘ah*.

Both approaches provide descriptions of phenomenological understanding that are capable of producing knowledge and meaning through the dimensions of rationality. One of the manifestations of conflict resolution is through *putabo* as a form of customary approach in resolving social conflict that occurs in MSSK.

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