



ANALYSIS OF IMAM AL-MAWARDI'S VIEWS ON THE PRACTICE OF RISYWAH IN THE DPR/DPRD ELECTIONS AND ITS RELEVANCE TO THE ELECTION SYSTEM IN INDONESIA

Aulia Sabrina Hasibuan¹, Zukifli Nas²

^{1,2}Universitas Islam Negeri Sumatera Utara, Indonesia

*Corresponding Author: aulia0203211001@uinsu.ac.id

Article Info

Article history:

Received :

Revised :

Accepted :

Available online

<http://jurnal.uinsu.ac.id/index.php/analytica>

E-ISSN: 2541-5263

P-ISSN: 1411-4380



This is an open access article under the [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license

ABSTRACT

Money politics in the election of members of the House of Representatives (DPR) and Regional House of Representatives (DPRD) remains a serious challenge to electoral integrity in Indonesia because it weakens voters' political autonomy, distorts representation, and undermines the principle of fair elections. In Islamic legal thought, this practice is closely related to risywah, namely the use of material incentives to influence public decisions or obtain political office. This study aims to analyze Imam al-Mawardi's concept of risywah, examine its relation to Indonesian electoral law, and formulate its relevance for strengthening the ethical foundation of Indonesia's electoral system. This research employs a normative juridical method using conceptual, statutory, and historical approaches through library research on classical Islamic legal texts, electoral legislation, and relevant scholarly literature. The findings show that al-Mawardi's thought offers a normative-ethical framework for understanding money politics as a defect in political legitimacy. Risywah not only violates legal norms but also eliminates 'adālah as a fundamental requirement of leadership, damages public trust, and contradicts the objectives of governance based on amānah and maṣlaḥah. The novelty of this study lies in positioning al-Mawardi's political thought as an ethical corrective to the formalistic enforcement of electoral law in Indonesia. Therefore, strengthening electoral integrity requires not only legal sanctions but also the internalization of Islamic political ethics, public education, and consistent supervision against transactional politics

Keywords: *Risywah; money politics; Imam al-Mawardi; fiqh siyasah; electoral integrity*

1. INTRODUCTION

General elections are a key instrument in a democratic system, ensuring the sovereignty of the people through legitimate political representation. In the Indonesian context, the election of members of the People's Representative Council (DPR) and the

Regional Representative Council (DPRD) holds a strategic position because these legislative bodies carry out legislative, oversight, and budgetary functions that directly determine the direction of public policy. Normatively, the election of representatives should ideally be based on moral integrity, intellectual capacity, accountability, and commitment to the public interest. However, in electoral practice, the election process is still often marred by money politics, which transforms the democratic relationship between candidates and voters into a transactional one. This phenomenon indicates a shift in the meaning of democracy from a space for rational participation to an arena of material exchange, which has the potential to undermine the quality of political representation and undermine the principle of electoral justice (Aspinall & Sukmajati, 2016; Budiardjo, 2015).

From an Islamic legal perspective, the practice of money politics is conceptually closely related to the term *risywah*, which refers to the giving of something to a particular party with the intention of influencing decisions, gaining an advantage, or gaining a position through illegitimate means. *Risywah* is not only understood as an individual violation, but also as a form of moral and social deviation because it undermines justice, trust, and public trust in power. The Qur'an strictly forbids acquiring wealth through false means and using wealth to influence rulers or legal decisions, as contained in Surah al-Baqarah [2]:188. This prohibition is reinforced by the Prophet's hadith, which condemns both the giver and receiver of bribes as perpetrators of moral deviations that undermine the order of justice. Therefore, within the framework of Islamic jurisprudence (*fiqh siyasiyyah*), money politics in elections can be viewed as a form of *risywah siyasiyyah* because it uses material power to influence political choices and the process of obtaining public office (Iqbal, 2014; al-Zuhaili, 2004).

Under Indonesian positive law, money politics is also expressly prohibited because it contradicts the principles of direct, general, free, secret, honest, and fair elections. Law Number 7 of 2017 concerning General Elections stipulates that giving or promising to give money or other materials to influence voters is an election crime. These provisions indicate that the state views money politics as a threat to freedom of choice, political equality, and the legitimacy of election results. However, despite the existence of legal norms, the practice of money politics continues to recur in various electoral contests. This situation demonstrates that formal legal approaches have not been fully effective in eradicating transactional political culture, especially when voters and candidates still view material gifts as part of a common political strategy in electoral competition (Republik Indonesia, 2017; Santoso & Budhiati, 2019).

The thoughts of Imam al-Mawardi are important to study because they offer a normative-ethical basis for assessing the legitimacy of power. In *Al-Aḥkām al-Sultāniyyah*, al-Mawardi explains that leadership (*imāmah*) is an institution aimed at safeguarding religion and regulating worldly affairs. Therefore, power should not be understood merely as an administrative position, but as a moral mandate that must be exercised based on justice, wisdom, and the common good. Al-Mawardi places *'adālah*, or justice, as a primary requirement for leadership. This means that someone who obtains office through unfair means, including bribery or material transactions, loses the moral basis for holding power. In this context, money politics is not only a violation of election law but also a form of flawed legitimacy because public office is obtained not through trust and merit, but through economic manipulation of the will of voters (al-Mawardi, 1985; Khallaf, 1998).

Several previous studies have discussed money politics in Indonesian elections, including its political costs, weak law enforcement, patronage culture, and its impact on the quality of democracy. Aspinall and Sukmajati (2016) emphasized that money politics is closely linked to patronage and clientelism in Indonesian elections. Santoso and Budhiati (2019) demonstrated that election law enforcement still faces evidentiary challenges, low public reporting, and a weak deterrent effect. In Islamic legal studies, *risywah* is generally discussed as a prohibition on bribery in the context of law and government, but few studies specifically link Imam al-Mawardi's concept of *risywah* to the practice of money politics in the elections of members of the House of Representatives (DPR) and Regional People's Representative Council (DPRD). This gap forms the crucial basis for this research, which positions al-Mawardi's thought not merely as a legacy of classical Islamic political thought but as an ethical framework for addressing the integrity issues of modern elections in Indonesia.

Based on this description, this research begins with the gap between legal ideals and the reality of electoral politics. On the one hand, Islamic law and Indonesian positive law both reject the practice of money politics because it undermines justice, freedom of choice, and the legitimacy of power. However, on the other hand, this practice persists and affects the quality of political representation in legislative institutions. Therefore, this study aims to analyze the concept of *risywah* according to Imam al-Mawardi, explain the regulation of money politics in Indonesian positive law, and formulate the relevance of al-Mawardi's thinking in strengthening an electoral system with integrity. Academically, this study contributes to enriching contemporary studies of *fiqh siyasah* by presenting al-Mawardi's thinking as a normative basis for criticizing transactional politics and strengthening the ethics of electoral democracy based on justice, trustworthiness, and public welfare.

2. RESEARCH METHOD

This research employs a normative juridical method, namely legal research that focuses on the examination of norms, principles, concepts, doctrines, and legal thought relevant to the research problem. This method was chosen because the primary object of the research is not empirical societal behavior, but rather normative constructions regarding the practice of *risywah* in the election of members of the House of Representatives (DPR) and the Regional People's Representative Council (DPRD) and its relevance to the electoral system in Indonesia. Normative juridical research allows researchers to examine the relationship between Islamic legal norms, the political thought of Imam al-Mawardi, and provisions of Indonesian positive law concerning the prohibition of money politics. Therefore, this research positions law as a system of norms analyzed through primary, secondary, and tertiary legal materials to obtain systematic and conceptual legal arguments (Marzuki, 2017; Soekanto & Mamudji, 2015).

The approaches used in this research consist of a conceptual approach, a legislative approach, and a historical approach. A conceptual approach is used to analyze the concepts of *risywah*, *'adalah*, *amanah*, and *maslahah* in the thought of Imam al-Mawardi, particularly as contained in *Al-Aḥkām al-Sultāniyyah*. A legislative approach is used to examine Indonesian positive legal norms that prohibit money politics in general elections, particularly Law Number 7 of 2017 concerning General Elections. Meanwhile, a historical

approach is used to understand the context of classical Islamic political thought regarding the legitimacy of power, leadership ethics, and the moral requirements of leaders within the *fiqh siyasah* tradition. These three approaches are used in an integrated manner so that the analysis not only explains the legal-formal aspects of money politics but also assesses the ethical and legitimacy dimensions of power from an Islamic legal perspective (Ibrahim, 2013; Iqbal, 2014).

The data collection technique was conducted through a literature study by examining the classic works of Imam al-Mawardi, verses of the Qur'an and hadith related to the prohibition of *risywah*, election laws and regulations, Islamic law books and constitutional law, and scientific articles relevant to money politics and election integrity. The collected data were analyzed descriptively and qualitatively through the stages of legal material inventory, theme classification, normative interpretation, and drawing legal arguments. The analysis was conducted by comparing the concept of *risywah* according to Imam al-Mawardi with the regulation of money politics in Indonesian positive law, then assessing its relevance to strengthening a just election system. Through this procedure, this study not only explains the prohibition of money politics normatively, but also formulates the ethical contribution of al-Mawardi's thinking in strengthening election integrity based on justice, trustworthiness, and public welfare (Bowen, 2009; Khallaf, 1998).

3. RESULT AND ANALYSIS

The Concept of *Risywah* According to Imam al-Mawardi

The concept of *risywah* in Imam al-Mawardi's thought cannot be understood narrowly as the practice of bribery in an individual relationship between giver and receiver, but must be placed within the broader framework of Islamic ethics of power and political legitimacy. In the tradition of Islamic jurisprudence (*fiqh siyasah*), *risywah* is the act of giving property, gifts, or certain facilities with the aim of influencing public decisions, gaining legal advantages, or obtaining positions through illegitimate means. This practice is a serious problem because it undermines the principle of justice (*'adālah*), the primary foundation of the exercise of power. Al-Mawardi views power as a public trust, not merely an administrative position or an instrument of political domination. Therefore, every process of acquiring power must be subject to the values of honesty, moral propriety, and the public good. In this context, *risywah* is seen as a deviation that transforms power from a trust into a transaction of self-interest (al-Mawardi, 1985; Iqbal, 2014).

Imam al-Mawardi, as one of the main thinkers in the *siyasah syar'iyah* tradition, paid great attention to the issue of the legitimacy of power. In his work *al-Aḥkām al-Sulṭāniyyah*, he explains that leadership (*imāmah*) has the function of replacing the role of prophethood in maintaining religion and regulating world life. He stated:

الإِمَامَةُ مَوْضُوعَةٌ لِخِلَافَةِ النَّبِيِّ فِي جَرِاسَةِ الدِّينِ وَسِيَّاسَةِ الدُّنْيَا

This means: "*Leadership is established as a substitute for the prophetic function in safeguarding religion and managing worldly affairs.*"

This statement demonstrates that power in Islam is not merely a political instrument, but rather a moral mandate aimed at maintaining social order and realizing the public

good. Because power is viewed as a trust, the process of acquiring power must be based on principles of justice and moral integrity. Any form of manipulation, including the use of wealth to obtain office, is seen as a violation of the very purpose of the imamate.

As stated in Al-Ahkam al-Sulthaniyyah, the conditions for imamate consist of seven things, namely:

وَأَمَّا شُرُوطُ الْإِمَامَةِ فَسَبْعَةٌ: أَحَدُهَا الْعَدَالَةُ عَلَى شُرُوطِهَا، وَالثَّانِي الْعِلْمُ الْمُؤَدِّي إِلَى الْإِجْتِهَادِ فِي
التَّوَازِلِ وَالْأَحْكَامِ، وَالثَّلَاثُ سَلَامَةُ الْحَوَاسِّ مِنَ السَّمْعِ وَالْبَصَرِ وَاللِّسَانِ لِيَصِحَّ مَعَهَا مُبَاشَرَةُ مَا يُدْرِكُ
بِهَا، وَالرَّابِعُ سَلَامَةُ الْأَعْضَاءِ مِنْ نَقْصٍ يَمْنَعُ مِنَ اسْتِيفَاءِ الْحُرْكََةِ وَسُرْعَةِ النُّهُوضِ، وَالْخَامِسُ الرَّأْيُ
الْمُقْضِي إِلَى سِيَاسَةِ الرَّعِيَّةِ وَتَدْبِيرِ الْمَصَالِحِ، وَالسَّادِسُ الشَّجَاعَةُ وَالنَّجْدَةُ الْمُؤَدِّيَتَانِ إِلَى حِمَايَةِ الْبَيْضَةِ
وَجِهَادِ الْعَدُوِّ، وَالسَّابِعُ النَّسَبُ مِنْ قُرَيْشٍ

This means: "The conditions for imamate are seven: (1) justice according to its provisions; (2) possessing knowledge that enables one to conduct *ijtihad*; (3) having healthy five senses; (4) having perfect limbs; (5) having the ability to govern the people; (6) having the courage to safeguard the state; and (7) being descended from Quraysh."

Based on this description, it is clear that the aspect of justice ('*adālah*) is placed as the first and foremost requirement for leadership. This shows that the legitimacy of leadership, in al-Mawardi's view, is highly dependent on a leader's moral integrity. Justice is not only interpreted as the ability to uphold the law objectively, but also includes an attitude of avoiding sinful and deviant acts that could damage public trust.

In Al-Ahkām al-Sultāniyyah, al-Mawardi explains that leadership, or imamate, was established to replace the function of prophecy in safeguarding religion and governing worldly affairs. This formulation demonstrates that leadership in Islam has two dimensions: a normative-religious dimension and a socio-political dimension. Power serves not only to regulate state administration but also to ensure that justice, order, and public welfare are realized. Therefore, leaders must not obtain office through illegitimate means, including through bribery. If office is obtained through gifts or political transactions, the orientation of power shifts from public service to the return of political capital. Interpretatively, al-Mawardi's idea emphasizes that the legitimacy of power is determined not only by the final outcome of election, but also by the purity of the process that produces it (al-Mawardi, 1985; Khallaf, 1998).

One of the most important aspects of al-Mawardi's thinking is the position of '*adālah* (intelligible character) as the primary requirement for leadership. Al-Mawardi identified justice as the primary requirement for an imam or leader, prior to knowledge, physical health, the ability to manage public affairs, courage, and other requirements. Placing justice first demonstrates that leadership in Islam is inseparable from moral integrity. '*Adālah* in this context not only means the ability to enforce the law objectively, but also encompasses moral uprightness, trustworthiness, honesty, and the ability to refrain from actions that undermine public trust. Thus, someone who obtains office through *risywah* loses the quality of '*adālah* because the selection process has been tainted by material manipulation. From this perspective, *risywah* is not simply a violation of personal ethics,

but rather a moral flaw that disqualifies a person from holding public office (al-Mawardi, 1985; al-Zuhaili, 2004).

In addition to emphasizing the justice of leaders, al-Mawardi also draws attention to those authorized to select or appoint leaders, known as ahl al-ikhtiyār or ahl al-ḥall wa al-'aqd. This group must possess justice, knowledge, and wisdom to be able to elect the most worthy leader and the most capable of managing the public interest. This concept demonstrates that political legitimacy, in al-Mawardi's thinking, depends not only on the individual qualities of the leader but also on the moral and intellectual qualities of the selection mechanism. If the election process is influenced by money, pressure, or transactional interests, the political selection function is impaired. In the context of modern elections, voters can be positioned as part of the mechanism that provides political legitimacy. Therefore, when people's political choices are influenced by money politics, the democratic process loses its moral value because it is no longer based on rational considerations, candidate integrity, and the public interest (al-Mawardi, 1985; Santoso & Budhiati, 2019).

Al-Mawardi also clearly distinguishes between permissible gifts and forbidden risywah (gifts). The difference lies not only in the form of the gift, but primarily in its purpose and impact on public decisions. Gifts are permissible if given voluntarily without the intention of influencing authority or gaining any particular benefit. Conversely, gifts intended to influence official decisions, expedite proceedings, change legal decisions, or obtain positions fall into the category of risywah. Thus, the primary criterion for assessing a gift is not merely its material value, but its relationship to the interests of power. In the context of elections for members of the House of Representatives (DPR) and Regional People's Representative Council (DPRD), giving money, basic necessities, facilities, or certain assistance to voters with the aim of gaining votes can be categorized as risywah siyasiyyah because it contains elements of political transactions and influences public decisions (al-Mawardi, 1985; al-Qaradawi, 2000).

وَلَا يَجُوزُ لِلْعَامِلِ أَنْ يَأْخُذَ رِشْوَةً مِنْ أَرْبَابِ الْأَمْوَالِ، وَلَا يَقْبَلُ هَدَايَاهُمْ. قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ «هَدَايَا الْعُمَّالِ غُلُولٌ»، وَالْفَرْقُ بَيْنَ الرِّشْوَةِ وَالْهَدِيَّةِ أَنَّ الرِّشْوَةَ مَا أُخِذَتْ طَلْبًا، وَالْهَدِيَّةُ مَا بُدِلَتْ عَفْوًا

This means: *"It is not permissible for officials or officers to take bribes from those who own property, nor may they accept gifts from them. The Prophet Muhammad (peace be upon him) said: 'A gift for officials is treason.' The difference between a bribe and a gift is that a bribe is something taken upon request, while a gift is something given voluntarily."*

This statement demonstrates that risywah, in al-Mawardi's view, is closely related to the abuse of office and vested interests. Someone gives a bribe because they desire a benefit, such as obtaining convenience, expediting matters, delaying a certain process, or obtaining a position. In the context of the election of members of the Indonesian House of Representatives (DPR RI) and the Regional People's Representative Council (DPRD), giving money to influence political choices, gain support, or facilitate access to legislative office can be understood as a form of risywah. This practice not only undermines procedural fairness but also undermines the mandate of public office because power is

acquired through transactions of self-interest, rather than through integrity and public trust.

Analytically, al-Mawardi's concept of risywah can be interpreted through three main dimensions: morality, legitimacy, and welfare. First, from a moral perspective, risywah undermines 'adalah because the perpetrators use wealth to obtain positions that should be achieved through merit and public trust. Second, from a legitimacy perspective, power obtained through risywah becomes ethically flawed because the political process is not conducted honestly and fairly. Third, from a welfare perspective, risywah has the potential to produce policies that are not in favor of the people, because officials elected through transactional political costs tend to be oriented towards capital recovery and the interests of supporting groups. These three dimensions demonstrate that risywah is not merely an individual legal issue but also a systemic threat to fair governance (Khallaf, 1998; Iqbal, 2014).

In relation to the theory of the legitimacy of power, al-Mawardi's thinking has strong relevance for understanding the issue of money politics in modern elections. Legitimacy is not simply understood as formal acceptance through election procedures, but must be seen in terms of the ethical quality of the political process that produces that power. Elections that are administratively legitimate but are rife with money politics still pose a problem of moral legitimacy. This aligns with the principle of Islamic governance, which places justice as the primary goal of power. If the political process is dominated by material transactions, public office loses its meaning as a trust and becomes a political commodity. Thus, al-Mawardi's thinking provides an important correction to procedural democracy, which emphasizes only formal electability while ignoring moral quality, the integrity of the process, and the impact of power on the public good (al-Mawardi, 1985; Budiardjo, 2015).

Based on this explanation, Imam al-Mawardi's concept of risywah can be understood as a normative framework for assessing moral flaws in the process of acquiring power. In the context of the election of members of the House of Representatives (DPR) and Regional People's Representative Council (DPRD) in Indonesia, money politics not only contravenes positive law but also contradicts the fundamental principles of leadership in Islam. This practice undermines voter freedom, weakens the quality of representation, and creates transactional political relations. Therefore, al-Mawardi's contribution lies in affirming that electoral integrity is not solely built through regulations and legal sanctions, but also requires the internalization of the values of 'adalah, amanah, and maslahah within political culture. In other words, preventing money politics must be achieved through strengthening the law and fostering a moral awareness that public office is a trust, not an object of power transactions.

The Practice of Money Politics in Indonesian Positive Law

The practice of money politics in the elections of members of the House of Representatives (DPR) and Regional People's Representative Council (DPRD) constitutes a form of electoral irregularity that directly violates the principles of constitutional democracy in Indonesia. Ideally, elections should be a mechanism for articulating popular sovereignty through free, rational, and responsible political choices. However, when voters' choices are influenced by the provision of money, basic necessities, facilities, or

material promises, the democratic process transforms into a transactional relationship between candidates and voters. In the context of Indonesian positive law, this practice contradicts the principles of direct, general, free, secret, honest, and fair elections, which are the foundation of election administration. Money politics not only diminishes the quality of freedom of choice but also undermines political equality, as candidates with greater capital are more easily able to influence voters than candidates who rely on capacity, ideas, and integrity. Thus, money politics can be understood as a form of democratic distortion that shifts the competition of ideas and programs into a competition of electoral capital (Budiardjo, 2015; Santoso & Budhiati, 2019).

Normatively, the prohibition on money politics is stipulated in Law Number 7 of 2017 concerning General Elections. This regulation prohibits election participants, campaign organizers, campaign teams, or other parties from promising or giving money or other materials to voters with the aim of influencing political choices. This provision demonstrates that Indonesian positive law views money politics as an electoral crime because it disrupts the purity of the people's will and undermines the legitimacy of the electoral process. From a constitutional law perspective, elections are understood not only as a procedure for transferring power but also as a mechanism for political legitimacy that must be carried out honestly and fairly. Therefore, if a person's election is obtained through material transactions, their electoral legitimacy becomes morally and legally problematic, even if administratively they receive votes in the election (Republik Indonesia, 2017; Asshiddiqie, 2016).

Although legal instruments regulate the prohibition and sanctions for money politics, its implementation in the field still faces serious challenges. Money politics continues to recur in various election contests because the practice often occurs covertly, involving networks of volunteers, intermediaries, or local patrons that are difficult to prove legally. Furthermore, proving the crime of money politics requires strong evidence, witnesses willing to testify, and a legal process that runs within the relatively short timeframe for handling election violations. This situation highlights the gap between firm legal norms and the effectiveness of law enforcement in the field. Interpretatively, the problem of money politics lies not solely in the absence of regulations, but rather in weak oversight capacity, low public reporting, and a weak anti-corruption legal culture in the electoral process (Santoso & Budhiati, 2019; Bawaslu RI, 2020).

From the perspective of patronage and clientelism theory, money politics can be understood as a form of material exchange built on a reciprocal relationship between candidates and voters. Candidates provide money or goods in the hope of gaining electoral support, while voters accept these gifts as direct compensation for their political choices. This pattern is particularly prevalent in societies still facing economic inequality, low political education, and weak trust in political institutions. In such situations, voters tend to view material gifts as concrete, short-term benefits, while candidates' political programs are perceived as too abstract or uncertain. As a result, money politics is not always perceived as a violation of the law, but is often normalized as part of local electoral culture. This analysis suggests that combating money politics cannot be achieved solely through criminal prosecutions; it must also address the socio-economic and political cultural roots that allow transactional practices to persist (Aspinall & Sukmajati, 2016; Hadiz, 2010).

The impact of money politics on the quality of governance is also very serious because candidates elected through high political costs have the potential to use office as a means of recouping capital. In this context, money politics does not stop at the vote but can continue in the form of policy corruption, budget misuse, rent-seeking practices, and compromise of interests with political sponsors. Representatives born from political transactions tend to have weak accountability ties to the wider public because their election is not entirely based on public trust, but rather on material calculations. This condition has resulted in a decline in the quality of political representation in the House of Representatives (DPR) and Regional People's Representative Councils (DPRD). Theoretically, substantive democracy demands that elections produce public officials who are not only procedurally legitimate but also possess moral legitimacy and a public service orientation. Therefore, money politics poses a threat to substantive democracy because it weakens the ethical relationship between representatives and constituents (Budiardjo, 2015; Muhtadi, 2019).

Thus, the practice of money politics under Indonesian positive law can be understood as both a violation of the law and a political ethical problem that undermines the integrity of elections. Law Number 7 of 2017 provides a strong normative basis for combating money politics, but its effectiveness still depends on strengthened oversight, public reporting, consistent law enforcement, and ongoing political education. In the context of this research, money politics also has strong relevance to the concept of *risywah* in Islamic jurisprudence (*fiqh siyasah*), as both emphasize that the use of wealth to influence public decisions undermines justice and the legitimacy of power. Therefore, the Indonesian electoral system cannot be sufficiently strengthened through formal sanctions; it also requires a moral and cultural approach that instills the values of honesty, trustworthiness, public responsibility, and the awareness that political office is not a commodity to be bought and sold, but rather a mandate from the people that must be exercised for the public good (al-Mawardi, 1985; Khallaf, 1998; Republic of Indonesia, 2017).

Table 1. Analysis of the Implementation of the Prohibition on Money Politics in Indonesian Elections

No	Aspek	Terlaksana	Tidak Terlaksana	Keterangan
1	Aspek Regulasi			
	1. Larangan politik uang dalam UU Pemilu	✓		Diatur jelas dalam UU No. 7 Tahun 2017
	2. Sanksi pidana terhadap pelaku politik uang	✓		Memuat pidana penjara dan denda
	3. Kepastian norma hukum	✓		Norma hukum sudah tegas secara yuridis
2	Aspek Pencegahan			
	1. Sosialisasi anti politik uang		✓	Edukasi pemilih belum merata

	kepada masyarakat			
	2. Pendidikan politik berkelanjutan		✓	Bersifat musiman saat pemilu
	3. Penguatan etika politik kandidat		✓	Belum menjadi budaya politik
3	Aspek Pengawasan			
	1. Pengawasan oleh Bawaslu	✓		Dilaksanakan secara institusional
	2. Pelaporan masyarakat		✓	Rendah karena faktor budaya dan ketakutan
	3. Pengawasan di tingkat akar rumput		✓	Keterbatasan sumber daya pengawas
4	Aspek Penegakan Hukum			
	1. Penindakan kasus politik uang	✓		Ada proses hukum namun terbatas
	2. Pembuktian pelanggaran		✓	Sulit memperoleh bukti langsung
	3. Efek jera terhadap pelaku		✓	Praktik masih berulang setiap pemilu

The Relevance of Imam al-Mawardi's Thoughts to the Indonesian Election System from the Perspective of Justice and Public Welfare

Imam al-Mawardi's thoughts are crucial for understanding the problem of money politics in the Indonesian election system because he positions power as a moral mandate that must be obtained through a fair process. In *Al-Aḥkām al-Sultāniyyah*, al-Mawardi explains that leadership aims to safeguard religion and regulate worldly affairs. Therefore, power should not be understood solely as the result of political procedures, but also as an ethical responsibility that must foster justice and public welfare. In the context of modern elections, this thinking provides the basis for the determination that the electability of members of the House of Representatives (DPR) and Regional People's Representative Councils (DPRD) is measured not only by the number of votes obtained, but also by the honesty of the political process that produces them. If votes are obtained through money politics, the legitimacy of power becomes morally flawed, as public office is no longer born of public trust but rather of material transactions (al-Mawardi, 1985; Iqbal, 2014).

Table 2. Analysis of Money Politics Practices in Indonesian Elections According to the Thoughts of Imam al-Mawardi

Aspek	Uraian Analisis	Perspektif al-Mawardi	Implikasi
-------	-----------------	-----------------------	-----------

Regulasi	Hukum positif Indonesia telah melarang politik uang melalui UU No. 7 Tahun 2017 (Pasal 523). Larangan ini menunjukkan bahwa praktik tersebut bertentangan dengan prinsip keadilan dalam pemilu.	Kekuasaan harus diperoleh secara sah dan adil; penyimpangan dalam proses akan merusak legitimasi kepemimpinan. (<i>Al-Aḥkām al-Sulṭāniyyah</i>)	Regulasi menjadi fondasi utama, namun harus diikuti implementasi yang adil dan konsisten.
Pencegahan	Upaya pencegahan politik uang belum efektif karena lemahnya internalisasi nilai moral dalam sistem politik.	Keadilan ('adālah) merupakan syarat utama kepemimpinan; tanpa integritas moral, kekuasaan kehilangan legitimasi.	Pencegahan harus berbasis pada penguatan integritas moral, bukan hanya prosedural.
Sosialisasi	Pendidikan politik masyarakat masih belum optimal dalam membangun kesadaran terhadap bahaya politik uang.	Masyarakat memiliki peran dalam menjaga keadilan publik dalam siyasah syar'iyah.	Sosialisasi harus meningkatkan kesadaran kolektif demi kemaslahatan umum.
Penegakan Hukum	Sanksi pidana telah diatur, namun implementasi masih lemah (kendala pembuktian dan efek jera rendah).	Keadilan harus ditegakkan secara nyata agar tujuan kekuasaan tercapai.	Penegakan hukum harus tegas, adil, dan konsisten untuk memberikan efek jera.

From the perspective of justice, al-Mawardi places 'adalah (good character) as a primary requirement for leadership. Justice not only means the ability to implement the law objectively but also encompasses integrity, trustworthiness, honesty, and the ability to avoid practices that undermine public trust. Money politics in the DPR and DPRD elections directly contradicts this principle because it transforms the people's right to vote into a transactional object. Voters, who should be making their choices based on the candidate's capacity, vision, and morality, are instead guided by material rewards. Within this framework, money politics can be understood as a form of siyasiiyah (risky) because it uses wealth to influence people's political decisions. This not only contradicts the value of 'adalah in siyasiah fiqh but also violates the principles of direct, general, free, secret, honest, and fair elections under Indonesian positive law (Republik Indonesia, 2017; Santoso & Budhiati, 2019).

Another relevance of al-Mawardi's thinking is seen in the concept of public welfare (maṣlaḥah 'āmmah). In al-Mawardi's view, the purpose of power is to regulate social life to create order, justice, and the common good. Therefore, the process of obtaining office

must not conflict with the public interest. Money politics, in fact, has the potential to produce officials who are more oriented towards political returns than public service. Candidates elected through material transactions tend to have specific economic burdens and political interests after gaining office. As a result, public policy can shift from a public welfare orientation to personal, group, or political sponsor interests. Interpretatively, al-Mawardi's thinking demonstrates that money politics is not only an electoral violation but also a threat to the primary goal of government, namely realizing the broader public welfare (Khallaf, 1998; al-Zuhaili, 2004).

In the context of Indonesian positive law, the prohibition of money politics has been normatively regulated through Law Number 7 of 2017 concerning General Elections. However, the existence of regulations has not been able to completely eradicate the practice of money politics, as the problem is not only legal but also cultural and structural. Money politics persists due to the high cost of politics, weak political education, low public reporting skills, and a strong culture of patronage in the relationship between candidates and voters. This is where al-Mawardi's thinking becomes relevant as an ethical correction to an overly formalistic legal approach. Law enforcement is crucial, but eradicating money politics also requires fostering a moral awareness that public office is a trust and should not be obtained through bribery, political favors, or transactions of self-interest (Aspinall & Sukmajati, 2016; Bawaslu RI, 2020).

Operationally, al-Mawardi's thinking can be used to strengthen four aspects of the Indonesian electoral system: regulation, prevention, outreach, and law enforcement. In the regulatory aspect, the value of 'adalah can serve as an ethical basis for affirming that money politics is not merely an administrative or criminal violation but also a flaw in the legitimacy of power. In the preventive aspect, the value of amanah can be used to build the integrity of candidates, political parties, election organizers, and voters. In terms of socialization, the value of maşlahah can be used as political education material to help the public understand that accepting money politics undermines the quality of representatives and the future of public policy. In terms of law enforcement, the principle of justice demands that every violation of money politics be dealt with consistently, non-selectively, and not only at the lowest level but also at the key actors driving electoral transactions (Asshiddiqie, 2016; Santoso & Budhiati, 2019).

Thus, the relevance of Imam al-Mawardi's thinking to the Indonesian electoral system lies in its ability to provide a normative and evaluative framework for the practice of money politics. Al-Mawardi's thinking broadens the understanding of political legitimacy from merely procedural to moral and substantive validity. From this perspective, democratic elections must not only produce candidates elected by the majority of votes but must also ensure that the election process is fair, honest, free from corruption, and oriented towards the public good. Therefore, strengthening the Indonesian electoral system needs to be done through an integration of positive law and Islamic political ethics. This integration can be the foundation for building elections that are not only administratively legal, but also morally dignified, substantively just, and in the interests of the people as holders of political sovereignty.

4. CONCLUSION

This study shows that the practice of money politics in the election of members of the House of Representatives (DPR) and Regional People's Representative Council (DPRD) is a serious problem that not only violates the provisions of positive Indonesian law but also reflects the breakdown of political ethics in the process of gaining power. In Imam al-Mawardi's perspective, power must be built on the principles of justice, trust, and public welfare, so that positions obtained through bribery lose moral legitimacy because they do not arise from the people's trust freely and honestly. The findings of this study reflect that an election system with integrity is not only supported by regulations and legal sanctions, but also requires strengthening ethical awareness for candidates, political parties, election organizers, and the voting public. Therefore, al-Mawardi's thoughts are relevant as a normative basis for assessing and correcting transactional political practices in modern democracy, while also emphasizing that fair elections must be able to produce representatives who are not only procedurally legitimate, but also morally dignified and oriented towards the public welfare.

References

- Ahmad bin Hanbal. (2001). *Musnad Ahmad, Juz 2*. Beirut: Mu'assasah al-Risalah.
- Al-Ghazali, Abu Hamid. (2007). *Naṣīḥat al-Mulūk*. Beirut: Dar al-Minhaj.
- Al-Mawardi, Abu al-Hasan. (1985). *Al-Aḥkām al-Sulṭāniyyah*. Beirut: Dar al-Kutub al-'Ilmiyyah.
- Al-Qaradawi, Yusuf. (2000). *Al-Halal wa al-Haram fi al-Islam*. Kairo: Maktabah Wahbah.
- Al-Suyuthi, Jalal al-Din. (1990). *Al-Asybah wa al-Nazā'ir*. Beirut: Dar al-Kutub al-'Ilmiyyah.
- Al-Zuhaili, Wahbah. (2004). *Al-Fiqh al-Islāmī wa Adillatuhu, Jilid VI*. Damaskus: Dar al-Fikr.
- Aspinall, Edward., & Sukmajati, Mada. (2016). *Electoral Dynamics in Indonesia: Money Politics, Patronage and Clientelism*. Singapore: NUS Press.
- Asshiddiqie, Jimly. (2016). *Pengantar Ilmu Hukum Tata Negara*. Jakarta: Rajawali Pers.
- Bawaslu RI. (2020). *Laporan Pengawasan Pemilu Nasional*. Jakarta: Bawaslu.
- Black, Antony. (2011). *The History of Islamic Political Thought*. Edinburgh: Edinburgh University Press.
- Budiardjo, Miriam. (2015). *Dasar-Dasar Ilmu Politik*. Jakarta: Gramedia.
- Fauzi, Ahmad. (2021). "Biaya Politik dan Praktik Politik Uang dalam Pemilu Legislatif di Indonesia." *Jurnal Politik Indonesia*, 6(2), 145–147.
- Hadiz, Vedi R. (2010). *Localising Power in Post-Authoritarian Indonesia*. Stanford: Stanford University Press.
- Hakim, Ridwan. (2023). "Penegakan Hukum terhadap Tindak Pidana Politik Uang dalam Pemilihan Umum." *Jurnal Rechtsidee*, 10(1), 55–58.
- Ibrahim, Johnny. (2013). *Teori dan Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia Publishing.
- Iqbal, Muhammad. (2014). *Fiqh Siyasah: Kontekstualisasi Doktrin Politik Islam*. Jakarta: Kencana.
- Iqbal, Muhammad. (2025). "Legitimasi Kekuasaan dalam Perspektif Siyasah Syar'iyah." *Jurnal Dusturiyah*, 5(1), 34–37.
- Khaldun, Ibn. (2004). *Al-Muqaddimah*. Beirut: Dar al-Fikr.
- Khallaf, Abdul Wahhab. (1998). *Al-Siyāsah al-Syar'iyah*. Kairo: Dar al-Qalam.

- Marzuki, Peter Mahmud. (2017). *Penelitian Hukum*. Jakarta: Kencana.
- Moleong, Lexy J. (2018). *Metodologi Penelitian Kualitatif*. Bandung: Remaja Rosdakarya.
- Pulungan, J. Suyuthi. (2018). *Fiqh Siyasah: Ajaran, Sejarah, dan Pemikiran*. Jakarta: RajaGrafindo Persada.
- Rahmah, Siti. (2024). "Etika Politik Islam dalam Demokrasi Modern: Telaah Fiqh Siyasah." *Jurnal Siyasah*, 9(2), 120–123.
- Republik Indonesia. (2017). *Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum*.
- Soekanto, Soerjono., & Mamudji, Sri. (2015). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: RajaGrafindo Persada.
- Santoso, Topo., & Budhiati, Ida. (2019). *Pemilu di Indonesia: Kelembagaan, Pelaksanaan, dan Pengawasan*. Jakarta: Sinar Grafika.
- Supriyanto, Didik., & Mellaz, August. (2011). *Ambang Batas Perwakilan dan Sistem Pemilu di Indonesia*. Jakarta: Perludem.
- Surbakti, Ramlan. (2010). *Memahami Ilmu Politik*. Jakarta: Grasindo.
- Syamsuddin, M. Din. (2001). *Etika Politik Islam*. Jakarta: Logos.
- Taimiyah, Ibn. (1998). *As-Siyāsah al-Syar‘iyyah*. Beirut: Dar al-Kutub al-‘Ilmiyyah.
- Aisyah, Nur. (2022). "Risywah dalam Perspektif Hukum Islam dan Dampaknya terhadap Keadilan Sosial." *Jurnal Al-Ahkam: Jurnal Hukum Islam*, 12(1), 88–90.
- Komisi Pemberantasan Korupsi. *Penanganan Perkara Tindak Pidana Korupsi Daerah*. Diakses dari <https://www.kpk.go.id> pada tanggal 8 April 2026.
- Mahkamah Agung Republik Indonesia. *Direktori Putusan Mahkamah Agung Republik Indonesia*. Diakses dari <https://putusan3.mahkamahagung.go.id> pada tanggal 8 April 2026.
- Badan Pengawas Pemilu Republik Indonesia. *Laporan Pelanggaran Politik Uang Pemilu*. Diakses dari <https://bawaslu.go.id> pada tanggal 8 April 2026..
-