

Presidential Election Dispute Resolution in the Fiqh Siyasah Perspective

Lina Nur Anisa

IAI Ngawi, Jawa Timur, Indonesia

E-mail: linanuranisa85@gmail.com

Manuscript received : 03-11-2024; revised : 10-12-2024; accepted : 15-12-2024. Date of publication : 15-01-2025.

Abstract— This article discusses the resolution of presidential election disputes from the perspective of fiqh siyasah. This research applies a qualitative approach with library research as its method. The data collection technique employed is documentation, accompanied by data analysis techniques such as content analysis, induction, and deduction. The findings of this discussion indicate that integrating fiqh siyasah into modern politics is crucial, especially in Muslim-majority countries or those implementing Islamic principles in governance. Fiqh siyasah, emphasizing justice, transparency, accountability, and the common good, provides an ethical framework that can enhance the quality of democracy and the political process. This is relevant when facing modern politics, which is often rife with conflicts of interest. By basing policies on fairness and transparency, the government will be more just, more respected, and hold stronger legitimacy. Such policies also support social stability and harmony. In resolving presidential election disputes, fiqh siyasah acts as a guide in election audits and conflict resolution. The principles of *shura* and *maslahah* (public interest) help find solutions that benefit the entire society, reduce political tensions, and strengthen public trust in the democratic process.

Keywords— Dispute Resolution, Presidential Election, Fiqh Siyasah

Copyright © 2025, Author

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



I. INTRODUCTION

Presidential elections are one of the key elements in a democratic system that allows the people to choose their leaders directly or indirectly through the electoral process. This process is important because it is the basis for government legitimacy in a democratic system. According to Arend Lijphart, direct presidential elections allow the people to have greater influence in determining who will regulate their government's policies. This creates a system that is more responsive and sensitive to the desires and needs of the public. (Lijphart, 1999)

Presidential elections also serve as a means to prevent the domination of power by a small elite group. The general election system opens up opportunities for various candidates from different backgrounds to compete fairly in gaining support from the public. According to Robert Dahl, with presidential elections, the opportunity for individuals or groups to monopolize political power is reduced (Dahl, 2000).

Additionally, presidential elections enhance transparency and accountability in government. The electoral process compels presidential candidates to disclose their vision, mission, and programs to the public, allowing voters to make informed decisions. As explained by Juan J. Linz, periodic presidential elections encourage leaders to continually account for their performance to the people, who can choose not to re-elect them if their performance is unsatisfactory (Linz, 1994).

In the Indonesian context, the presidential election has special significance because it is a manifestation of the principle of popular sovereignty guaranteed by the 1945 Constitution (UUD 1945). According to Miriam Budiardjo, the presidential election in Indonesia is not only a mechanism for selecting the head of state, but also an affirmation of the power and sovereignty of the people in choosing a leader. directly responsible for carrying out the constitutional mandate (Budiardjo, 2007).

The presidential election process is also important in promoting political stability and national development. According to Samuel P. Huntington, countries that hold presidential elections regularly tend to have a higher level of political stability which supports economic and social stability. This is

especially important in developing countries, where political stability is often a prerequisite for investment and sustainable economic growth (Huntington, 1991).

Through presidential elections, democracy provides the people with the opportunity to be directly involved in the process of forming a government and also in holding the government accountable. The description above shows how important presidential elections are in supporting the basic principles of democracy such as freedom, equality and justice.

Fiqh siyasah, otherwise known as Islamic political law, has deep relevance to contemporary politics, particularly in the context of countries with significant Muslim majorities or minorities. Fiqh siyasah provides a framework for just and moral governance based on Islamic principles. According to Mohammad Hashim Kamali, fiqh siyasah directs leaders to exercise their power in accordance with sharia and in the public interest, emphasizing the importance of justice, transparency and accountability in the management of public affairs (Kamali, 2003).

In the context of modern politics, the principles of justice promoted by fiqh siyasah are very relevant in ensuring that laws and policies are not discriminatory and reflect social justice for all citizens, including minorities and marginalized groups. This was emphasized by Ann Elizabeth Mayer, who stated that contemporary interpretations of fiqh siyasah could help form a legal system that is more inclusive and respects human rights (Suarsa, 2024).

Fiqh siyasah also plays an important role in discussions about the legitimacy of government in Islam. According to Bernard Lewis, the concept of imamate or leadership in Islam which is defined in *siyasa fiqh* emphasizes that rulers must be chosen based on the consensus of the people and their moral suitability and capability to lead, which is very relevant in modern democratic political practice (Lewis, 1988).

Fiqh siyasah provides guidelines for the application of law and state administration in accordance with Islamic values, which can be integrated into the framework of modern states through the constitution or applicable legal system. John L. Esposito points out that many contemporary Muslim countries have adopted elements of *siyasa fiqh* in their constitutions to affirm Islamic identity while meeting international standards of good governance (Esposito, 2003).

Thus, fiqh siyasah is not only relevant as an ethical and moral guide in political life but also as a tool for mediating between Islamic traditions and contemporary political and social demands. It shows how Islamic law can be adaptable and relevant to social and political change, providing flexible and just solutions to modern global problems.

Presidential elections in Indonesia are often accompanied by challenges and disputes that require fair and efficient resolution. Fiqh siyasah, as a discipline in Islamic law that regulates politics and leadership, offers a special perspective on this democratic process (Kamali, 2006). In the 2024 Indonesian presidential election, several disputes have arisen related to alleged violations during the election process. Fiqh siyasah teaches that justice must be the basis for resolving disputes to avoid slander and damage to society (Esposito). Fiqh siyasah emphasizes the importance of transparency and fairness in the election process, where every vote must be counted fairly and every action that is detrimental to justice must be dealt with firmly. This principle is relevant to apply in handling presidential election disputes in Indonesia. (Mayer)

In Indonesia, the Constitutional Court (MK) is an institution that has the authority to resolve presidential election disputes. Fiqh siyasah supports the establishment of independent institutions that can enforce the law without political interests to ensure the integrity of the electoral process (Lewis).

From the perspective of fiqh siyasah, presidential election is not only a political process but also an ethical process that demands justice, transparency and integrity. Addressing Indonesia's 2024 presidential election dispute with these principles can help strengthen democracy and public trust in Indonesia's electoral system (Huntington).

With this structure, this article will provide an in-depth analysis of how fiqh siyasah can be applied to resolve and assess disputes over the Indonesian presidential election, providing new perspectives and solutions based on Islamic values. This article contributes to several things as follows. This article helps the public, policy makers, and law enforcement agencies to understand the importance of fairness and transparency in the election process. Fiqh siyasah offers the view that every decision in a dispute must be made based on the principles of justice originating from Islamic teachings, which can provide moral and ethical guidance in the dispute resolution process.

By referring to fiqh siyasah, this article emphasizes that the application of Islamic values is not limited to the private aspects of individuals but also in public affairs such as presidential elections. This is important in Indonesia, the country with the world's largest Muslim population, where many citizens seek representation of Islamic values in policies and political processes. Fiqh siyasah encourages problem solving through fair dialogue and consensus between all parties. In the case of presidential

election disputes, this approach is very relevant to reduce political tensions and create solutions that are more acceptable to various groups in society.

It is hoped that this article can help strengthen the legitimacy of the Constitutional Court (MK) as a dispute resolution institution. By demonstrating that these institutions operate based not only on secular law but also on the principles of universal justice recognized in Islam, public trust in the process can be increased. This article can function as an educational tool for the general public about their rights and obligations in a democratic system. Understanding that they have an active role in overseeing the election process and holding leaders accountable is crucial to ensuring the integrity of the presidential election. Thus, this article is not only relevant for resolving the specific problem of election disputes but also helps strengthen the foundations of democracy and social justice in Indonesia.

The author is advised to present his article in a section structure: Introduction - Materials and Methods - Results and Discussion - Conclusion. The discussion should provide a bridge between the results and the literature review in the introduction. Please ensure that the quotation is up to date. All citations must be listed in the reference. It is expected that citations are at least 25 sources, and 70% are publications in the last 5 years. IJISI requires authors to submit at least 7 pages of the article and a maximum of 15 pages.

II. METHOD

The approach applied in this research is qualitative. This is a type of library research, namely conducting studies or reviews of books or literature related to the problem being discussed. The data collection technique used in this research is documentation, which is used to obtain data and information in the form of books, archives, documents, writing, numbers and images which are reports and statements that can support research. The data analysis techniques used in this research are content analysis, induction and deduction. By using content analysis, the phenomenon of buying and selling votes is analyzed as it is, without involving the context (internal and external) that surrounds it when thoughts (as texts) are presented as the basis for analysis. The induction technique is used to formulate conclusions regarding the resolution of presidential election disputes from the perspective of fiqh siyasah. In this research, deduction techniques are used to study and analyze the resolution of presidential election disputes from the perspective of fiqh siyasah.

III. RESULT AND DISCUSSION

A. The concept of Fiqh Siyasah

Fiqh siyasah come from Arabic "*fiqh al-siyasah*" which is *idhafi tarkib* or a compound word consisting of two words, namely the words *fiqh* and *al-siyasah* (Amri, 2023). Etymologically, *fiqh* comes from the word *fiqh* which is an Arabic term derived from the root words *faqih*-*yafqahu*-*fiqhan*. The word *fiqh* contains the meaning of *al-'ilm bi al-syai' wa al-fahm lahu wa al-fathanah* (knowledge, understanding and sharpness of thought towards something) (Norhadi, 1996). The word *fiqh* also means *idrak al-syai' wa al-'ilm bihi* (knowing and understanding something) (Norhadi, 1981).

Al-Jurjani (n.d.) defines *fiqh* as knowledge of practical sharia laws (*amaliyah*) obtained (*ijtihad*) from detailed postulates (Al-Jurjani) The above definition is also followed by Muhammad Amim Ihsan in his book *al-Ta'rifat al-Fiqhiyah* (Ihsa, 2003). Muhammad bin Ibrahim in his work *al-Fiqh al-Islami: Ahkam al-'Ibadat*, (Ibrahim, 2014) and Wahbah al-Zuhaili in his work *al-Fiqh al-Islami wa Adillatuh* (Ibrahim, 2014).

Terminologically, *fiqh* is a science that studies laws in accordance with the shari'a regarding practical actions, the source of which is detailed postulates. These postulates, including special laws, come from the Koran and Sunnah. In other words, *fiqh* is a science related to Islamic law formulated by mujtahids, namely people who are experts in Islam and are able to carry out *ijtihad* (Pulungan, 2014).

The word *siyasah* comes from the word "*sasa*" which means managing, leading and making policies in the context of government and politics. Terminologically, in Arabic, *siyasah* means leading or organizing something to achieve benefit. *Siyasah* is a science that focuses on managing domestic and international affairs, or domestic and foreign politics, as well as managing aspects of society on the basis of justice. Abdul Wahhab Khallaf defines *siyasah* as a law established to maintain order and benefit and regulate social situations (Nurfatima, 2014).

According to Yusuf al-Qardhawi, originates from the application and adaptation of Islamic laws to political and governmental life. This concept arises from the basic principles of Islam which teach that power must be exercised within the framework of morality and responsibility to Allah (Al-Qardhawi, 2001). According to al-Mawardi, the scope of the study of *fiqh siyasah* includes: government policy regarding legislation (*siyasah dusturiyah*), economics and monetary (*siyasah*

maliyah), justice (*siyasah qadha'iyah*), law of war (*siyasah harbiyah*) and state administration (*siyasah idariyah*). Meanwhile, Ibn Taimiyah divides the scope of *fiqh siyasah* into four, namely justice, state administration, monetary, and international relations (Amri, 2015).

At the beginning of Islamic history, the principles of *fiqh siyasah* were applied directly by the Prophet Muhammad as head of state in Medina. This experience, which was then continued by the *khulafa' al-rasyidin*, provided concrete examples of how power and politics must be managed in Islam. Further details regarding this practice can be found in an article by Majid Khadduri who explains how the beginnings of the practice of political policy in Islam are rooted in this period (Khadduri, 2001).

As time goes by, *fiqh siyasah* continues to develop and undergo adjustments to answer the challenges faced by Muslim communities in various eras and locations. In this context, *fiqh siyasah* is not only used to solve governmental problems but also to provide a framework that allows the integration of Islamic values in changing legal and governmental systems. Islamic jurists such as al-Mawardi have written extensively on aspects of *fiqh siyasah* in their works, for example al-Mawardi who explains the basic principles of government and state administration in Islam (Ali, 2000).

Thus, *fiqh siyasah* is a reflection of ongoing efforts to apply Islamic principles in the management of public affairs, bearing in mind that justice, prosperity, and compliance with sharia are the main goals of governance in Islam. This shows the importance of continuous adaptation and interpretation of Islamic teachings to meet the diverse and changing needs of Muslim societies throughout history.

Fiqh siyasah plays an important role in governance by providing a legal framework that ensures that power is exercised within the limits determined by Islamic law. This is very relevant in managing the relationship between the authorities and the people, as well as in implementing fair and responsible policies. According to Mohammad Hashim Kamali, *fiqh siyasah* outlines the basic principles of government, which require leaders to follow the rule of law and prioritize justice and the welfare of the people (Kamali).

In addition, *fiqh siyasah* provides guidance regarding the appointment or selection of government officials. In this context, *fiqh siyasah* teaches that leaders must be chosen based on their honesty, capability and commitment to Islamic law. Al-Mawardi specifically discusses the requirements that must be met by a prospective leader, which include justice, knowledge, and the ability to make wise decisions (Al-Mawardi)

In the context of implementing law, *fiqh siyasa* also plays a role in creating and implementing laws that are in accordance with Islamic principles. This includes regulations governing economic, social, and public policies that impact people's lives. According to Ann Elizabeth Mayer, *fiqh siyasah* facilitates dialogue between Islamic legal traditions and contemporary challenges, enabling the adaptation of sharia in a modern and plural context (Mayer).

Fiqh siyasah also provides guidance on supervision and control over government power, which aims to prevent abuse of power. John L. Esposito states that *fiqh siyasah* supports a government structure that limits individual power through a system of checks and balances. This ensures that all government actions are accountable to the people (Esposito).

Thus, *fiqh siyasah* is a vital instrument in Islamic governance that not only regulates government functions but also ensures that government policies and practices are in line with Islamic principles and values. The application of *fiqh siyasah* in modern government can provide a strong basis for sustainable and fair political and social development for all society.

Fiqh siyasah is based on several basic principles that guide how power should be exercised in government according to Islamic law. These principles are designed to ensure that government actions always aim for the public benefit and remain within the framework of justice mandated by Islam. *First*, justice (*'adalah*). The first and perhaps the most fundamental principle in *fiqh siyasah* is justice. Justice must be the basis of all government policies and actions. According to Al-Mawardi, leaders must apply the law fairly among all people, regardless of social status, race or religion. This justice is not only limited to the application of the law, but also in the distribution of resources and opportunities (Al-Mawardi)

Second, benefit (public interest). *Fiqh siyasah* teaches that decisions and policies must be made by considering the good and welfare of the wider community. As explained by Ibn Taimiyah, leaders must always strive to achieve the best for their people, and this must reflect the basic aim of Islamic law which is to bring benefit to humans (Taimiyah, 2001).

Third, *shura*. In Islam, leaders are expected to consult with experts and the public in making important decisions. This principle is emphasized in the Koran and Sunnah and reinforced by Mohammad Hashim Kamali who stated that *shura* is an important element in decision making in an Islamic government (Kamali).

Fourth, accountability. The fourth principle is accountability. Every leader in Islam must be responsible for his actions before Allah and his people. As explained by John L. Esposito, leaders must be ready to be judged for their decisions and must always be ready to be accountable for their actions, both in this world and in the afterlife (Esposito).

Fifth, taqwa. The fifth and final principle is *taqwa*. It is a guideline that every action taken by the government must be in line with Islamic values and carried out with devotion towards the creator. This is confirmed in many sources, including by Ann Elizabeth Mayer who states that *taqwa* is the moral and ethical foundation in government management according to *fiqh siyasah* (Mayer).

With these basic principles, *fiqh siyasah* provides a solid framework for organizing just and moral governance in an Islamic context, ensuring that government actions are always directed towards protecting and promoting the general welfare.

B. Presidential Election Dispute in Indonesia

The political dynamics in Indonesia ahead of the 2024 presidential election are quite complex and have led to several potential disputes that may occur. The sources of this tension stem from interrelated political, social and legal factors. *First*, political polarization. One of the main dynamics that has the potential to cause disputes is increasing political polarization. This condition was exacerbated by the emergence of two or more large political camps competing with each other very closely. According to Miriam Budiardjo, this polarization not only divides public opinion but also creates tension in the election process, where each party tries hard to dominate the government (Budiardjo, 2022).

Second, the issue of election fraud. The issue of fraud in elections is also an important factor that triggers disputes. This fraud can take the form of vote manipulation, vote buying, illegal use of state facilities, and other violations that disrupt the integrity of elections. For example, Aspinall and Mietzner note that election fraud is one of the greatest challenges to Indonesian democracy, often triggering protests and lawsuits from aggrieved parties (Mietzner, 2023)

Third, the role of social media. Social media has become a new arena in Indonesian politics, which has the potential to influence public opinion and muddy the political atmosphere. Widespread misinformation and disinformation on these platforms can create misunderstandings and conflict between supporters of different candidates. Nugroho pointed out that social media not only functions as a communication tool but also as a tool for manipulating opinions that can influence election results (Nugroho, 2024).

Fourth, handling disputes by electoral institutions. The performance of electoral institutions in handling disputes is also crucial. Distrust in the performance of the General Election Commission (KPU) and the Constitutional Court (MK) can exacerbate potential disputes. The KPU is the institution responsible for managing elections, while the Constitutional Court plays a role in resolving election disputes. Susanto emphasized the importance of transparency and fairness in this process to reduce the possibility of disputes.

The complicated political dynamics in Indonesia create conditions that are conducive to the emergence of disputes in the 2024 presidential election. The importance of maintaining integrity and fairness in the election process is the key to preventing and resolving these disputes. The main issues that often become the subject of disputes in presidential elections include several crucial aspects related to the election process and final results. It is important to pay attention to these issues to ensure integrity and fairness in elections.

First, election fraud. Fraud in elections is often a major source of dispute. This could be manipulation of voter data, double voting, or vote inflating. This fraud can change election results and undermine public confidence in the democratic system. In the Indonesian context, Aspinall and Mietzner identify various forms of fraud that have compromised the integrity of several previous elections, emphasizing the importance of strict monitoring and transparency of the electoral process (Mietzner).

Second, violation of campaign rules. Violations of campaign rules are also often a source of dispute. These issues include the use of state facilities, campaigning outside the established schedule, and misuse of campaign funds. These violations not only give unfair advantages to certain candidates but also undermine the principles of fair competition. According to Susanto, effective supervision and the application of strict penalties for violations can help minimize this problem. (Susanto)

Third, transparency and accuracy of election results. Transparency and accuracy of vote counting are important pillars in fair and free elections. Disputes often arise from accusations of inaccurate vote counting or manipulation of election results. The importance of reliable vote counting technology and an independent audit process was emphasized by Nugroho who pointed out that transparency in counting and announcing results is key to avoiding disputes. (Nugroho)

Fourth, the qualifications and status of the candidate. Issues of qualifications and legal status of candidates are also often a source of dispute. This problem can be related to candidate requirements that are not met, such as citizenship status, age, and other administrative requirements. Early clarification and verification of these requirements by the KPU can prevent disputes arising from unclear candidate status.

Miriam Budiardjo explained the importance of candidate verification in the election process. Here are some key points outlined by Budiardjo. *First*, guarantee the credibility of the election. Candidate verification is a crucial step to ensure election credibility. By conducting verification, election authorities can check candidates' suitability, including their background, integrity, and relevant qualifications. This helps ensure that only qualified candidates can participate fairly in elections. *Second*, avoid conflict and potential manipulation. Budiardjo emphasized that candidate verification helps avoid potential conflicts and manipulation. Without adequate verification, there is a risk that unfit candidates or those with ulterior motives could run, which could threaten the integrity of elections and lead to future conflict. *Third*, maintaining political stability. The candidate verification process also plays an important role in maintaining political stability. By ensuring that candidates running for office truly represent the interests of the people and meet standards of ethics and professionalism, elections can produce more stable and positive results for society. *Fourth*, increase public trust. Candidate verification can increase public confidence in the election process. By having a transparent and strict mechanism for evaluating candidates, voters can feel confident that elections are run fairly and the results represent the will of the majority. Budiardjo underlined that candidate verification is a very important aspect in Indonesia's political dynamics, which helps ensure the democratic process runs smoothly and the results are acceptable to all parties. (Budiardjo)

These issues demonstrate the complexity and challenges faced in ensuring that presidential elections are conducted fairly and transparently. Resolving disputes related to these aspects is important to maintain the integrity of the democratic system and ensure that election results truly reflect the will of the people.

Presidential election disputes can have a significant impact on a country's political and social stability. These effects can range from civil unrest to prolonged political polarization, depending on how the dispute is managed and resolved. *First*, disruption of social and economic life. Election disputes often trigger political uncertainty which can have an impact on social and economic life. When election results are called into question, this can result in a decline in investor confidence and disrupt financial markets. According to a study conducted by Aspinall and Mietzner, political instability resulting from election disputes has caused economic fluctuations in several regions, which in turn affects investment and economic growth (Mietzner).

Second, social unrest and unrest. Election disputes can also trigger riots and social unrest. The situation of uncertainty and dissatisfaction with the election process can lead to mass demonstrations or even riots. In the Indonesian context, this was explained by Budiardjo, the events following the 2019 election involved a series of protests which sometimes became violent due to dissatisfaction with the election results (Budiardjo).

Third, political polarization and fragmentation. Election disputes can increase political polarization and fragmentation. In a society divided by political support, electoral disputes can deepen these divisions, complicate the reconciliation process and create obstacles in governance. As explained by Susanto, polarization caused by election disputes can affect the overall effectiveness of government by reducing the ability of political parties to collaborate (Susanto).

Fourth, a decline in public trust in institutions. In addition, election disputes can cause a decline in public trust in democratic institutions. When the public feels that elections were not conducted fairly or that the results cannot be trusted, trust in the political system as a whole can decrease. Nugroho indicated that negative perceptions of election integrity can reduce political participation and apathy towards the government, which undermines democratic legitimacy (Nugroho).

The impact of presidential election disputes on political and social stability is extensive and can cause various challenges to a country's governance and social cohesion. Managing these disputes in a fair and transparent manner is key to minimizing these negative impacts and strengthening democracy.

C. Analysis of Presidential Election Disputes from the Perspective of Fiqh Siyasa

One example of a presidential election dispute that occurred in Indonesia was the 2019 presidential election. In this election, the results determined by the General Election Commission (KPU) raised objections from one of the candidate pairs, who then challenged the results to the Constitutional Court (MK). The lawsuit is based on alleged violations and fraud that occurred during the election process. However, the Constitutional Court stated that it rejected in its entirety the

petition for the 2019 Presidential and Vice Presidential Election Results Dispute filed by Presidential and Vice Presidential Candidate Pair Number 02 Prabowo Subianto-Sandiaga Salahuddin Uno (Prabowo-Sandi). (Ana, 2019)

The Constitutional Court (MK) decided to reject all claims from the Prabowo-Sandiaga Uno pair, on the grounds that the plaintiff's team could not prove the allegations of systematic and structured fraud. This decision was taken by considering the evidence and witnesses presented during the trial. The Constitutional Court's (MK's) decision reflects the application of the principle of *maslahah*, namely the public interest in maintaining political stability and public confidence in the electoral system (Nugroho, 2021).

The lawsuit filed by candidate pair Prabowo Subianto and Sandiaga Uno in the 2019 Indonesian presidential election had a significant impact on the political context and public trust in the election process. In terms of context, this lawsuit arises in an already heated political climate. The tight competition between the Joko Widodo-Ma'ruf Amin pair and Prabowo Subianto-Sandiaga Uno has created polarization among society. The allegations of systematic, structured and massive fraud raised by the Prabowo-Sandiaga pair have added to these tensions, deepening the gap between the two political camps.

This lawsuit process also has an impact on public trust in the integrity of elections. Many people who support the Prabowo-Sandiaga pair feel that these accusations reflect real fraud. This raised doubts among the public regarding the validity of the election results, even after the Constitutional Court rejected the lawsuit.

Overall, this controversy has had a long-term impact on Indonesia's political landscape. The lawsuit and its court proceedings reinforced political polarization and deepened distrust between different groups in society. Additionally, this issue sparked a profound national discussion regarding the integrity and public trust in the electoral system, prompting further debate about future electoral reform (Susanto, 2019).

In 2024, there will again be a dispute over the results of the presidential election of the Republic of Indonesia. If in 2019, Prabowo Subianto and Sandiaga Salahudin Uno (Prabowo-Sandi), as Presidential and Vice Presidential Candidate Number 02, become plaintiffs against their competitors, namely Presidential and Vice Presidential Candidate Number 01 (Joko Widodo and Ma'ruf Amin), this time, it was Prabowo Subianto's turn with Gibran Rakabuming Raka (son of President Joko Widodo) as Presidential Candidate and Vice Presidential Candidate Serial Number 02, to be sued by two other pairs of presidential and vice presidential candidates, namely Presidential Candidate and Vice Presidential Candidate Serial Number 01 (Anies Baswedan-Muhaimin Iskandar), as well as Presidential Candidate and Vice Presidential Candidate Serial Number 03 (Ganjar Pranowo-Mahfud MD).

The Petitioner submitted arguments to the Constitutional Court (MK) which included the following reasons. First, the applicant criticized the non-neutrality of the Election Supervisory Body (Bawaslu) and the Election Organizer Honorary Council (DKPP), stating that they did not take action against alleged violations by the Presidential and Vice Presidential Candidate pair Number 02. The Constitutional Court rejected this argument by stating that there was no evidence sufficient to prove that Bawaslu did not follow up on the alleged violation.

Second, allegations of President Joko Widodo's intervention in the conditions for the nomination of President and Vice President. The MK rejected accusations about President Joko Widodo's interference in the conditions for the nomination of President and Vice President. The MK stated that there was not sufficient convincing evidence to show the President's intervention, especially with changes to the requirements for candidates in the 2024 Election. Even though the Chief Justice of the Constitutional Court was previously declared to have committed an ethical violation, the MK Honorary Court (MKMK) concluded that this did not reflect intervention by the head of state regarding the change.

Third, allegations of abuse of power committed by President Joko Widodo in the use of the State Revenue and Expenditure Budget (APBN) in the form of social assistance with the aim of influencing voters. This accusation is considered unproven and does not have a strong legal basis. Previously, the Constitutional Court had summoned four Ministers assisting the President in the Advanced Indonesia Cabinet. From the explanation given by the ministers, it was concluded that the Social Assistance (Bansos) program is an integral part of the social protection program which has been regulated in the State Revenue and Expenditure Budget Law (APBN) for the 2024 Fiscal Year.

Fourth, accusations of abuse of power of the Central Government, Regional Government and Village Government in the form of support with the aim of winning the Presidential and Vice Presidential Candidate Number 02 Prabowo Subianto-Gibran Rakabuming Raka. This accusation was also rejected because it was not supported by sufficient evidence. The applicant only submitted

evidence in the form of news and videos from online media without the support of witnesses or experts. The Constitutional Court considered that there was no concrete evidence about how, when, where and to whom the abuse of power was carried out by ministers and state officials. There were no reports of alleged election violations to Bawaslu, indicating that the applicant missed his right to report suspected violations according to the stages.

Fifth, the argument that the General Election Commission (KPU) sided with the Presidential and Vice Presidential Candidate pair Number 02. The MK responded to the allegation that the General Election Commission (KPU) supported candidate pair Serial Number 02 by stating that the changes to the conditions made by the KPU were in accordance with the MK's decision and applies equally to all pairs of candidates. Therefore, the accusation is considered unproven (Liza).

The application of the principles of *fiqh siyasah* in resolving presidential election disputes can help achieve a just and stable resolution, as well as strengthen the foundations of democracy and justice in the context of modern political life. First, the application of the principles of *fiqh siyasah*: justice and transparency. In dealing with this case, the principles of *fiqh siyasah* that can be applied are justice and transparency. The Constitutional Court (MK), as an independent institution, is tasked with examining the evidence and testimony presented transparently and fairly. The court must ensure that every decision is taken based on valid evidence and a clear process, in accordance with the principles of justice in *fiqh siyasah* (Al-Mawardi).

Second, resolution through *shura* and public interest. Apart from that, *shura* is an important element in resolving disputes according to *fiqh siyasah*. In this context, the Constitutional Court (MK) held a series of open hearings that allowed both parties to present their arguments and evidence. This is in line with Ibn Taimiyah's view which emphasizes the importance of *shura* in making decisions that affect many people (Taimiyah).

The application of the principles of *fiqh siyasah* in resolving conflicts and disputes over presidential elections is an approach rooted in Islamic values and law, which emphasizes justice, transparency and public welfare. These principles can be integrated into the dispute resolution process to achieve a solution that is fair and acceptable to all parties.

First, justice and impartiality in dispute resolution. The principle of justice ('*adl*) is one of the most important aspects of *siyasa fiqh*. In the context of resolving presidential election disputes, this means that processes and decisions must be carried out in an impartial manner and based on valid facts and evidence. Al-Mawardi stressed that leaders or judges must avoid prejudice and favoritism, and must base their decisions on the principles of sharia justice (Al-Mawardi).

Second, transparency and accountability. Transparency in the election process and dispute resolution is very important to ensure that all actions and decisions can be accounted for. *Fiqh siyasah* emphasizes the importance of transparency to build trust and prevent misunderstandings and fraud. According to Mohammad Hashim Kamali, all processes should be open to public and media scrutiny, allowing the public to verify the fairness of the process (Kamali).

Third, dispute resolution through *shura*. The principle of *shura* in *fiqh siyasah* shows the importance of discussion and consultation in decision making. In the context of election disputes, this could mean that all parties involved in the dispute are given the opportunity to present their views and evidence in a fair forum. Mohammad Hashim Kamali also emphasized that solutions produced through deliberation are more likely to be accepted by all parties and strengthen social cohesion (Kamali).

Fourth, the use of the principle of *maslahah* (public interest). In resolving presidential election disputes, the *maslahah* principle can be used to assess which solution is most beneficial for the wider community. This helps in balancing the interests of diverse parties and selecting solutions that support stability and general prosperity. Ibn Taimiyah explained that policies and decisions must always be directed at meeting community needs and avoiding harm. (Taimiyah)

Fifth, apply the law consistently and fairly. Finally, *fiqh siyasah* underlines the importance of consistent and fair application of the law in resolving disputes. This is important to maintain the legitimacy of the dispute resolution process and public trust in the electoral system. Bernard Lewis shows that consistency and fairness in the application of the law is the key to maintaining stability and justice in society (Lewis).

This case analysis shows how the principles of *fiqh siyasah* such as justice, transparency, deliberation, and public interest can be applied in resolving presidential election disputes in Indonesia, to ensure that each process is handled in a fair and open manner to maintain the integrity of the democratic system.

IV. CONCLUSION

The integration of fiqh siyasah in modern politics has an important role, especially in the context of countries with a majority Muslim population or countries that consider Islamic principles in their governance. Siyasah fiq, with its focus on justice, transparency, accountability, and the common good, offers an ethical framework that can improve the quality of democracy and the political process.

Fiqh siyasah teaches the importance of running government in a fair and responsible manner, which is very relevant for modern politics which is often characterized by conflicts of interest and corruption. By basing governance on the principles of justice and transparency, government will not only be more just but also more respected and have strong legitimacy in the eyes of society. Fair and transparent policies will produce social stability and harmony.

In the context of resolving presidential election disputes, fiqh siyasah can act as a guide in auditing the election process and resolving conflicts that arise. The principles of *shura* and *maslahah* (public interest) allow for dispute handling that is more focused on finding solutions that benefit the entire community, not just a few groups. This can reduce political tensions and strengthen public confidence in the democratic process.

By integrating the principles of fiqh siyasah in presidential elections, it is hoped that future presidential elections can be carried out more fairly and transparently. The application of principles such as fairness, transparency, accountability and consultation in the election process will ensure that every stage of the election can be held accountable to the public. The hope is that this will lead to a reduction in presidential election disputes, increased public participation, and ultimately, strengthening democratic institutions.

The integration of fiqh siyasah in modern politics is not only relevant but also important to ensure that government runs in ethical and just corridors. By applying these principles, it is hoped that future presidential elections can produce a government that is more stable, fair, and receives stronger legitimacy from the people.

V. REFERENCES

- Al-Jurjani, A.-S. 'Ali bin M. (n.d.)., *Kitab al-Ta'rifat* (Kairo: Dar al-Rayyan li al-Turats, t.th.), 216.
- Al-Mawardi, A. H. A. (n.d.-a)., *Al-Ahkam al-Sultaniyah*, 162.
- Al-Mawardi, A. H. A. (n.d.-b)., *Al-Ahkam al-Sultaniyah*, 19-21.
- Al-Qardhawi, Y. (2001)., *The Lawful and the Prohibited in Islam* (Indianapolis: American Trust Publications,), 289-291.
- Ali, A. H. (2000). *al-Mawardi, Al-Ahkam al-Sultaniyah* (Beirut: Dar al-Kutub al-'Ilmiyah, Beirut, 2000), 32-35.
- Amri, S. (2015). *Syaiful Amri, Diklat Fiqh Siyasah, 4; Fatmawati Hilal, Fikih Siyasah. Makasar: Pusaka Almaida, 2015*), 10.
- Amri, S. (2023)., *Diklat Fiqh Siyasah. Medan: Fakultas Syariah dan Hukum UIN Sumatera Utara, 2023*), 1.
- Ana, S. P. dan N. R. (2019)., "MK Tolak Permohonan Perselisihan Hasil Pemilu Presiden," (Jakarta: Mahkamah Konstitusi Republik Indonesia, 2019). <https://www.mkri.id/index.php?page=web.Berita&id=15358#>.
- Budiardjo, M. (n.d.-a)., *Dinamika Politik Indonesia Kontemporer*, 134-136.
- Budiardjo, M. (n.d.-b)., *Dinamika Politik Indonesia Kontemporer*, 138.
- Budiardjo, M. (2007)., *Dasar-dasar Ilmu Politik* (Jakarta: Gramedia Pustaka Utama, Jakarta, 2007), 72.
- Budiardjo, M. (2022)., *Dinamika Politik Indonesia Kontemporer* (Jakarta: PT Gramedia Pustaka Utama,), 134-136.
- Dahl, R. (2000)., *On Democracy* (New Haven: Yale University Press, 2000), hal. 85.
- Esposito, J. L. (n.d.-a)., *The Oxford Dictionary of Islam*, 125.
- Esposito, J. L. (n.d.-b)., *The Oxford Dictionary of Islam*, 303.
- Esposito, J. L. (n.d.-c)., *The Oxford Dictionary of Islam*, 305.
- Esposito, J. L. (2003). *John L. Esposito, The Oxford Dictionary of Islam* (Oxford University Press, New York, 2003), 305.
- Huntington, S. P. (n.d.)., *The Third Wave: Democratization in the Late Twentieth Century*, 212.
- Huntington, S. P. (1991)., *The Third Wave: Democratization in the Late Twentieth Century* (Oklahoma: University of Oklahoma Press, 1991), 212.
- Ibrahim, M. bin. (2014)., *Al-Fiqh al-Islami: Ahkam al-'Ibadat* (Libanon: Dar al-'Ulum,), 12.
- Ihsa, M. A. (2003). n. *Al-Ta'rifat al-Fiqhiyah* (Beirut: Dar al-Kutub al-'Ilmiyah,), 166.
- Kamali, M. H. (n.d.-a)., *Principles of Islamic Jurisprudence*, 214.
- Kamali, M. H. (n.d.-b)., *Principles of Islamic Jurisprudence*, 215.
- Kamali, M. H. (n.d.-c)., *Principles of Islamic Jurisprudence*, 273.
- Kamali, M. H. (2003). *Mohammad Hashim Kamali, Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), 298-300.
- Kamali, M. H. (2006). *Mohammad Hashim Kamali, Principles of Islamic Jurisprudence*, 298-300.
- Khadduri, M. (2001)., *The Islamic Conception of Justice* (Baltimore: The Johns Hopkins University Press, 2001), 54-57.
- Lewis, B. (n.d.-a)., *The Political Language of Islam*, 77-79.
- Lewis, B. (n.d.-b). *Bernard Lewis, The Political Language of Islam*, 77-79.
- Lewis, B. (1988)., *The Political Language of Islam* (Chicago: University of Chicago Press, 1988), 77-79.
- Lijphart, A. (1999)., *Patterns of Democracy* (New Haven: Yale University Press, 1999), 1-10.
- Linz, J. J. (1994)., *The Perils of Presidentialism* (Oxford: Oxford University Press, 1994), 45-47.
- Liza. (n.d.)., "Bacakan Putusan Hasil Sengketa Pilpres 2024, MK Tolak Permohonan Paslon 01 dan 03," (Pekanbaru: Bawaslu Provinsi Riau, 2024). <https://riau.bawaslu.go.id/bacakan-putusan-hasil-sengketa-pilpres-2024-mk-tolak-permohonan-paslon-01-dan-03/>
- Mayer, A. E. (n.d.-a)., *Islam and Human Rights: Tradition and Politics*, 115.
- Mayer, A. E. (n.d.-b)., *Islam and Human Rights: Tradition and Politics*, 157.

- Mayer, A. E. (n.d.-c)., *Islam and Human Rights: Tradition and Politics*, 164.
- Mietzner, A. dan. (n.d.-a)., *Elections and Democracy in Indonesia*, 201-203.
- Mietzner, A. dan. (n.d.-b)., *Elections and Democracy in Indonesia*, 209.
- Mietzner, A. dan. (2023). *Aspinall dan Mietzner, Elections and Democracy in Indonesia (Singapore: Institute of Southeast Asian Studies,)*, 201-203.
- Norhadi, M. (1981)., "Relasi Iman dan Fikih," 64: *Abu al-Husein Ahmad bin Faris bin Zakariya, Mu'jam Maqayis al-Lughah*, Vol. IV. (Kairo: *Maktabah al-Khanji*, 1981), 442.
- Norhadi, M. (1996). *Muhammad Norhadi, "Relasi Iman dan Fikih," eL-Mashlahah*, Vol. 9, No. 1 (2019), 64. <https://doi.org/10.23971/el-mas.v9i1.1354>; Al-Zadi, Thahir Ahmad al-Zadi, *Tartib al-Qamus al-Muhith 'ala Thariqah al-Mishbah al-Munir wa Asas al-Balagh*, Juz 1. Riyadh: Dar .
- Nugroho. (n.d.-a)., *Media Sosial dan Politik Indonesia*, 88-90.
- Nugroho. (n.d.-b)., *Media Sosial dan Politik Indonesia*, 92-94.
- Nugroho. (2021)., *Dinamika Hukum dan Politik di Indonesia (Penerbit Buku Kompas, Jakarta,)*, 94-96).
- Nugroho. (2024)., *Media Sosial dan Politik Indonesia (Jakarta: Penerbit Buku Kompas,)*, 88-90.
- Nurfatima. (2014). *et al.*, "Kewenangan Kepala Desa Terhadap Penyelesaian Konflik dalam Perspektif Fikih Siyasah," 215; *Jeje Abdul Rojak, Hukum Tata Negara Islam (Surabaya: UIN Sunan Ampel Pers, 2014)*, 5-6.
- Pulungan, S. (2014)., *Fikih Siyasah: Ajaran, Sejarah dan Pemikiran (Yogyakarta: Penerbit Ombak,)*, 21; *Nurfatima et al.*, "Kewenangan Kepala Desa Terhadap Penyelesaian Konflik dalam Perspektif Fikih Siyasah," *Qaumiyyah: Jurnal Hukum Tata Negara*, Vo. 3 No. 2 (2022), 216. <https://doi.org/10.23971/el-mas.v9i1.1354>.
- Suarsa, G. Y. G. A. D. A. S. H. (2024). *Jurnal Bisnis dan Pemasaran Volume 14, Nomor 2, September 2024. Jurnal Bisnis Dan Pemasaran Volume 14, Nomor 2, September 2024, 14(2)*, 361-366.
- Susanto. (n.d.-a)., *Kinerja KPU dan Mahkamah Konstitusi dalam Pemilu*, 157-159.
- Susanto. (n.d.-b)., *Kinerja KPU dan Mahkamah Konstitusi dalam Pemilu*, 161.
- Susanto, A. (2021). (2019)., *Analisis Pemilu Indonesia (Jakarta: Rajawali Press, 2020)*, 143-145.
- Taimiyah, A. A. T. A. bin A. H. bin A. S. bin A. bin. (n.d.)., *Al-Siyasah al-Syar'iyah*, 75.
- Taimiyah, A. A. T. A. bin A. H. bin A. S. bin A. bin. (2001)., *Al-Siyasah al-Syar'iyah (Beirut: Dar Ibn Hazm,)*, hal. 75.