

## **Election Fiqh Ethics: Efforts to Prevent Polarization and Its Impact on the 2024 Election**

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**Abstract.** Polarization in the implementation of elections, especially in 2024, has a very dangerous impact which has the potential to create divisions between ethnicities, religions, races and between groups. One of the efforts to prevent this and minimize negative impacts is by creating norms from a fiqh perspective considering that the majority is 85 percent of the population. Indonesia is a Muslim society. This research aims to explain election ethics from a fiqh perspective to prevent and minimize polarization in the implementation of the 2024 election and its impacts. By using qualitative descriptive methods and a literature approach, researchers will collect and examine data from various written sources to look for election ethics from a jurisprudential perspective in preventing polarization in the 2024 simultaneous elections. Fiqh ethics in preventing polarization are divided into two, namely universal ethics and partial ethics. Universal ethics include arranging good motivation, not violating existing rules, maintaining human values, bringing benefits and rejecting damage and being fair. Meanwhile, the partial ethics are ta'aruf, tafahum, tasamuh, ta'awun, mujjadi and takaful.

**Keywords:** Ethics, Election Jurisprudence, Polarization, 2024 Election

### **Introduction**

Ethics is a guideline for every individual in carrying out various activities, whether between a person and his God or a person and his fellow humans. Ethics in religious language is also called fiqh. Jurisprudence is a scientific discipline that is very important in order to create benefits, including creating harmony between people. The ethical theme of election jurisprudence in this research is efforts to create the highest possible benefit and prevent harm. Elections are a democratic party held in order to elect the best leaders, where ideally elections have

big and positive goals. However, in recent elections, especially in 2018 when the Jakarta gubernatorial election occurred, there was a negative trend due to polarization and polarization continued even more so in the presidential election in 2019.

Polarization is a situation where a group or camp is split into two or even more. This polarization is very dangerous because each side feels that its side is the right one, so there is the potential for conflict between ethnicities, religions, races and between groups. The severity of polarization has even been used as a political strategy to overthrow opponents and achieve victory. This polarization should be prevented as soon as possible to avoid harm in future elections, especially in 2024 where the elections will be held simultaneously.

One effort to prevent polarization in the upcoming election is to create guidelines or norms from a fiqh perspective, considering that the majority of 85 percent of Indonesia's population is Muslim and is the largest number of Muslims in the world. Research on election jurisprudence ethics is important in order to minimize the negative impact of polarization in the upcoming elections, especially in 2024.

Research on social polarization has been carried out by many predecessors, including Jauhar Nashrullah, where he stated that the trend of polarization in Indonesia is increasing which is driven by several factors including the development of the internet and information technology, culture and social movements, he provides solutions to reduce it by strengthening communication and legal approaches<sup>1</sup>. Ibnu Chaerul Mansyur in his findings even concluded that polarization is a political strategy by dividing people, spreading hate speech and exploiting public unrest<sup>2</sup>. Meanwhile, Zico Junius Fernando and others in their research warned that polarization in the 2024 election could be even greater and the solution is to refer to the values of

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<sup>1</sup> Jauhar Nashrullah, "Polarisasi Masyarakat Pada Penyelenggaraan Pemilihan Umum Di Indonesia Dalam Kajian Sosiologi Hukum," *Jurnal Hukum* 1 Nomor 2 (2023): 20-38, <https://journal.sabtida.com/index.php/rlr/article/view/15/8>.

<sup>2</sup> Ibnu Chaerul Mansyur, "Polarisasi Politik Di Indonesia 2014-2019: Sebuah Kajian Pustaka," *Jurnal Politik Profetik* 11, no. 1 (2023): 1-22, <https://doi.org/10.24252/profetik.v11i1a1>.

Pancasila<sup>3</sup>. Isrofiah Laela Khasanah and Fadli Zumadila Wawuan in their research stated that efforts to prevent polarization are by halal bi halal, active community participation, media support and evaluation. and sustainable political reconciliation.<sup>4</sup>

In his research, Faris Budiman Annas concluded that, ahead of the 2019 presidential election, political polarization in Indonesian society was getting stronger, splitting into two camps, both of which were active in discussing and spreading conflicting narratives on social media regarding presidential and vice presidential candidate pairs who were not theirs. support and strengthen each other towards the partner they support.<sup>5</sup> Romel Masykuri in his research also concluded that political labeling and political polarization of Islamic groups in the 2014 and 2019 elections, this political polarization even strengthened at moments outside the election, such as in the 2017 DKI Jakarta Governor election, the dissolution of HTI, or responses to policies. decided by the government.<sup>6</sup> Juri Ardiantoro in his research also confirmed that the source of political polarization at both the political elite and community levels is not only from ideological background and political culture but also due to efforts to compete for opportunities while strengthening their influence on the political construction that will be formed.<sup>7</sup>

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<sup>3</sup> Zico Junius Fernando et al., "Model Penanaman Nilai-Nilai Pancasila Dalam Menghadapi Ancaman Polarisasi Politik Pemilu 2024 Di Indonesia," in *Prosiding Seminar Nasional Program Doktor Ilmu Hukum Ums 2022*, 2022, 120132.

<sup>4</sup> Isrofiah Laela Khasanah and Fadli Zumadila Wawuan, "Polarisasi Politik Dan Upaya Rekonsiliasi Melalui Halal Bihalal," *Jurnal Ilmiah Muqoddimah: Jurnal Ilmu Sosial, Politik, Dan Humaniora* 7, no. 2 (2023): 420, <https://doi.org/10.31604/jim.v7i2.2023.420-429>.

<sup>5</sup> Faris Budiman Annas, Hasya Nailan Petranto, and Asep Aji Pramayoga, "Opini Publik Dalam Polarisasi Politik Di Media Sosial Public Opinion Of Political Polarization On Social Media," *Jurnal PIKOM (Penelitian Komunikasi Dan Pembangunan)* 20, no. 2 (2019): 111.

<sup>6</sup> Romel Masykuri and Mohammad Fajar Shodiq Ramadlan, "Analisis Manifestasi Segragasi Politik Pelabelan Dan Polarisasi Di Antara Kelompok Islam Sepanjang 2014-2019," *Politika: Jurnal Ilmu Politik* 12, no. 1 (2021): 68-87, <https://doi.org/10.14710/politika.12.1.2021.68-87>.

<sup>7</sup> Juri Ardiantoro, "Negara Dan Polarisasi Politik: Pelajaran Dari Pemilihan Umum 1999," *Muqoddima Jurnal Pemikiran Dan Riset Sosiologi* 3, no. 1 (2022): 1-10, <https://doi.org/10.47776/mjprs.003.01.01>.

The description above shows that there are no articles that discuss the ethics of election jurisprudence in preventing polarization and its impact on the 2024 election. This research aims to provide ethical guidelines from a jurisprudential perspective on the 2024 election, especially regarding the ethics of preventing polarization and knowing the potential positive and negative impacts of polarization. in the 2024 elections. There are two assumptions that form the basis of this research (1) the importance of knowing the ethics of election jurisprudence to prevent polarization and what impacts it has, (2) this research can provide new insight into the ethics of election jurisprudence in preventing polarization and knowing its impact, so that it can be used as a complement to existing election jurisprudence ethics, especially regarding preventing polarization.

This research uses a type of descriptive-qualitative research which is included in the library research category, where the researcher will collect data from various written sources from scientific works, journals, books, articles and others to look for theories, expert opinions and discoveries. closely related to the problem under study,<sup>8</sup> in this case it relates to fiqh ethics in the context of elections and how its application can contribute to preventing polarization and reducing negative impacts that could arise in the 2024 elections.

By using primary data from Islamic Law sources in the form of the Qur'an, Hadith and Ijtihad of the Ulama and secondary data from other sources such as books and research journals related to ethics in preventing polarization and a literature approach will provide a research framework for compiling based on evidence and theory obtained from critical and in-depth study of relevant library materials, then the results of the analysis will be presented in detail in the results and discussion chapters in this article.

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<sup>8</sup> Muri Yusuf, *Metode Penelitian Kuantitatif, Kualitatif Dan Penelitian Gabungan*, 4th edn (Jakarta: Kencana, 2017), 331.

## Results and Discussion

### Election Fiqh Ethics

Ethics is taken from the Greek word *ethos* which can be interpreted as residence, pasture, enclosure, habit, custom, character, attitude, way of thinking. The plural form is *ta etha*, which means customs. Another word for ethics is *moral*, *moral* comes from the Latin word: *Mos* (singular form), or *mores* (plural form) which means customs, habits, behavior, character, character, morals, way of life..<sup>9</sup>

According to Bertens, ethics can be defined as good moral values and norms that are either practiced or not practiced. Ethics can also be interpreted as morals, namely what should be done, what should not be done, what is appropriate to do, and so on..<sup>10</sup>

The definition of *fiqh* is the science that discusses sharia laws in the aspect of *amaliyah* (real actions) which are taken from the postulates in detail.<sup>11</sup> In the General Election Commission Regulation of the Republic of Indonesia number 7 of 2017, article 1 paragraph 1, it is stated that elections are a means of implementing popular sovereignty to elect members of the People's Representative Council, members of the Regional Representative Council, President and Vice President and to elect members of the Regional People's Representative Council, which is carried out directly, publicly, freely, confidentially, honestly and fairly within the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia..<sup>12</sup>

From this it can be concluded that election jurisprudence ethics are legal norms in Islamic teachings regarding the means of electing leaders, both legislative and executive, which are carried out directly, publicly, freely, confidentially, honestly and fairly.

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<sup>9</sup> Abuddin Nata, *Akhlak Tasawuf Dan Karakter Mulia* (Jakarta: Raja Grafindo, 2012).

<sup>10</sup> K. Bertenz, *Etika* (Jakarta: PT Gramedia Pustaka Utama, 2007), 22.

<sup>11</sup> Wahbah Zuhaili, *Ushul Fiqh Al-Islamiy* (Damaskus: Darul Fikr, 1986), 19.

<sup>12</sup> Komisi Pemilihan Umum Republik Indonesia, Peraturan Komisi pemilihan Umum Republik Indonesia No 7 Tahun 2017 (Jakarta, issued 2017), 2.

## **Polarizing of Conflict Prevention**

Republic of Indonesia Law number 7 of 2012 concerning the handling of social conflicts in article 1 point 1 states that conflict is a feud and/or physical clash with violence between two or more groups of society which lasts for some time and has a wide impact resulting in insecurity and social disintegration thereby disrupting stability. national and hinder social development. Furthermore, in article 1 point 3, conflict prevention is a series of activities carried out to prevent conflict by increasing institutional capacity and early warning systems.<sup>13</sup> Meanwhile, polarization is a division into two parts, namely (groups of people with interests and some of them) who are opposite <sup>14</sup>

Polarization conflict prevention is a series of steps to prevent conflict between individuals or groups and other individuals or groups because of opposing interests. Polarization occurs, among other things, due to differences in interests in the social, cultural, religious and especially political fields. In recent years, polarization conflicts in Indonesia have been mostly motivated by political and religious factors, such as polarization in the Jakarta gubernatorial election or the 2019 presidential election.

## **Social Impact Theory**

Impact is a collision, an influence that has both positive and negative consequences.<sup>15</sup> Social impacts are influences that have positive and negative consequences for society. The positive impact is the influence resulting from a person's actions which have a good impact on other people or the environment, while the negative impact is the influence resulting from a person's actions which have a bad impact on the person or the environment.<sup>16</sup>

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<sup>13</sup> Depkumham, Undang-Undang Republik Indonesia Nomor 7 tahun 2012 tentang Penanganan Konflik Sosial (Jakarta, issued 2012), 2.

<sup>14</sup> KBBI, "Kamus Besar Bahasa Indonesia, Arti Polarisasi," accessed October 15, 2023, <https://kbbi.web.id/polarisasi>.

<sup>15</sup> Suharno Suharno and Ana Retnoningsih, *Kamus Besar Bahasa Indonesia* (Semarang: Widya Karya, 2022), 243.

<sup>16</sup> Andreas G. Ch Tampi, Evelin J. R Kawung, and Juliana W Tumiwa, "Dampak Pelayanan Badan Penyelenggara Jaminan Sosial Kesehatan Terhadap Masyarakat Di

Knowing the positive and negative impacts in preventing potential polarization conflicts in the 2024 simultaneous elections is an important part of efforts to realize humanity, security, order and peace, so that the potential positive impacts can be increased and the negative impacts can be minimized.

### **Election Fiqh Ethics in Preventing Polarization**

Islam divides worship into two, namely uluhiyyah worship and muamalah worship, uluhiyyah worship relates to interactions between a person and his god, while muamalah worship relates to interactions between a person and others. Uluhiyyah worship and muamalah worship both have general guidelines as explained in the Qur'an and Hadith. It is discussed in detail in fiqh, so fiqh is a further understanding that departs from the teachings of the Islamic religion which aims to create goodness and reject damage.

Election jurisprudence ethics in preventing polarization referred to in this research is an effort to explore what things a person should do and avoid in order to prevent polarization. Ethics in preventing polarization can be simplified into two, namely universal and partial ethics. Universal ethics is ethics that is guided by the universal truth of the Islamic religion, while partial ethics is ethics that is guided by things that are specific to the subject matter.

The universal ethics that should be considered in muamalah are as follows: (1) the importance of organizing motivation, (2) carrying out any activity as long as it is not prohibited by religion, (3) carrying out any activity by paying attention to divine values and human values (4) bringing benefits and refuses damage (5) is fair or does not harm other people.

Partial ethics in the 2024 Election include: (1) ta'aruf, namely the process of getting to know someone closely, whether a friend or a stranger. Thus, the meaning of a ta'aruf message is a set of verbal or

nonverbal symbols related to the introduction process<sup>17</sup>. In this process, a person and another can introduce themselves both offline and online with the aim of influencing someone's behavior for the better while at the same time fostering trust between one another (2) tafahum, namely the process of mutual understanding between individuals and other individuals. This tafahum process starts from a phase where each person and others have similarities but on the other hand have differences, including differences in character, ideas, situations and conditions, which will have an impact on a person's attitudes and behavior. (3) Tasamuh is an attitude of giving completely to other people so that they are free to express their opinions even though their opinions are not necessarily correct or different<sup>18</sup>, This attitude aims to respect other people's opinions, and not easily blame others for having different opinions. (4) ta'awun is a command to ask for help only from Allah and a command to have an attitude of helping fellow humans. This concept aims to give the impression that humans cannot live without other people, strengthening each other and perfecting how someone can worship well. (5) mujjadi, namely using complete and strong arguments so that they can be accepted and attractive<sup>19</sup> or in other words, it can be interpreted as exchanging ideas, showing each other the superiority of arguments to prove the truth<sup>20</sup>. This mujjadi aims to find common ground on various differences in ideas between individuals and each other, even if they do not find common ground, at least they can get to know each other's various ideas and can take lessons from these differences (6) takaful is an agreement between several people in which they promise to mutual responsibility and support for each other<sup>21</sup>. This

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<sup>17</sup> Eliyyil Akbar, "Ta'aruf Dalam Khitbah Perspektif Syafi'i Dan Ja'fari," *Jurnal Musawa* 14, no. 1 (2015): 56.

<sup>18</sup> Moh Yamin and Vivi Aulia, *Meretas Toleransi Pluralisme Dan Multikultural Keniscayaan Peradaban* (Malang: Madani, 2011), 5.

<sup>19</sup> Tri Joyo Budiono, "Pola Argumentasi Dalam Metode Dakwah Mujadalah Nabi Ibrahim," *INTELEKSIA-Jurnal Pengembangan Ilmu Dakwah* 02, no. 01 (2020): 1-26, <http://inteleksia.stidalhaddid.ac.id/index.php/inteleksia/article/view/75/30>, 7.

<sup>20</sup> Hasbi Ash-Shiddieqy, *Ilmu-Ilmu Al-Qur'an: Media- Media Pokok Dalam Menafsirkan Al-Qur'an* (Jakarta: Bulan Bintang, 1992), 7.

<sup>21</sup> Sugeng S Eddy, "Konsep Asuransi Takaful Dalam Prinsip Dan Falsafah," *'Aainul Haq: Jurnal Hukum Keluarga Islam* \ 2 (2022): 75-87, [www.ejurnal.an-nadwah.ac.id](http://www.ejurnal.an-nadwah.ac.id), 77.

takaful aims to ensure that every individual has an obligation and responsibility to provide a sense of security to themselves or to others.

### **Potential advantages and disadvantages of early prevention of polarization in the 2024 elections**

The potential advantages of early prevention in avoiding polarization in the 2024 elections include (1) creating unity and unity of the nation (2) prioritizing ideas and creativity in democracy as long as they do not violate provisions (3) maintaining human values in a democracy of mutual respect, respect and justice. (4) bring goodness and happiness in democracy (5) benefit all parties and do not harm (6) get to know each other even though they have different choices (7) mutual understanding between individuals even though they have different political choices (8) tolerate each other even though there are different political choices (9) helping each other between individuals even though there are differences in political choices (10) always competing ideas and ideas to find common ground (11) looking after each other and providing a sense of security between one another.

The potential shortcomings in realizing prevention of polarization in the 2024 elections include: (1) low motivation of some people in avoiding polarization (2) low level of knowledge and dangers of polarization by some people, (3) low level of attention of some people to human values (4) there are some groups who want polarization (5) there are some groups who do not want mutual recognition, understanding, tolerance, mutual help, discussion and providing a sense of security.

Ethics is an important part of social life, certain communities without paying attention to ethics have a great potential for riots and conflict. Therefore, democracy should pay attention to ethics, in this case the 2024 elections should be held with the aim of improving the nation and maintaining the unity and integrity of the country. The 2018 gubernatorial election and 2019 presidential election went well, but there is a big problem of polarization, namely the division of parts of society into two or even more groups. The polarization that occurred in the 2018 gubernatorial election and 2019 presidential election should

be prevented as early as possible by paying attention to ethics. Ethics in the context of preventing polarization is aimed at how the election process in Indonesia in the future will be successful in creating new leadership and strengthening brotherhood. The ethics that should be built to prevent polarization are divided into two, namely universal and partial ethics. Universal ethics include: having good motivation, acting according to the rules, maintaining humanitarian principles, improving conditions and being fair. Meanwhile, partial ethics are maintaining friendship, understanding each other, being tolerant, helping each other, discussing and looking after each other.

The ethics or manners that have been implemented certainly have advantages and disadvantages, considering that no system or activity is perfect, including those related to election jurisprudential ethics in preventing polarization, which also has advantages and disadvantages. By knowing their strengths, a person can develop and achieve the goals they desire and be able to maintain good relationships with other people. Meanwhile, knowing the shortcomings, someone can avoid and prevent polarization.

The logical consequence of election jurisprudence ethics in preventing polarization is to apply and socialize these ethics to society as a whole so that they serve as guidelines and guidelines in organizing elections. Meanwhile, the logical consequence is knowing the advantages and disadvantages so that the 2024 elections can run well.

In this research, the author agrees with research written by St. Saleha Madjid that there are 4 universal ethics, namely (1) every muamalah is basically permissible unless there is an argument that forbids it, (2) brings benefit and rejects harm, (3) balance between the transcendent and the immanent and (4) justice by setting aside injustice<sup>22</sup>. However, it is also important to pay attention to the motivation in each muamalah. In the case of muamalah, this motivation has an important role to see whether doing muamalah is aimed at good or evil. So that his actions have the effect of reward or sin.

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<sup>22</sup> St. Saleha Madjid, "Prinsip- Prinsip Asas Muamalah," *J-Hes Jurnal Hukum Ekonomi Syariah* 2, no. 1 (2018), 27.

It is also universally stated that the very basic thing in every muamalah is to pay attention to what one does in the corridor so that it does not endanger either oneself or others. As in al-A'raf verse 56 it is stated that someone is prohibited from doing damage, and this is confirmed in the hadith which says "la dharara wala dhirara".<sup>23</sup>

## Conclusion

Fiqh ethics in preventing polarization is divided into two, namely universal ethics and partial ethics. Universal ethics include arranging good motivation, not violating existing rules, maintaining human values, bringing benefits and rejecting damage and being fair. Meanwhile, the partial ethics are ta'aruf, tafahum, tasamuh, ta'awun, mujjadi and takaful. The potential advantages of early prevention in avoiding polarization in the 2024 elections include: creating national unity and integrity, putting forward ideas, maintaining human values, respecting each other, getting to know each other, understanding each other, tolerant each other, helping each other, discussing and mutually provide a sense of security.. Potential shortcomings in realizing prevention of polarization in the 2024 elections include: low motivation of some people, low level of knowledge and dangers of polarization by some people), low level of attention by some people to human values, some groups who want polarization and the existence of Some groups do not want to recognize each other, understand each other, tolerate each other, help each other, discuss and share feelings.

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