



# The Politicization of Religion and Law Enforcement in Indonesia's Democratic Elections: An Islamic Legal Perspective

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**Abstract:** The politicization of religion in Indonesia's democratic elections represents a structural challenge that disrupts constitutional governance, weakens legal neutrality, and conflicts with the normative principles articulated in al-Māwardī's *fiqh siyāsah dustūriyyah*. While existing scholarship has addressed the interplay between religion and politics, few studies examine how the strategic manipulation of religious symbols and clerical authority erodes institutional integrity when analysed through al-Māwardī's framework of governance. This study investigates the mechanisms and consequences of religious politicization by integrating key concepts of al-Māwardī, such as 'adl (justice), *amānah* (trust), *wilāyah al-qadā'* (judicial authority), and *hisbah* (public oversight) as constitutional ethical standards for political conduct. Utilising a qualitative descriptive method and case study approach, the research analyses interactions among political elites, religious actors, and law enforcement bodies to understand how these relationships influence decision-making processes. The findings reveal three constitutional distortions: the instrumentalisation of religious narratives to delegitimise political opponents; the intervention of religious groups in judicial processes that threaten the independence of legal institutions; and transactional alliances that compromise the objectivity of state authority. From the perspective of al-Māwardī's *fiqh siyāsah*, these practices violate *maqāṣid al-shari‘ah*, especially the preservation of justice, intellect, and social cohesion, and contradict the constitutional ethics expected of legitimate governance. This study concludes that religious politicization functions as a systemic threat to the rule of law, undermines public trust, and deviates from al-Māwardī's normative model of just political authority. The research contributes

a jurisprudential framework demonstrating how fiqh *siyāsah dustūriyyah* can guide ethical and accountable governance in contemporary Muslim-majority political systems.

**Keywords:** religion politicization; law enforcement; Islamic law; democratic elections; Indonesia

**Abstrak:** Politisasi agama dalam pemilihan umum demokratis di Indonesia merupakan tantangan struktural yang mengganggu tata kelola konstitusional, melemahkan netralitas hukum, dan bertentangan dengan prinsip-prinsip normatif dalam fiqh siyasah dusturiyyah menurut al-Māwardī. Meskipun kajian sebelumnya telah membahas relasi agama dan politik, hanya sedikit penelitian yang menelaah bagaimana manipulasi simbol keagamaan dan otoritas ulama digunakan secara strategis untuk melemahkan integritas institusi ketika dianalisis melalui kerangka pemerintahan al-Māwardī. Studi ini meneliti mekanisme dan konsekuensi politisasi agama dengan mengintegrasikan konsep-konsep utama al-Māwardī seperti '*adl* (keadilan), *amānah* (kepercayaan), *wilāyah al-qadā'* (otoritas kehakiman), dan *ḥisbah* (pengawasan publik) sebagai standar etika konstitusional dalam perilaku politik. Dengan menggunakan metode kualitatif deskriptif dan pendekatan studi kasus, penelitian ini menganalisis interaksi antara elit politik, aktor keagamaan, dan aparat penegak hukum untuk memahami bagaimana hubungan tersebut memengaruhi proses pengambilan keputusan. Temuan penelitian menunjukkan tiga bentuk distorsi konstitusional: instrumentalisasi narasi keagamaan untuk mendekreditasi lawan politik, intervensi kelompok keagamaan dalam proses peradilan yang mengancam independensi lembaga hukum, dan aliansi transaksional yang mengkompromikan objektivitas otoritas negara. Dari perspektif fiqh siyasah al-Māwardī, praktik-praktik tersebut melanggar *maqāṣid al-shari‘ah* khususnya pemeliharaan keadilan, akal, dan harmoni sosial serta bertentangan dengan etika konstitusional yang harus menjadi dasar legitimasi pemerintahan. Studi ini menyimpulkan bahwa politisasi agama berfungsi sebagai ancaman sistemik terhadap rule of law, merusak kepercayaan publik, dan menyimpang dari model normatif otoritas politik yang adil menurut al-Māwardī. Penelitian ini memberikan kerangka yurisprudensial yang menunjukkan bagaimana fiqh siyasah dusturiyyah dapat membimbing praktik pemerintahan yang etis dan akuntabel dalam sistem politik kontemporer di masyarakat Muslim.

**Kata Kunci:** Politisasi agama; penegakan hukum; hukum Islam; pemilihan demokratis; Indonesia

## Introduction

The politicization of religion in the democratic political campaign has brought serious consequences for the integrity and objectivity of the law enforcement process.<sup>1</sup> This phenomenon not only creates social tension but also disrupts the independence of the judiciary in handling cases involving religious sentiments. Chaney and Sahoo note that law enforcement in cases of religious politicization during the democratic era is often hampered by social pressure and structural obstacles, which prevent the legal process from functioning as it should.<sup>2</sup> This situation is reflected in various concrete cases that show how religious issues are used as a tool for political mobilization, while law enforcement officials are in a dilemma between enforcing the law or responding to emotionally charged public pressure.<sup>3</sup> That context, as Rosman notes, can threaten legal independence, because

<sup>1</sup> Zainuddin Zainuddin et al., “Siyāsah Shar‘iyyah and the Politicization of Religion in the 2019 Indonesian Presidential Election,” *AHKAM : Jurnal Ilmu Syariah* 22, no. 2 (December 2022), <https://doi.org/10.15408/ajis.v22i2.28165>.

<sup>2</sup> Paul Chaney and Sarbeswar Sahoo, “Civil Society and the Contemporary Threat to Religious Freedom in Bangladesh,” *Journal of Civil Society* 16, no. 3 (July 2020): 191–215, <https://doi.org/10.1080/17448689.2020.1787629>.

<sup>3</sup> BBC News Indonesia, “Inilah Kasus-Kasus Penistaan Agama Di Indonesia, ‘subjektif’ Dan ‘Ada Tekanan Massa,’” *BBC News Indonesia*, November 2016.

legal decisions are not always made on juridical grounds but rather through compromises with political powers.<sup>4</sup>

The use of religion in the political arena often creates a tug-of-war between democratic legitimacy and ideological manipulation. Safa'at states that religious expression in politics is viewed as part of the freedom of speech guaranteed in a democratic system.<sup>5</sup> However, when religion is used strategically to construct political identity, strengthen electoral support, or delegitimise opponents, this practice falls into the realm of the politicization of religion.<sup>6</sup> Such politicization has the potential to undermine the principles of justice and equality under the law, especially when law enforcement officials face pressure from religious groups.<sup>7</sup> The challenge becomes even greater when religious issues are used to frame legal cases emotionally, making the judicial process susceptible to political intervention and public pressure. The politicization of religion is a practice that not only shapes public opinion but can also influence and even intervene in legal policies through political power, making it crucial to explain and evaluate.

In the last ten years, discussions on the politicization of religion have tended to focus on three dominant contexts. First, studies highlight the use of religious symbols and narratives in political campaigns.<sup>8</sup> Second, studies emphasise the role of political elites and religious figures in forming strategic coalitions.<sup>9</sup> Third, studies that highlight the social impact of the politicization of religion.<sup>10</sup> From these three approaches, it can be concluded that studies on the politicization of religion are generally descriptive and normative; there has been little critical analysis of its impact on the legal system and democracy. In fact, the politicization of religion not only affects the electoral political

<sup>4</sup> Edi Rosman, Aidil Alfin, and Bustamar Bustamar, "Politik Hukum Pidana Indonesia: Analisis Korelasi Siyasah Syar'iyah Dan Pencegahan Korupsi," *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 1 (June 2019): 15–31, <https://doi.org/10.24090/mnh.v0i1.1797>.

<sup>5</sup> Muchamad Ali Safa'at, "The Roles of the Indonesian Constitutional Court in Determining State-Religion Relations," *Constitutional Review* 8, no. 1 (May 2022): 113–50, <https://doi.org/10.31078/consrev815>.

<sup>6</sup> Luthfi Assyaukanie, "Religion as a Political Tool Secular and Islamist Roles in Indonesian Elections," *Journal of Indonesian Islam* 13, no. 2 (December 2019): 454–79, <https://doi.org/10.15642/JIIS.2019.13.2.454-479>; Muhtar Said et al., "Between Revelation and Constitution: The Sovereignty Fiqh of Muhammad Yamin's Sociopolitical Ijtihād," *Journal of Islamic Law* 6, no. 2 (July 16, 2025): 236–64, <https://doi.org/10.24260/jil.v6i2.4220>.

<sup>7</sup> Henky Fernando et al., "The De-Existence of Islamic Political Parties in General Elections: A Case Study of Indonesia as a Muslim-Majority Country," *Cogent Social Sciences* 9, no. 1 (December 2023), <https://doi.org/10.1080/23311886.2023.2225838>.

<sup>8</sup> M. Miftahul Hidayat, "The 2024 General Elections in Indonesia: Issues of Political Dynasties, Electoral Fraud, and The Emergence of A National Protest Movements," *IAS Journal of Localities* 2, no. 1 (June 2024): 33–51, <https://doi.org/10.62033/iasjol.v2i1.51>; Faizal Hamzah Lubis, Faiz Albar Nasution, and Rahma Hayati Harahap, "The Commodification of Religious Rituals: Representations of Political Actors in Indonesian Elections," *Pharos Journal of Theology* 105, no. 2 (March 2024): 1–11, <https://doi.org/10.46222/pharosjot.105.214>; Ellyya Rosana et al., "Public Sympathy as Political Mobilization in the Digital Space Based on the Study of Religious Figures on Social Media," *Jurnal Lektor Keagamaan* 23, no. 1 (June 2025): 179–210, <https://doi.org/10.31291/jlka.v23i1.1187>.

<sup>9</sup> Tomas Lindgren et al., "The Appropriation of Religiousity in the 2024 Indonesian Presidential," *IAS Journal of Localities* 2, no. 2 (August 2024): 96–108, <https://doi.org/10.62033/iasjol.v2i2.78>; Desiree Desierto and Mark Koyama, "Religious Violence and Coalition Politics in History," *Journal of Historical Political Economy* 4, no. 2 (2024): 281–309, <https://doi.org/10.1561/115.00000075>; Richard L. Wood, Brad R. Fulton, and Rebecca Sager, "Strategic Alliances: The Political Efficacy of Religioussecular Ties," *Mobilization: An International Quarterly* 28, no. 3 (September 2023): 279–300, <https://doi.org/10.17813/1086-671X-28-3-279>.

<sup>10</sup> Muhammad Maulana and Muhammad Hendri, "Religious Disobedience: Understanding Disobedience to Religious Authority in Indonesia," *IAS Journal of Localities* 3, no. 1 (2025): 2025, <https://doi.org/10.62033/iasjol.v3i1.119>; Dadang Kuswana, Deden Sumpena, and Yoshy Hendra Hardiyah Syah, "Indonesian Religious Social Movements: Analysis and Impacts," *Indonesian Journal of Islam and Muslim Societies* 14, no. 2 (January 2025): 351–80, <https://doi.org/10.18326/ijims.v14i2.351-380>; Tony Huiquan Zhang and Anli Jiang, "Urbanization, Education, and Religion: Rationalization and Erosion of Political Trust in Asia," *Sociology Compass* 18, no. 1 (January 2024): e13155, <https://doi.org/10.1111/soc4.13155>; Bunyamin Bunyamin et al., "Reforming Indonesia's Correctional System: The Role of Maqāsid Al-Syarī'ah in Ensuring Justice and Rehabilitation," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (April 1, 2025): 52–71, <https://doi.org/10.18860/j-fsh.v17i1.29258>.

realm but also poses serious challenges to the principles of law and the sustainability of an ideal democratic system in a country.

The politicization of religion in campaigns has posed serious challenges to the principles of law and the sustainability of an ideal democratic system in a country.<sup>11</sup> When religion is used as a tool for political mobilization, the democratic process becomes vulnerable to being infiltrated by exclusive identity interests. Zainuddin argues that the politicization of religion not only creates distortions in the electoral political arena but also has a direct impact on the law enforcement process due to social and ideological pressures.<sup>12</sup> However, to date, studies on religious politicization have tended to adopt a descriptive approach and have been neither comprehensive nor systematic. Existing studies map symptoms or cases without deeply linking them to legal and democratic governance issues.<sup>13</sup> In addition to addressing the shortcomings of existing studies, this study focuses on explaining the characteristics of cases of religious politicization to analyse its structural impact on the independence of legal institutions and the legitimacy of democracy in the contemporary political era.

A concrete example of religious politicization in Indonesia's electoral contestation can be seen in the 2017 Jakarta gubernatorial election. In this case, religious discourse was strategically employed to delegitimise a candidate by transforming a legal issue into a moral, religious accusation that mobilized large-scale public protests. The framing of the blasphemy allegation not only shaped voter perceptions but also exerted significant pressure on law enforcement agencies, demonstrating how religious identity can be instrumentalised to influence judicial processes during an electoral cycle.<sup>14</sup>

This incident highlights how political actors, religious authorities, and mass organizations can form a symbiotic relationship in using religious narratives to strengthen political interests. The legal proceedings that followed revealed the vulnerability of judicial institutions when confronted with religiously charged public pressure, illustrating that the politicization of religion operates not merely at the discursive level but also directly and measurably affects legal independence and democratic integrity.

This study employs a qualitative descriptive design with a case study approach to explore contextual data in depth. Data collection was conducted through online news searches using the keywords "religion, politicization, and law enforcement challenges in the democratic era on google. The search process was conducted intensively, using critical reading and systematic content analysis to extract information relevant to the study's focus. To enhance the reliability and visualisation of the data, the collected sources were processed using data-mapping techniques to visualise keyword

<sup>11</sup> Muhammad Shohibul Itmam et al., "Legal Politics of Mining Spatial Planning in Sumenep District: Maqāṣid Syari'ah Overview," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 1 (June 2025): 1–27, <https://doi.org/10.18326/ijtihad.v25i1.1-27>. Madura, Indonesia and the relevance to Maqāṣid Syari'ah as a pillar of Islamic law. In this context, qualitative analysis was used by collecting data through observation, interviews, and document review. The results showed that phosphate mining regulations in Sumenep Regency reflected sensitive dynamics using political law theory as an analytical tool and a socio-legal method, where economic interests, environmental sustainability, and community aspirations were in conflict. Additionally, legal politics in the formulation of Regional Regulations (Perda

<sup>12</sup> Zainuddin et al., "Siyāsah Shar'iyyah and the Politicization of Religion in the 2019 Indonesian Presidential Election," *Ahkam: Jurnal Ilmu Syariah* 22, no. 2 (2022): 357–84, <https://doi.org/10.15408/ajis.v22i2.28165>.

<sup>13</sup> Petter Gottschalk, "White-Collar Crime: Detection and Neutralization in Religious Organizations," *International Journal of Police Science & Management* 19, no. 2 (June 2017): 120–26, <https://doi.org/10.1177/1461355717711453>.

<sup>14</sup> Nanang Hasan Susanto, "Politicization of Religion and the Future of Democracy in Indonesia in Populism Theory," *Journal for the Study of Religions and Ideologies* 18, no. 54 (2019): 139–58.

co-occurrences, thematic clusters, and relational patterns among concepts such as religious politicization, law enforcement, judicial independence, and democratic elections. This visualisation allowed for the identification of dominant themes and structural linkages within the dataset more objectively.

From this combined process, three main thematic clusters emerged: (1) the use of religious issues to criminalize political opponents, (2) the intervention of religious groups in law enforcement processes, and (3) legal decisions shaped by transactional political interests. Additional data were obtained from literature sources, including books, statutory texts, and peer-reviewed scientific articles. The integration of content analysis and data-mapping techniques enables this study not only to describe the phenomenon of religious politicization in the context of law enforcement but also to systematically evaluate how these practices affect legal independence and the quality of democracy in Indonesia.

In explaining and evaluating the extent to which the politicization of religion affects legal independence and the quality of democracy in Indonesia, this study focuses on three main questions. First, how is the use of religious issues exploited as a tool for the criminalisation of political opponents, and what is its impact on the principle of legal justice? Second, what forms of intervention do religious groups undertake to influence the independence of law enforcement processes? Third, how does transactional politics shape legal decisions, particularly in processing cases of religious politicization in the democratic era? This study argues that the politicization of religion is not merely a symbolic phenomenon in electoral campaigns, but a practice that can structurally threaten the principles of a constitutional state, undermine judicial legitimacy, and create inequalities in access to justice. This context reflects an inequality in which pragmatic political interests often override. The context reflects the existence of inequality, where pragmatic political interests often override the principles of substantive justice in the era of democracy.

### **The Use of Religious Issues as a Tool to Criminalize Political Opponents**

The use of religious issues as a political tool is a strategy that often emerges in democratic contests, particularly to attack or discredit political opponents.<sup>15</sup> In practice, religious issues are exploited to shape a negative image of certain parties by associating them with alleged deviations from religious values. This strategy aims to build public opinion that political opponents are morally and ideologically unworthy. The politicization of religion functions not only as a tool of delegitimisation but is also systematically used to criminalize those deemed a political threat.<sup>16</sup> However, such an approach is highly risky, as it can provoke polarization and broader social conflict. The use of religious issues as a tool for criminalizing political opponents can be seen in Table 1.

<sup>15</sup> Edi Rosman, "The Contestation of Legal Authority: Local Criminal Law, State Law, and Islamic Law in Nagari Pasia Laweh, West Sumatra," *URIS (Jurnal Ilmiah Syariah)* 24, no. 2 (2025): 193–203, <https://doi.org/https://doi.org/10.31958/juris.v24i2.15092>.

<sup>16</sup> Saskia Schäfer, "Democratic Decline in Indonesia: The Role of Religious Authorities," *Pacific Affairs* 92, no. 2 (June 2019): 235–55, <https://doi.org/10.5509/2019922235>.

Table 1. Cases of the use of religious issues in political campaigns.

Case	Description	Implication	Source
The Ahok Case (Basuki Tjahaja Purnama)	The non-Muslim governor of Jakarta, who was sentenced to prison related to blasphemy charges, was seen as politically motivated.	The use of religious issues to undermine minority Muslim political opponents.	<a href="https://www.bbc.com/indonesia/indonesia-39858478">https://www.bbc.com/indonesia/indonesia-39858478</a>
Simultaneous Regional Elections 2018 in Various Regions	Some regional head candidates face religiously charged accusations aimed at discrediting them.	Black campaigns use religious issues as a political strategy.	<a href="https://kumparan.com/erucakra-garuda-nusantara/politik-identitas-dan-pilkada-serentak-1523609183005">https://kumparan.com/erucakra-garuda-nusantara/politik-identitas-dan-pilkada-serentak-1523609183005</a>
Legislative Election 2019	The legislative candidates use religious issues to attack their political opponents through social media.	The politicization of religion as a tool for negative campaigning and criminalizing opponents.	<a href="https://www.tempo.co/arsip/isu-agama-dinilai-masih-jadi-andalan-di-pemilu-2019-763666">https://www.tempo.co/arsip/isu-agama-dinilai-masih-jadi-andalan-di-pemilu-2019-763666</a>
Alleged Religious Blasphemy Case in Papua	Allegations of blasphemy against local figures are politicized for specific purposes.	Social conflict has increased due to the politicization of religion in vulnerable areas.	<a href="https://topikpapua.com/2025/07/04/isu-agama-dan-klaim-wilayah-adat-pada-psu-papua/">https://topikpapua.com/2025/07/04/isu-agama-dan-klaim-wilayah-adat-pada-psu-papua/</a>
Presidential Election 2019: Religious Hoaxes	The spread of religiously inclined hoaxes to discredit certain candidates.	The use of religious issues for criminalisation and digital black campaigns.	<a href="https://news.detik.com/berita/d-4498251/di-bogor-maruf-luruskan-hoax-yang-serang-jokowi">https://news.detik.com/berita/d-4498251/di-bogor-maruf-luruskan-hoax-yang-serang-jokowi</a>

Source by: Online News via Google

Table 1 shows various cases of the utilisation of religious issues in political campaigns during the democratic era in Indonesia.<sup>17</sup> The data reveal that religion is not only used as a rhetorical tool to attract voter sympathy, but is also used as a basis for legitimacy in imposing social or legal sanctions against political opponents. In several cases, accusations of violations of religious values are used to justify legal action. Santoso<sup>18</sup> stated that the politicization of religion has exceeded the realm of public perception and entered the institutional domain, where the support of religious groups is used

<sup>17</sup> Putri Rahmah Nur Hakim et al., "Contesting Sharia and Human Rights in the Digital Sphere: Media Representations of the Caning Controversy under the Qanun Jinayat in Aceh," *Journal of Islamic Law* 6, no. 2 (July 2025): 206–35, <https://doi.org/10.24260/jil.v6i2.3600>; Izzy Al Kautsar, "Future Competition Law In Indonesia: Analysis Of The Phenomenon Of Disruptive Innovation," *Syariah: Jurnal Hukum Dan Pemikiran* 21, no. 2 (August 2021), <https://doi.org/10.18592/sjhp.v21i2.4448>; Nurul Izwah Muhd Adnan, "Evolving Technology on Muslim Family Conflicts and Solutions," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 1 (2025): 283–93, <https://doi.org/10.22373/b9mrbq46>.

<sup>18</sup> Try Ridwan Santoso, Rizqi Rahayu, and Adi Robith Setiana Setiana, "Political Interest of Religious Ritual: The Sundanese Nyangku Ritual in Indonesia," *IAS Journal of Localities* 1, no. 2 (December 2023): 123–37, <https://doi.org/10.62033/iasjol.v1i2.16>.

to strengthen legal actions against certain political actors.<sup>19</sup> This phenomenon indicates a reduction in the meaning of religion, from a universal moral principle to an instrument of practical political strategy. Bentzen and Gokmen's<sup>20</sup> use of religious issues in this context is not only symbolic but also has serious structural consequences. This practice has the potential to undermine the integrity of democracy by creating imbalances in fair and inclusive political competition for all parties.

In political campaigns in Indonesia, the politicization of religion as a tool for criminalization is an increasingly concerning practice.<sup>21</sup> Table 1 presents several significant cases, including the 2017 DKI Jakarta gubernatorial election, where gubernatorial candidate Basuki Tjahaja Purnama (Ahok) was charged with blasphemy. A similar phenomenon also occurred in various other elections and local elections, often marked by black campaigning and the spread of hoaxes with religious sentiments, particularly in the digital space. Religious issues are not only used to shape public opinion but also to push for legal processes against political opponents, thereby creating patterns of identity-based criminalisation. The implications of such practices are very serious, including increased social polarization, intergroup conflicts, and a weakening of public trust in a legal system that should be neutral. Campbell<sup>22</sup> emphasises that the politicization of religion has become a significant challenge for law enforcement, which now has to face intense political and social pressures in a democratic climate.

The use of religious issues as a tool for political criminalisation reflects the complexity of the relationship between religion, politics, and law in the era of Indonesian democracy. This phenomenon shows that religion no longer functions merely as a spiritual or social identity but has become an effective political instrument for building legitimacy while simultaneously undermining political opponents.<sup>23</sup> In the context of a democracy that is still in process, the politicization of religion has the potential to exacerbate social fragmentation and threaten national political stability. Pressure from religious groups with significant influence often creates a non-neutral legal dynamic. As a result, the law enforcement process tends to be politicized and moves away from the principles of justice and equality before the law.<sup>24</sup> This condition indicates a disparity between the ideal of independent law and political practice, which is marked by group-interest interventions. Injustice in political contests can not only deepen societal polarization but also weaken social cohesion, which should be the main foundation for inclusive democracy.

In Franken's perspective,<sup>25</sup> the politicization of religion in political campaigns is analysed through the concepts of political instrumentalism and critical secularism. Political instrumentalism views

<sup>19</sup> Yusi Amdani, "Ruler of Interests, Political Interests, or Law Enforcement: Case Study of Amnesty Plan for Din Minimi Group in East Aceh," *Al-Ahkam* 18, no. 2 (March 2019): 239, <https://doi.org/10.21580/ahkam.2018.18.2.2420>.

<sup>20</sup> Jeanet Sinding Bentzen and Gunes Gokmen, "The Power of Religion," *Journal of Economic Growth* 28, no. 1 (March 2023): 45–78, <https://doi.org/10.1007/s10887-022-09214-4>.

<sup>21</sup> Surya Sukti et al., "Political Dynamics of Islamic Law in the Reform Era: A Study of the Response of Muhammadiyah Cadres in Central Kalimantan," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (2022): 1022, <https://doi.org/10.22373/sjhk.v6i2.12415>.

<sup>22</sup> David E. Campbell, "The Perils of Politicized Religion," *Daedalus* 149, no. 3 (July 2020): 87–104, [https://doi.org/10.1162/daed\\_a\\_01805](https://doi.org/10.1162/daed_a_01805).

<sup>23</sup> Elham Manea, "In the Name of Culture and Religion: The Political Function of Blasphemy in Islamic States," *Islam and Christian-Muslim Relations* 27, no. 1 (January 2016): 117–27, <https://doi.org/10.1080/09596410.2015.1114241>.

<sup>24</sup> Jonathan Fox and Jor Breslawski, "State Support for Religion and Government Legitimacy in Christian-Majority Countries," *American Political Science Review* 117, no. 4 (November 2023): 1395–1409, <https://doi.org/10.1017/S0003055422001320>.

<sup>25</sup> Leni Franken, "Political Secularism: Passive and Assertive," in *Boston Studies in Philosophy, Religion and Public Life*, 2016, 135–48, [https://doi.org/10.1007/978-3-319-28944-1\\_12](https://doi.org/10.1007/978-3-319-28944-1_12).

religion not merely as a spiritual belief but as a political resource that can be utilised to gain power. Azhar,<sup>26</sup> a political actor, uses symbols and religious rhetoric to mobilize support and discredit political opponents. Meanwhile, critical secularism highlights the blurred boundaries between religion and the state, especially in pluralistic democratic countries like Indonesia. When the separation between religious institutions and the state weakens, religion becomes vulnerable to being used as a tool of political dominance, which ultimately disrupts the independence of the law.<sup>27</sup> This context has the potential to lead to unfair criminalisation practices and undermine democratic principles.<sup>28</sup> An evaluation of the politicization of religion needs to be conducted in a multidimensional manner through legal reforms that ensure neutrality, political education that promotes rational voting, and the strengthening of tolerance among groups.

The use of religious issues as a tool for criminalisation in political campaigns reflects a serious challenge to the realisation of a pluralistic and just democracy. When religion is manipulated as a political instrument, social cohesion becomes fragile, and society is divided based on religious identity.<sup>29</sup> Law enforcement is no longer oriented towards justice, but has become a tool of power used to weaken political opponents.<sup>30</sup> The politicization of religion shows the imbalance of power relations that not only undermines the democratic process but also erodes public trust in legal institutions and the manipulation of symbols and religious values. The manipulation of symbols and religious narratives in campaigns also obscures the boundaries between an inclusive public space and narrow political interests. To maintain the integrity of democracy and the supremacy of law, it is essential to limit the exploitation of religion in politics through legal reform, political literacy, and the strengthening of tolerance values in public space.

### Law Enforcement Influenced by Pressure from Religious Groups

Law enforcement in political campaigns during the democratic era often faces serious challenges, particularly pressure from religious groups, which can undermine the independence of legal authorities.<sup>31</sup> Evidence of this can be seen in the 2017 Jakarta gubernatorial election, where mass mobilizations led by religious organizations exerted significant pressure on prosecutors and judges handling the blasphemy case involving a political candidate.<sup>32</sup> Public demonstrations such as the “Aksi 411” and “Aksi 212” not only shaped public opinion but also created an environment in

<sup>26</sup> Anang Anas Azhar, Puji Santoso, and Qasem Muhammad, “Faith-Based Political Communication in Mandailing Natal’s Regional Elections,” *Jurnal Ilmiah Peuradeun* 13, no. 2 (May 2025): 1291–1316, <https://doi.org/10.26811/peuradeun.v13i2.1799>.

<sup>27</sup> Aulia Nastiti and Sari Ratri, “Emotive Politics: Islamic Organizations and Religious Mobilization in Indonesia,” *Contemporary Southeast Asia* 40, no. 2 (August 2018): 196–221, <https://doi.org/10.1355/cs40-2b>.

<sup>28</sup> Yusrizal Hasbi et al., “Criminalising Women, Silencing Victims: Human Rights and Sharia Enforcement in Aceh,” *De Jure: Jurnal Hukum Dan Syar’iah* 17, no. 1 (June 6, 2025): 175–203, <https://doi.org/10.18860/j-fsh.v17i1.29635>.

<sup>29</sup> Zainuddin et al., “Siyāsah Shar’iyyah and the Politicization of Religion in the 2019 Indonesian Presidential Election.”

<sup>30</sup> Irwan Abdullah et al., “The Use and Abuse of Internet Spaces: Fitna, Desacralization, and Conflict in Indonesia’s Virtual Reality,” *Cosmopolitan Civil Societies: An Interdisciplinary Journal* 16, no. 3 (December 2024): 1–12, <https://doi.org/10.5130/ccs.v16.i3.8962>.

<sup>31</sup> Mufidah Mufidah et al., “Islamic Law and the Blasphemy Debate in Contemporary Indonesia,” *AHKAM : Jurnal Ilmu Syariah* 24, no. 2 (December 2024): 327–44, <https://doi.org/10.15408/ajis.v24i2.41287>; Rudi Natamiharja et al., “Balancing Two Conflicting Perspectives on Wiretapping Act: Rights to Privacy and Law Enforcement,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 1 (June 2022): 18–30, <https://doi.org/10.30631/alrisalah.v22i1.1226>; Sri Dwi Retno Ningih et al., “Safeguarding Maritime Sovereignty: Comparative Law Enforcement against Illegal Fishing in Positive and Contemporary Islamic Law,” *MILRev: Metro Islamic Law Review* 4, no. 2 (August 2025): 1028–50, <https://doi.org/10.32332/milrev.v4i2.11303>.

<sup>32</sup> Muhammad Mutawali, “Customary Law of Dou Donggo Bima from the Perspective of Islamic and Indonesian Positive Law,” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 1 (June 2022): 1–27, <https://doi.org/10.19105/al-lhkam.v17i1.6007>.

which law enforcement actors were compelled to respond to religiously charged sentiments. This case demonstrates concretely how religious pressure during political campaigns can influence legal decision-making and disrupt the impartiality expected in a democratic legal system. The intervention of religious groups in resolving election conflicts has the potential to influence legal decisions, which should be based on principles of justice and the rule of law.<sup>33</sup> When legal decisions favour certain groups, they can undermine the law's credibility and erode public trust in legal institutions. In Indonesia, various political campaigns exhibit similar symptoms, in which the law appears to be influenced by external pressure. Law enforcement influenced by pressure from religious community groups in the democratic era can be seen in Table 2.

**Table 2.** Cases of enforcement that seem to be influenced by religious groups.

Case	Description	Implication	Source
The DKI Jakarta 2017 Gubernatorial Election Case	Law enforcement faces pressure from religious groups when taking action against religious-based hate speech.	Law enforcement is slow and seems biased.	<a href="https://megapolitan.kompas.com/read/2020/12/02/17531761/mengenal-reuni-212-dari-aksi-melawan-ahok-hingga-kritisik-pemerintah">https://megapolitan.kompas.com/read/2020/12/02/17531761/mengenal-reuni-212-dari-aksi-melawan-ahok-hingga-kritisik-pemerintah</a>
Handling cases of hate speech on social media	Pressure from religious communities hinders the legal process against perpetrators of online hate speech.	Law enforcement is hesitant to act against the perpetrators due to the risk of social conflict.	<a href="https://www.kompas.id/artikel/bawaslu-bali-khawatirkan-penyebaran-ujaran-kebencian">https://www.kompas.id/artikel/bawaslu-bali-khawatirkan-penyebaran-ujaran-kebencian</a>
The case of the burning of places of worship in several areas	Religious mass pressure obstructs the investigation and enforcement of the law against riot perpetrators.	The legal process is stalled due to intimidation and pressure from religious groups.	<a href="https://tirto.id/membakar-rumah-tuhan-negara-gagal-lindungi-keberagaman-disintang-gjAC">https://tirto.id/membakar-rumah-tuhan-negara-gagal-lindungi-keberagaman-disintang-gjAC</a>
Religious conflict cases in Papua	Security and law enforcement agencies face pressure from local religious groups in handling cases.	Law enforcement is difficult due to social tensions and community pressures.	<a href="https://www.antaranews.com/berita/4990229/menteri-ham-konflik-di-papua-biasanya-muncul-pada-momen-pilkada">https://www.antaranews.com/berita/4990229/menteri-ham-konflik-di-papua-biasanya-muncul-pada-momen-pilkada</a>

<sup>33</sup> Lubis, Nasution, and Harahap, "The Commodification of Religious Rituals: Representations of Political Actors in Indonesian Elections."

Case	Description	Implication	Source
The case of religious blasphemy by public figures	Pressure from religious communities urges law enforcement to adopt less objective measures.	Law enforcement is influenced by public sentiment, lacking balance.	<a href="https://www.kompasiana.com/dhindhashoufie6630/67f1274934777c515174df03/keterlibatan-ormas-keagaman-dalam-politik-di-indonesia-peluang-dan-tantangan?page=all&amp;page_images=2">https://www.kompasiana.com/dhindhashoufie6630/67f1274934777c515174df03/keterlibatan-ormas-keagaman-dalam-politik-di-indonesia-peluang-dan-tantangan?page=all&amp;page_images=2</a>

Source: Online news via Google.

Table 2 presents various cases of law enforcement in political campaigns that appear to be influenced by pressure from religious groups in the era of democracy. These cases demonstrate the weakness of the independence of legal institutions in addressing violations, especially those related to the politicization of religion. The inability to remain neutral can shift law enforcement away from principles of justice toward the interests of certain groups.<sup>34</sup> Interventions by religious groups often occur in the resolution of electoral conflicts, ultimately steering the legal process away from substantive justice. When the law no longer serves as a neutral forum for resolving disputes, public trust in the legal system begins to erode. Such conditions can create the perception that the law is subject to external pressures rather than to the principles of justice and the supremacy of law, which is dangerous for the development of democracy.<sup>35</sup> In addition to opening the door to discriminatory practices against certain groups, it also weakens the legitimacy of legal institutions and exacerbates social polarization.

The politicization of religion in the context of law enforcement during elections poses a serious challenge to the democratic system and the rule of law. Pressure from religious groups often emerges in handling electoral conflicts, such as the DKI Jakarta gubernatorial election in 2017 and several incidents of hate speech. This pressure is not only moral or social in nature but also includes acts of intimidation, threats, and mass mobilization that can disrupt the independence of law enforcement officials.<sup>36</sup> In the case of the burning of places of worship and conflicts rooted in religion in Papua, the legal process has even been halted or delayed due to concerns over broader social escalation.<sup>37</sup> This phenomenon shows how pressure from religious groups can shift the legal focus from substantive justice to responses to political and social pressures. In the context of elections, this is very dangerous, as it opens the door to discrimination and strengthens polarization while undermining the principle of justice that should be upheld in a democratic state.

The process of law enforcement in cases of religious politicization often reflects a tension between formal legal norms and social-political dynamics in Indonesia. The pressure from religious

<sup>34</sup> Karman, Ibnu Hamad, and Udi Rusadi, "Commodification of Instrumental Islamic Piety in Indonesian Political Contests 2019," *Asian Journal of Communication* 34, no. 3 (May 2024): 265–83, <https://doi.org/10.1080/01292986.2023.2295871>.

<sup>35</sup> Yuniar Galuh Larasati et al., "Past Preferences Informing Future Leaders for Indonesian 2024 General Elections," *Cogent Social Sciences* 9, no. 1 (December 2023), <https://doi.org/10.1080/23311886.2023.2229110>.

<sup>36</sup> Heru Kurniawan, Prija Djatmika, and Milda Istiqomah, "The Dynamics of Criminal Prosecution for Treason in Papua: A Critical Study on Freedom of Expression and the Principle of National Security," *Multidisciplinary Science Journal* 7, no. 8 (February 2025): 2025399, <https://doi.org/10.31893/multiscience.2025399>.

<sup>37</sup> Pamungkas Cahyo and Indriasari Devi Tri, "Preventing Religious Conflict in Papua Land: Adopting Cultural Traditions of Peacebuilding," *Asian Journal of Peacebuilding* 9, no. 2 (November 2021): 331–56, <https://doi.org/10.18588/202108.00a119>.

groups with significant social influence often forces compromises in the law-enforcement process for religious-politicalization cases during political campaigns.<sup>38</sup> This pressure is not only symbolic or moral, but is also manifested through mass actions, strengthened public opinion, and threats to social stability, especially when the issues raised are related to religion. Law enforcement officials often face a dilemma between strictly enforcing the law or avoiding potential horizontal conflicts.<sup>39</sup> This phenomenon indicates that religious social power in a political context can supersede formal legal authority, rendering the law less effective as an objective tool for resolving conflicts. In a pluralistic democratic country, this situation becomes highly problematic, even undermining the foundations of the rule of law and opening space for discrimination and legal uncertainty in the political process.

The pressure from religious groups on the law enforcement process can be reflected through the concepts of power negotiation and legal legitimacy. The notion of power negotiation illustrates how social actors, such as religious groups, have the ability to influence the course of the law through social pressure, public opinion, and political mobilization.<sup>40</sup> In the context of political campaigns in the era of democracy, this pressure not only directly affects legal processes but also shapes negative public perceptions of legal principles that are supposed to be neutral and fair. The legitimacy of the law depends heavily on the public's trust in a judicial system free from any party's intervention.<sup>41</sup> When the law is seen as being subject to the pressures of religious groups, its legitimacy will weaken, particularly in cases involving religious issues during elections. This situation can create tension between formal law, grounded in rules, and social power, grounded in mass influence.

The enforcement of law in cases of religious politicization during political campaigns in an era of democracy, influenced by pressure from religious groups, poses a serious threat to the principles of justice and social stability within the democratic system. When law enforcement officials are unable to act independently, legal decisions become susceptible to external pressures rather than being based on the principles of legality and justice.<sup>42</sup> This context has direct implications for the decline of public trust in legal institutions, especially when there is an impression that certain groups are treated specially or are above the law. In the context of political campaigns, pressure from religious groups not only affects legal processes but also reinforces bias and discrimination against other groups, which can deepen social polarization.<sup>43</sup> When the law loses its integrity and authority, the process of politicising religion in the political campaign era of democracy will certainly no longer produce fair and inclusive decisions.

<sup>38</sup> Nibrosu Rohid et al., "Digital Activism in Contemporary Islamic Politics: A Critical Analysis of Social Media's Impact on Islamic Movements," *MILRev: Metro Islamic Law Review* 4, no. 1 (April 2025): 208–33, <https://doi.org/10.32332/milrev.v4i1.10159>.

<sup>39</sup> Arnapi et al., "Paradigma Hukum Kedudukan Kepolisian Negara Republik Indonesia Dalam Pengamanan Aksi Unjuk Rasa," *Media Iuris* 7, no. 1 (February 2024): 31–50, <https://doi.org/10.20473/mi.v7i1.43709>.

<sup>40</sup> Rosana et al., "Public Sympathy as Political Mobilization in the Digital Space Based on the Study of Religious Figures on Social Media."

<sup>41</sup> Karman, Hamad, and Rusadi, "Commodification of Instrumental Islamic Piety in Indonesian Political Contestation 2019."

<sup>42</sup> Zul Anwar Ajim Harahap, Zulfan, and Muhammad Ridwan, "Analyzing the Offense of Juvinile Khalwat in Aceh: Evaluation of Qanun Number 14 of 2003 from an Islamic Legal Perspective," *Al-Manahij: Jurnal Kajian Hukum Islam*, May 2024, 79–94, <https://doi.org/10.24090/mnh.v18i1.10648>; Nurman Siddiq and Rudhiana Salam, "Enhancing Legal Certainty through Legal Reform in Indonesia: Problems and Efforts to Strengthen Legal Institutions," *Strata Law Review* 3, no. 1 (March 2025): 1–14, <https://doi.org/10.59631/slr.v3i1.62>.

<sup>43</sup> Cekli Setya Pratiwi, "Threat to Indonesia's Constitutional Court Independence Posed by Religious Populist Movements and Its Implication Towards Human Rights," *Constitutional Review* 10, no. 2 (December 2024): 307–39, <https://doi.org/10.31078/consrev1022>.

## Legal Decisions Influenced by Transactional Political Needs and Political Law Dustutriyah

Legal decisions in cases of religious politicization during political campaigns often fail to consistently reflect the principles of justice and the supremacy of law.<sup>44</sup> These decisions are usually influenced by transactional political interests, in which the law is used as a compromise tool to maintain power, stability, or short-term interests. Siddiq and Salam emphasise that in many cases, the law enforcement process does not proceed objectively but is subject to political pressure and power dynamics.<sup>45</sup> This context has created inconsistencies in the imposition of sanctions on perpetrators of religious politicization, thereby worsening legal uncertainty in society. The implications of transactional politics for legal rulings can be identified through decision-making patterns inconsistent with the principles of justice. Legal decisions that are considered influenced by the needs of transactional politics can be seen in Table 3.

Table 3. Legal decisions influenced by transactional political needs.

Case	Description	Implication	Source
The DKI Jakarta 2017 Gubernatorial Election Case	The legal ruling on religious blasphemy is seen as being influenced by political pressure and elite interests.	The decision is seen as a result of a political compromise that sacrifices legal principles.	<a href="https://daerah.sindonews.com/berita/1202360/171/gnpf-mui-duga-kasus-ahok-kental-aroma-politik-transaksional">https://daerah.sindonews.com/berita/1202360/171/gnpf-mui-duga-kasus-ahok-kental-aroma-politik-transaksional</a>
The corruption case of high-ranking officials was halted	Some corruption cases involving officials were halted due to behind-the-scenes political negotiations.	Law enforcement is weak due to the political compromise of the elites.	<a href="https://www.bbc.com/indonesia/articles/cewy81820eno">https://www.bbc.com/indonesia/articles/cewy81820eno</a>
Judgment on hate speech during the Regional Head Election	Political decisions overturn several criminal rulings against politicians suspected of hate speech.	The decision prioritises political stability over justice.	<a href="https://www.merdeka.com/peristiwa/polisi-hentikan-kasus-viktor-laiskodat-karena-dilindungi-hak-imunitas.html">https://www.merdeka.com/peristiwa/polisi-hentikan-kasus-viktor-laiskodat-karena-dilindungi-hak-imunitas.html</a>
Election result disputes that are religious in nature	The court's ruling in the election dispute is rife with political interests.	The decision is influenced by political pressure and elite party negotiations.	<a href="https://nasional.kompas.com/read/2024/04/29/14463981/putusan-sengketa-pilpres-diterima-elite-politik-dianggap-ingin-move-on">https://nasional.kompas.com/read/2024/04/29/14463981/putusan-sengketa-pilpres-diterima-elite-politik-dianggap-ingin-move-on</a>

<sup>44</sup> Choirul Mahfud et al., "Islamic Law Practice among East Javanese Chinese Muslims; PITI's Contribution on Its Enforcement," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 1 (June 2024): 197-220, <https://doi.org/10.19105/al-ihkam.v19i1.12503>; Suad Fikriawan, Syamsul Anwar, and Misnen Ardiansyah, "The Paradigm of Progressive Judge's Decision and Its Contribution to Islamic Legal Reform in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 2 (December 2021): 249-62, <https://doi.org/10.24090/mnh.v15i2.4730>.

<sup>45</sup> Henky Fernando et al., "Leadership and the Money Politics Trap in Islamic Legal Thought: A Case Study of Indonesia as a Muslim-Majority Country," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 1 (June 2024): 199-214, <https://doi.org/10.19109/s79vb707>.

Case	Description	Implication	Source
The case of the detained political activist who was released	Activists imprisoned on political charges were later released following a political agreement.	Law is used as a tool for political negotiation, not pure justice.	<a href="https://www.tempo.co/politik/cerita-munir-putuskan-dukung-amien-rais-siswono-pada-pilpres-2004-2066863">https://www.tempo.co/politik/cerita-munir-putuskan-dukung-amien-rais-siswono-pada-pilpres-2004-2066863</a>

Source: Online news via Google.

Table 3 presents various law enforcement cases that demonstrate the influence of transactional political dynamics in political campaigns during the democratic era. In several cases, law enforcement officials appear to be selective in addressing violations, particularly when the perpetrators have strong political affiliations or strategic positions in electoral contests. Karimullah emphasises that such practices reflect inequality in the application of the law, directly eroding public trust in the integrity of judicial institutions and weakening the foundations of democracy.<sup>46</sup> Religious issues used as tools of political mobilization are often not decisively addressed through the appropriate legal mechanisms. This context indicates the weakness of the independence of legal institutions in maintaining neutrality amid practical political pressures. As a result, the principle of justice becomes blurred, and the supremacy of law loses its central role in the democratic system. When law is treated as a tool for political power transactions, the legitimacy of the rule of law is also threatened, and the democratic process becomes vulnerable to manipulation by short-term interests.

Legal decisions influenced by transactional political needs refers to the practice in which court decisions are no longer based entirely on legal evidence and principles of justice. In this context, several cases demonstrate a pattern in which legal rulings align with certain political interests rather than with objective legal standards.<sup>47</sup> The Ahok case, for example, stands out as an example where religious mass pressure and political considerations influenced the direction of the ruling. Similarly, in various electoral disputes, political interventions often pressure the judiciary to issue decisions that favour certain parties. Such practices can undermine legal independence and shift the courts' function from enforcing justice to a tool for political stabilisation.<sup>48</sup> As a result, the public has become increasingly skeptical of the legal system's integrity and doubts the state's commitment to the principles of justice, which should be the central pillar in a democratic system.

Legal decisions influenced by transactional political needs reflect the imbalance of power between the judiciary and political elites in Indonesia. In such conditions, the law no longer serves as an independent instrument of justice but functions as a tool in pragmatic political strategies.<sup>49</sup> The rulings produced are often the result of compromises or political negotiations, aimed at maintaining coalition stability, easing political conflicts, or preserving power. Tyson highlights the strong political influence over the judiciary, which ultimately obscures the principle of substantive justice.<sup>50</sup> In the

<sup>46</sup> Suud Sarim Karimullah, "The Role of Law Enforcement Officials: The Dilemma Between Professionalism and Political Interests," *Jurnal Hukum Dan Peradilan* 13, no. 2 (July 2024): 365–92, <https://doi.org/10.25216/jhp.13.2.2024.365-392>.

<sup>47</sup> Hidayat, "The 2024 General Elections in Indonesia: Issues of Political Dynasties, Electoral Fraud, and The Emergence of A National Protest Movements."

<sup>48</sup> Lindgren et al., "The Appropriation of Religiousity in the 2024 Indonesian Presidential."

<sup>49</sup> Ibnu Sina Chandranegara and Dwi Putri Cahyawati, "Conflict of Interest Prevention Clause in the Constitution: The Study of the Indonesian Constitution," *Heliyon* 9, no. 3 (March 2023): e14679, <https://doi.org/10.1016/j.heliyon.2023.e14679>.

<sup>50</sup> Adam Tyson, "Blasphemy and Judicial Legitimacy in Indonesia," *Politics and Religion* 14, no. 1 (March 2021): 182–205, <https://doi.org/10.1017/S1755048319000427>.

context of political campaigns involving religious issues, the politicization of law becomes even more complex, as pressure from religious groups can influence decision-making in favor of specific interests. This condition has led to disappointment and distrust in the legal system, as the law is no longer seen as just, neutral, and reliable in resolving conflicts in elections.

Hanan can explain the phenomenon of legal decisions influenced by transactional politics<sup>51</sup> through the approach of legal politics and the theory of political hegemony. The legal politics approach assumes that law is not entirely neutral, as it always exists within the context of prevailing political structures and dynamics. Pavone<sup>52</sup> states that legal decisions often reflect political interests, rather than merely substantive justice. Özçelik's political hegemony highlights how ruling groups use legal institutions to maintain and expand their power through compromise, negotiation, and control over electoral outcomes. The politicization of law through transactional mechanisms shows that law operates as an arena for elite interests rather than a neutral space that guarantees justice for all citizens.<sup>53</sup> In the context of the politicization of religion, this condition becomes increasingly complex because ideological pressures and mass influence can reinforce interventions against the law, leading to a decline in public trust in democracy.<sup>54</sup>

The influence of transactional politics in the judicial process reflects a serious challenge to the rule of law in Indonesia's democratic era.<sup>55</sup> A legal process that is subjected to practical political interests, norms, and legal values will lose its independence as a main pillar of democracy.<sup>56</sup> In the context of the politicization of religion, public pressure based on religious identity is often exploited by political elites to undermine the legal process in order to gain support or maintain power. This practice, as noted by Yin, has led the law to no longer operate on the principle of legality, but rather to follow the dictates of power compromises.<sup>57</sup> When political elites can influence the direction of decisions through mass power or coalition pressure, the law loses its character as an impartial regulator. As a result, legal uncertainty arises, and public trust in judicial institutions weakens, so the rule of law as the foundation of a democratic state no longer has the full strength to control deviations in political contests.

From a constitutional law perspective, al-Māwardī asserts that state power must be directed towards upholding justice (*iqāmat al-'adl*), maintaining order (*hifż al-nizām*), and preventing injustice

<sup>51</sup> Djayadi Hanan, Tri Sulistianing Astuti, and Luthfi Widagdo Eddyono, "Electoral Reform Through the Indonesian Constitutional Court: Constitutionality of Presidential Candidacy Threshold in Indonesia," *Jurnal Konstitusi* 22, no. 2 (June 2025): 260–92, <https://doi.org/10.31078/jk2223>.

<sup>52</sup> Tommaso Pavone, "Agendas, Decisions, and Autonomy: How Government Lawyers Shape Judicial Behaviour," in *The Oxford Handbook of Comparative Judicial Behaviour* (Oxford University Press, 2024), 469–94, <https://doi.org/10.1093/oxfordhb/9780192898579.013.23>.

<sup>53</sup> Tacettin Gökhan Özçelik, "An Islamically Toned Neoliberal Hegemony Project: The Justice and Development Party (AKP) in Turkey," *Society* 62, no. 4 (August 2025): 501–11, <https://doi.org/10.1007/s12115-025-01078-9>.

<sup>54</sup> Teuku Muttaqin Mansur et al., "Mediating Tradition: The Role of Law Enforcement in Customary Law Disputes," *Jurnal Ilmiah Peuradeun* 13, no. 2 (May 2025): 1183–1208, <https://doi.org/10.26811/peuradeun.v13i2.1921>.

<sup>55</sup> Julia Magdalena Wuysang et al., "Viral Justice: Law Enforcement in the Social Media Era," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 1 (June 2024): 1–16, <https://doi.org/10.19109/nurani.v24i1.22274>; RM. Armaya Mangkunegara, "Juridical Analysis of Forestry Criminal Law Enforcement by Corporations in Environmental Fiqh Framework," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 1 (June 2024): 235–52, <https://doi.org/10.19109/nurani.v24i1.23115>.

<sup>56</sup> Kourosh Rahimkhani, "Political Opposition and Voter Mobilization in an Authoritarian State: The Case of Parliamentary Elections in Iran," *British Journal of Middle Eastern Studies* 51, no. 3 (May 2024): 636–53, <https://doi.org/10.1080/13530194.2022.2141687>.

<sup>57</sup> Yue Yin et al., "Optimal Defense against Election Control by Deleting Voter Groups," *Artificial Intelligence* 259 (June 2018): 32–51, <https://doi.org/10.1016/j.artint.2018.02.001>.

(*raf' al-żulm*).<sup>58</sup> These principles contradict the phenomenon of legal decisions influenced by transactional political needs, as described earlier, in which the law is used as a tool of compromise to maintain the stability of power.<sup>59</sup> When the law is subject to the interests of the elite, the state experiences what al-Māwardī calls *tasallut al-sultāh*, namely the abuse of authority that undermines the *shar'i* objectives of government. This shows that the politicization of law, especially in cases involving religious sentiment during electoral contests, has distanced the state from the principles of justice and the rule of law that should be the foundation of the political system.<sup>60</sup>

Al-Māwardī, in *al-Ahkām al-Sultāniyyah*, views the independence of judicial institutions (*qadā'*) as an absolute prerequisite for the enforcement of law. When executive power or mass pressure influences judges, *fasād al-hukm* occurs a corruption in the decision-making process that renders the law devoid of moral authority.<sup>61</sup> The phenomena described above from the Ahok case, election disputes rife with intervention, to the resolution of campaign violations influenced by political affiliations, are concrete examples of *fasād al-hukm*.<sup>62</sup> In this context, the law changes from an instrument of justice to an instrument of political legitimacy, resulting in legal uncertainty, selective law enforcement, and a degradation of public trust in judicial institutions. This condition reflects the collapse of the principle of legal independence, which is one of the main pillars of *siyāsah dustūriyyah*.<sup>63</sup>

Furthermore, al-Māwardī warns that distorting the law for political interests will cause *inqilāb al-nizām*, the collapse of the political order due to the loss of state legitimacy. The politicization of law through power transactions and the mobilization of religious issues, as explained earlier, reveals the fragility of democracy's foundations, as the rule of law is threatened by pressure from elite and majority groups. Within the framework of *siyāsah dustūriyyah*, the state can only maintain stability and legitimacy if the law stands above all political interests.<sup>64</sup> When the law is treated as a political commodity rather than a guide to justice, the state's function as the guardian of the public interest weakens, and the quality of democracy declines. Thus, the phenomenon of law being subject to political transactions is not merely a technical problem of law enforcement, but a serious threat to the principles of Islamic constitutionalism and the sustainability of the democratic system itself.

<sup>58</sup> Efa Rodiah Nur et al., "Reinforcing the Role of the Gakkumdu Center in Electoral Law Enforcement: A Contemporary Analysis from the Perspective of Fiqh Siyasah Dusturiyah," *MILRev: Metro Islamic Law Review* 4, no. 2 (November 2025): 1281–96, <https://doi.org/10.32332/milrev.v4i2.11108>.

<sup>59</sup> Syarifuddin Syarifuddin et al., "Legal Politics of Restricting Access to Online Gambling in Fiqh Siyasah and Saddu Adz-Dzariah Perspectives," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (June 2025): 219–43, <https://doi.org/10.19109/nurani.v25i1.25361>.

<sup>60</sup> Ade Kosasih et al., "Strengthening the Indonesian Bicameral Parliament: Siyasah Dusturiyah Perspective," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 2024): 335, <https://doi.org/10.29240/jhi.v9i1.10047>.Regional Representative Council (DPD

<sup>61</sup> Hamzah Hamzah et al., "Sustainable Development of Mangrove Ecosystem Policy in South Sulawesi from the Perspectives of Siyāsah and Fiqh Al-Bi'ah," *JURIS (Jurnal Ilmiah Syariah)* 22 22, no. 2 (2023): 367–80, <https://doi.org/10.31958/juris.v22i2.10559>.

<sup>62</sup> Mutiara Fahmi et al., "Punishment for Zina Muḥṣān Offenders in Aceh Qanun No. 6 of 2014 in the Perspective of Fiqh Al-Siyāsah," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 2022): 346, <https://doi.org/10.22373/sjhk.v6i1.13363>.

<sup>63</sup> Efa Rodiah Nur et al., "Reinforcing the Role of the Gakkumdu Center in Electoral Law Enforcement: A Contemporary Analysis from the Perspective of Fiqh Siyasah Dusturiyah."its effectiveness has always been debated. Data from Lampung Province show an extremely low prosecution rate, indicating entrenched issues in its structure, legal framework, and institutional culture. This study aims to analyze the central causes of Gakkumdu's ineffectiveness in Lampung and to formulate a concrete, integrated institutional-strengthening model from the perspective of Fiqh Siyasah Dusturiyah. This research employs an integrated socio-legal approach, combining normative legal analysis of legislation with qualitative empirical methods and in-depth interviews conducted through purposive sampling. To maintain methodological consistency, the empirical findings were critically analyzed using Lawrence Friedman's Legal System Theory (Structure, Substance, Culture

<sup>64</sup> Habib Ismail, Dani Amran Hakim, and Muhammad Lutfi Hakim, "The Protection of Indonesian Migrant Workers under Fiqh Siyasah Dusturiyah," *Lentera Hukum* 8, no. 1 (April 2021): 151, <https://doi.org/10.19184/ejlh.v8i1.18725>.

## Conclusion

The findings of this study demonstrate that the politicization of religion in political contestation is not a temporary or incidental event but a deeply rooted structural problem that disrupts the integrity of Indonesia's democratic legal order. When religious narratives are mobilized as political instruments, such practices affect not only public perceptions of fairness but also undermine judicial independence and legal certainty. From the perspective of al-Māwardī's *fiqh siyāsah dustūriyyah*, these actions constitute an abuse of authority that violates the principles of al-'adl (justice) and amānah (accountability) and obstructs the proper function of *wilāyah al-qadā*, the judicial authority responsible for safeguarding impartiality and institutional integrity. Through empirical observations and the application of Islamic legal ethics, this study affirms that political pragmatism and religious symbolism often converge to create a pattern of legal instrumentalisation that classical Islamic political theory explicitly rejects. According to al-Māwardī, state authority must operate based on *hisbah*, public oversight designed to prevent deviation and ensure that law remains independent of mass pressure, elite interference, or informal political bargaining. In this framework, the politicization of religion constitutes a constitutional distortion that weakens state authority and threatens the *maqāṣid al-shari'ah*, particularly the protection of justice, intellect, and social order. Therefore, *fiqh siyāsah dustūriyyah* offers a robust normative benchmark for evaluating the legal distortions that occur when the law is subordinated to identity-based political interests. In the long term, this study provides an interpretive insight that strengthening the rule of law in Indonesia requires more than procedural reforms; it necessitates the restoration of ethical foundations as articulated by al-Māwardī: the enforcement of impartial justice, the maintenance of responsible governance, and the protection of public welfare (*maṣlahah*). Islamic legal ethics, emphasising political integrity, judicial neutrality, and public accountability, can serve as a complementary framework for reinforcing democratic institutions. In this way, religion is not weaponised for electoral gain but becomes a source of values that fortify the legal order and nurture an inclusive and just democratic culture. Finally, while this study acknowledges limitations in empirical depth and scope, its normative and conceptual contributions provide a foundation for future research. Subsequent studies may expand this inquiry through comparative analyses, more systematic measurements of religious politicization, or explorations of institutional designs that safeguard judicial independence from political and religious interference. Ultimately, protecting the law from manipulation by political and religious interests is essential not only for preserving democratic integrity but also for fulfilling the ethical commitments upheld by Islamic legal tradition and modern constitutional principles.

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