

IMPLEMENTATION OF SUSTAINABLE PROPHETIC ELECTORAL RIGHTS IN THE GENERAL ELECTION PROCESS

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Abstract

This study aims to examine the function of prophetic electoral rights to strengthen and sustain the cycle of general elections process. It is based on a partial understanding of the right to vote and be elected, which has resulted in corrupt political representatives and officials overriding electoral integrity. Legal issues focus on the nature of prophetic electoral rights and the implementation of prophetic electoral rights that strengthen election integrity in Indonesia. The discussion focuses on the meaning of prophetic electoral rights that have elicited philosophical truth-seeding in the context of humanity, preventing the ugliness in the context of liberation and believing in the power of the great guidance of Allah before, during, and after the election administration cycle. The implementation of prophetic electoral rights begins with all election stakeholders as perfect human beings who are intelligent and conscientious in their endless blessings from Allah in a dignified democratic life. This study suggests promoting the protection of the right to vote in a holistic manner and procedure consistent the values and principles of justice that are explored and understood in wholeness and comprehensiveness of the Qur'an in the rules of election law.

Keywords: *Prophetic Electoral Rights, Political Corruption, Prophetic Ethos.*

A. Introduction

The concurrent elections for members of the DPR, DPD, Provincial DPRD and Regency/City DPRD, as well as the President and Vice President were held on April 17, 2019, in a safe, orderly and smooth manner. Although the concurrent national vote took place peacefully, the implications of political tensions between supporters of candidate pairs Joko Widodo-Ma'ruf Amin and Prabowo Subianto-Sandiaga Salahudin Uno during the campaign period were clearly recorded on social media which culminated in protests

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that ended in riots on from 21 to 22 May, 2019.² The campaign discourse of candidates for DPR, DPD, and DPRD and the candidates for President and Vice President from September 23, 2018 to April 13, 2019, were filled with ugly mudslinging that weighed heavily on the minds of children of this nation that have actually come out of the real campaign meaning program vision and mission of each candidate pair. News and campaign advertising tended to use social media publishing hoaxes³ that impugned the candidate pairs instead of criticizing the programs' visions and missions as solutions to the issues of law enforcement, equal welfare, and social justice.

The political atmosphere of the presidential and vice-presidential elections simultaneously left an impression on the down ballot legislative elections which should have been able to run parallel to get the supervision and attention of all citizens. Legislative elections are very important to produce legislators with integrity in controlling executive power who create mutual checks and balance between opposition and position in managing the general interests of the nation and state. The intention to produce legislators with integrity who understand the needs of constituents is far from the expectations of all citizens. Political corruption is frequently increasing as if there were no days without arrest operations by politicians and political officials by the Corruption Eradication Commission. The criminal acts of corruption based on the profession/position of DPR and DPRD members in 2018 reached 103 people.⁴

Revealing the requirements to become an election participant and public officials requires that the candidates in question fulfill the requirements of fearing the Almighty God.⁵ These are the provisions of the prophetic ethos in laws that have not textually influenced the contextual life of the nation and state democracy. If it is seen in plain view,

² Yohan Wahyu, 'Publik Menerima Hasil Pemilu' (*Kompas.id*, 17 June 2019) <<https://kompas.id/baca/utama/2019/06/17/publik-menerima-hasil-pemilu/>> accessed 10 August 2019.

³ Aloysius Budi Kurniawan, 'Fanatisme Politik Berlebihan Picu Peredaran Hoaks' (*Kompas.id*, 12 June 2019) <<https://kompas.id/baca/utama/2019/06/12/fanatisme-politik-berlebihan-picu-peredaran-hoaks/>> accessed 12 August 2019., ... In the period from January to March 2019, the Indonesian Anti-Defamation Society (Mafindo) detected that there were 320 hoaxes or hoaxes, most of which (65 percent) were politically related. The spread of this hoax is targeting three things, namely the government/non-governmental organizations (23 percent), 01 presidential candidate pairs (50 percent), and 02 presidential candidate pairs (27 percent). Entering April 2019, Mafindo again detected 26 hoax that attacked the holding of the 2019 General Elections. Some of the hoax included the General Election Commission (KPU) server in Singapore which was set at 57 percent for one of the presidential candidate pairs. There were also hoaxes about seven ballot boxes punched in and trucks carrying ballots with Chinese letters.

⁴ 'Statistik TPK Berdasarkan Profesi/Jabatan' <<https://www.kpk.go.id/id/statistik/penindakan/tpk-berdasarkan-profesi-jabatan>> accessed 11 August 2019.

⁵ Article 240 (1) b Law No 7 of 2017 on General Election.

it is almost certain that all candidates for public officials and legislators who are caught up in political corruption cases formally fulfill the fear of God Almighty. Many prospective leaders or those are members of the party structure, both legislative and executive institutions, are actually involved in corruption. The irony is that when there is a crackdown on corruption, political corruption the accused legislators and public officials always claim fealty rhetoric for the sake of God Almighty and could not practice of bribery. Previously, four former chairmen of political parties, namely Setya Novanto (Golkar Party), Suryadharma Ali (United Development Party), Anas Urbaningrum (Democratic Party), and Lutfi Hasan Ishaq (Justice Party Prosperous) has also been processed by law because of corruption.⁶ Moreover, through political parties, they have constitutional rights to propose their cadres to be candidates for president and vice president in general elections. The coalition of political parties merely forms political cartels by corrupting political power to benefit themselves and their groups (top hat crime).⁷

The elections have not yet met the benchmarks of integrity is only understood to be limited to the rule of electoral law and has not been comprehensively and comprehensively understood including the rule of electoral ethics. The meaning of democracy is only understood from mere procedural aspects by organizers, participants, candidates, and voters (election stakeholders: election organizers, participants, candidates, and voters), voters as holders of popular sovereignty come to the polling stations and vote is considered complete, without the need to monitor continuously to collect political promises as a reflection of legislators and public officials who carry out the mandate of the constituents. Weaknesses in the electoral process still occur in various degrees of understanding and field cases. The important thing is to shape the quality of minded human resources and practice the prophetic ethos in a sustainable manner in the context of the contemporary state of democratic law. Set out from the description above, a legal issue is established: First, what are prophetic electoral rights? Second, how will the implementation of prophetic electoral rights strengthen the integrity of elections in Indonesia?

⁶ Topan Yuniarto, 'Mencari Politisi Bebas Korupsi' (*Kompas.id*, 25 March 2019) <<https://kompas.id/baca/utama/2019/03/25/mencari-politisi-bebas-korupsi-kurang-grafis/>> accessed 12 August 2019.

⁷ Artidjo Alkostar, *Korupsi politik di negara modern* (FH UII Press 2008) 42-43.

B. Methodology

With normative methodology, this legal research uses a conceptual approach that applies paradigm and system analysis. A systems philosophical approach views the creation and functionality of nature and all its components in terms of a large holistic system that is composed of an infinite number of interacting, opened, hierarchical, and purposeful sub-systems.⁸ The basic assumptions of systematic philosophy see that the whole universe and all its contents consist of interacting, open sub-systems, hierarchically interconnected and purposeful.

System theory defines that there is a complete relationship between the mental realm and the world. A system does not necessarily identify with existing things in the real world but is rather a 'way of organizing our thoughts about the real world'.⁹ The tradition of decomposition analysis has many weaknesses that explain objects atomically or partially, with traditional logic, which has a static perspective. System analysis assumes the entity to be investigated as a system, which consists of units, sub-systems, interacting and functioning sustainably supported by deep understanding. Efficient systems must maintain the features of goal orientation, openness, cooperation between sub systems, hierarchical structure, and balance between decomposition and integration.¹⁰

C. Discussion and Result

1. Prophetic Electoral Rights

The term 'electoral rights' is the right to vote and the right to be elected to public office. The right to choose is actually a derivative part of political rights that comes from humanity's natural freedom as the perfect creature of Allah SWT. The secular context understands the natural suffrage of the individual who is empirical as a form of daily natural experience without the intervention of Allah SWT. The concept of God is marginalized and replaced with the concept of 'causa prima' as the main cause of everything. This is the case that makes anxiety for those who believe and believe in the power and majesty of Allah SWT, that the right to vote is truly the mercy and guidance of

⁸ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (The International Inst of Islamic Thought 2008) 26.

⁹ *ibid.* 31.

¹⁰ *ibid.* 34.

Allah SWT that makes one able and conscious to use reason and conscience to choose leaders or someone who has the ability to be nominated as leadership of the people.

An *a priori* understanding prophetic electoral rights based on the revelation of Allah SWT which was revealed to the angel Gabriel, continued to be revealed to the Prophet Muhammad, revealed to friends, to followers of friends, scholars, and ultimately to all humanity in the world. This hierarchy of revelations certainly forms perceptions and understanding of multilevel truths as a hereditary pattern of thought which becomes a daily habit called thinking culture. The importance of harmonizing reasoning and the application of prophetic electoral rights by combining legal positivism reasoning. The spirit of prophetic legal reasoning as a means to explore the values and principles of justice and reason for legal positivism to further elaborate the certainty and usefulness of the election. Appropriately considered, these two schools, because the prophetic legal reasoning explains the principles that are abstract and transcendental which are full of moral and aesthetic values as endless blessings of Allah SWT, on the contrary the reason of legal positivism explains the norm as a standard of action positively which tends to dry value. This philosophy of prophetic value is the spirit in understanding and protecting electoral rights in electoral justice discourse.

The construct of prophetic legal reasoning is philosophically divided into ontological aspects of the nature of idealism, epistemology with intuitionism and axiology with the aim of achieving justice. Great law is understood as values and principles that are ideal rather than interpreted as positive norms. Therefore norms can be judged on the basis of fulfilling the element of morality, meaning norms will be validated consistently and continuously to be understood as law. That is the law that is truly a law in the form of values and principles. Regarding the right to vote and the right to be chosen which is a human right which is inherent in the human person since being born in the world as endless compassion and endless blessing (*ajrun ghairu mamnun*) from the most absolute from the absolute, the most supernatural of the occult (*ghayb al-ghuyub, dzat al-wujud*) Allah SWT. In line with the thoughts of Soetandyo Wignjosoebroto about guaranteeing the protection of citizens' rights: The rights possessed by citizens due to their birth as human beings are natural rights that are essentially absolute, which therefore cannot be justified (on the basis of any reason!) to be reduced or taken over, let alone deprived.¹¹

¹¹ Soetandyo Wignjosoebroto, *Pergeseran paradigma dalam kajian-kajian sosial dan hukum* (Setara Press 2013) 70.

“Natural rights” means the gift of God Almighty. Humans are the most perfect creatures that have both physical and spiritual aspects. The physical aspect of man as a manifestation of the grace of Allah is evidenced by the senses as a means of sensing stimulation, the brain as a means of structuring and symbolizing the tongue and mouth as a means of physically conveying knowledge, a symbolic means of conveying knowledge. The human spiritual aspect as a manifestation of the gift of Allah in the form of a conscience as a means to feel magical stimuli, the eye of the heart as a means of seeing the unseen, the eye of sirr as a means of sharing *Rabb al Haq*, the spirit of *Al-Quds* Humans as perfect beings certainly have reason and intuition as the foundation of individual freedom lies in the cognized world. Conscientious people always strive continually to get goodness and avoid evil according to human existence. A dignified human is a human who always gets protection and pleasure from Allah SWT. The ‘unceasing reward’ of man consists in his gradual growth in self-possession, in uniqueness, and intensity of his activity as an ego¹². The ego concept is illustrated in the verses of *Al-Qur'an* follows:

إِنَّ الَّذِينَ ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ لَهُمْ أَجْرٌ غَيْرُ مَمْنُونٍ ۝٨

Indeed, those who believe and do righteous deeds-for them is a reward uninterrupted [QS. Fussilat (41): 8]

إِلَّا الَّذِينَ ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ لَهُمْ أَجْرٌ غَيْرُ مَمْنُونٍ ۝٢٥

Except for those who believe and do righteous deeds. For them is a reward uninterrupted [QS. Al-Inshiqaq (84): 25]

إِلَّا الَّذِينَ ءَامَنُوا وَعَمِلُوا الصَّالِحَاتِ فَلَهُمْ أَجْرٌ غَيْرُ مَمْنُونٍ ۝٦

Except for those who believe and do righteous deeds, for they will have a reward uninterrupted [QS. At-Tin (95): 6]

Prophetic suffrage prioritizes truth and justice in answering and resolving issues or problems based on moral values and principles and not just based on positive law. This legal value and principle is always used to achieve the goal of emancipation: humanizing humans; eliminate material, dependence, violence, and human hatred as the application of the values of *amar ma'ruf*, liberation as the application of evil values, transcendence as the application of the value of *tu'minuna billah*.¹³

It is significant to establish a legal election in terms of substance, structure, and legal culture with a prophetic ethos. The substance of the law is carried out by describing the

¹² Muhammad Iqbal, *Rekonstruksi Pemikiran Religius Dalam Islam* (Al-Mizan 2016) 36.

¹³ Kuntowijoyo, *Islam sebagai ilmu: epistemologi, metodologi, dan etika* (Teraju 2004) 99-108.

prophetic ethos within the legal framework that contains provisions for the protection of suffrage in detail and sufficiently regulates the procedure of complaints against violations of suffrage in all stages of elections, including voter registration, registration of candidates and political parties, allocation of funding sources, access to media, campaign activities, voting and counting, recapitulation and announcement of election results. Legislative institutions openly accept public participation in the formation of electoral legislation to explore the values of electoral justice that live in the culture of society.

The legal structure of elections is structured and built to protect, guarantee and safeguard voting rights as the right to freedom of responsibility as human beings who are capable of distinguishing between good and bad values in social and state life. Integrate the attitudes and actions of election organizers, election participants, candidates or candidates, and voters in optimizing coordination and solutions to any problems that arise. Generating interactions between sub-structures of election law dynamically and consistently in building dynamic relationships in parallel. The integrative structure of electoral laws promotes the work ethic of individual, social, and cultural integrity. The structure of electoral law is built on an inclusive, not exclusive basis that benefits unilaterally for certain groups or groups, but is beneficial for all election stakeholders, both election organizers, election participants, candidates or candidates, voters and the entire nation and state. The legal structure of election must provide opportunities to always make improvements based on the value of honesty and fairness of elections.

The electoral legal culture is characterized by pluralism among a variety of ethnicities, religions, groups, and races with all their respective uniqueness. The issue of pluralism also reflects the basic assumptions of each human being as a supporter of their rights to ethnicity, religion, class and race. Speaking of basic assumptions cannot be separated from the model of thought adopted by person and social community. Legal culture teaches that law works and is embedded in a cultural social matrix.¹⁴ This means that the cultural framework of the community is built and structured using energy philosophical systems which include ontological, epistemological, and axiological aspects that interact through meta-systems as a whole. The use of this system paradigm is combined by using the natural law paradigm and legal positivism paradigm to reveal awareness rather than individuals who have the right to vote. The reasoning of natural law itself is ontologically the essence of idealism in finding the principle of justice and truth

¹⁴ Sudjito Atmoredjo, *Keberkahan Hukum: Harapan dan Realitas Kehidupan Manusia* (2017) 85.

with epistemological aspects pivot on the use of intuitionism (enlightenment, conscience, inspiration, illumination, *isyraq*¹⁵) with the mechanism of doctrinal-deductive reasoning with a self-evident and top-down premise and it is axiological to find justice in life, in this case the context of electoral justice in the realm of democracy. The very abstract reasoning of natural law needs to be dialed in with the ontological legal positivism reasoning that is entitled to positive norms in the legislative system, the epistemological aspect pivots on deductive doctrinal reasoning, the axiological aspect to find legal certainty. Legal certainty itself is built from the premise of legal uncertainty, meaning that the spectrum of certainty is built on the premise of possibilities as alternatives. At least legal certainty ensures suffrage for every citizen.

Regarding the protection of suffrage in electoral justice discourse in line with the thought of Satjipto Rahardjo quoted by Sudjito Atmoredjo, teaching that the law is a whole and broad order, consisting of: (1) transcendental order, (2) social order, and (3) order political. Law as a transcendental order means assuming that law is understood as a system of rules that is built and compiled with the power of Allah SWT which is *ghayb al-ghuyub*, essence of *al-wujud*, which creates reason and human intuition. Law as a social order assumes that law is understood as a system of rules that is built and structured with the power of action of intersubjective communication for diversity, goodness, order, common truth in community association. Law as a political order assumes that law is understood as a system of rules that is built and arranged with the agreement of political power in parliament as a form, form, configuration of character and culture of personal knowledge in political parties. Regarding 'the whole order and wide' it is necessary to maintain a dynamic balance in the context of protecting the right to vote simultaneously at the same time as an ability to maintain a balance between *nomina* (*norm*) and the phenomenon (*nomos*) in discovering what the right to protect suffrage is, why protection is needed, and how to realize comprehensive protection.

Therefore the characteristics of suffrage in the electoral system must be understood as a work ethic based on values of honesty, humility, thoroughness, critical, appreciative.¹⁶ The context of the general election the person must vote, unless prohibited or not possible by the applicable laws and regulations at the same time an election must allow everyone

¹⁵ Haidar Bagir, *Buku saku filsafat Islam* (Arasy Mizan 2005) 70.

¹⁶ Heddy Shri Ahimsa-Putra, *Paradigma Profetik Islam: Epistemologi Etos Dan Model* (UGM PRESS 2019) 142-146.

who has the right to vote and the right to be elected to use it properly.¹⁷ Conventional electoral rights thinking models such as the extreme thinking of Jason Brennan¹⁸ who endorsed the buying and selling of votes in general elections by not influencing voters' choices like accepting their money, don't vote for people who clearly conflict with prophetic values. It is important to understand the shift of using the right to vote and be elected in elections:

No.	Philosophy	Conventional Electoral Rights	Prophetic Electoral Rights
1.	Ontology	tends to shift absolute materialism	an eclectic dynamic shift in idealism and materialism
2.	Epistemology	tends to shift absolute rationalism	an eclectic dynamic shift of intuitionism and rationalism
3.	Axiology	tends to shift absolute certainty	an eclectic dynamic shift of justice and certainty

2. Elections with Integrity

It is important to manage the ongoing election cycle that the election must be carried out with integrity. A sustainable political framework takes into account the resources of a country both in terms of the availability of people with the skills to be election administrators and in terms of the financial demands on the national budget.¹⁹ What are elections with integrity? Definition of elections with integrity according to the Global Commission on Elections, Democracy and Security:

We define an election with integrity as any election that is based on the democratic principles of universal suffrage and political equality as reflected in international

¹⁷ Teguh Prasetyo, *Filsafat Pemilu* (Penerbit Nusa Media 2018) 457.

¹⁸ Jason Brennan, *The Ethics of Voting* (Princeton University Press 2012) 4. 1. Citizens typically have no duty to vote. However, if citizens do vote, they must vote well, on the basis of sound evidence for what is likely to promote the common good. They must make sure their reasons for voting as they do are morally and epistemically justified. In general, they must vote for the common good rather than for narrow self-interest. Citizens who lack the motive, knowledge, rationality, or ability to vote well should abstain from voting. 2. Vote buying, selling, and trading are morally permissible provided they do not violate the duties described in point 1. When vote buying, selling, and trading are wrong, what makes them wrong is that they lead to violations of the duties described in point 1. So long as these duties are not violated, vote buying, selling, and trading are not wrong.

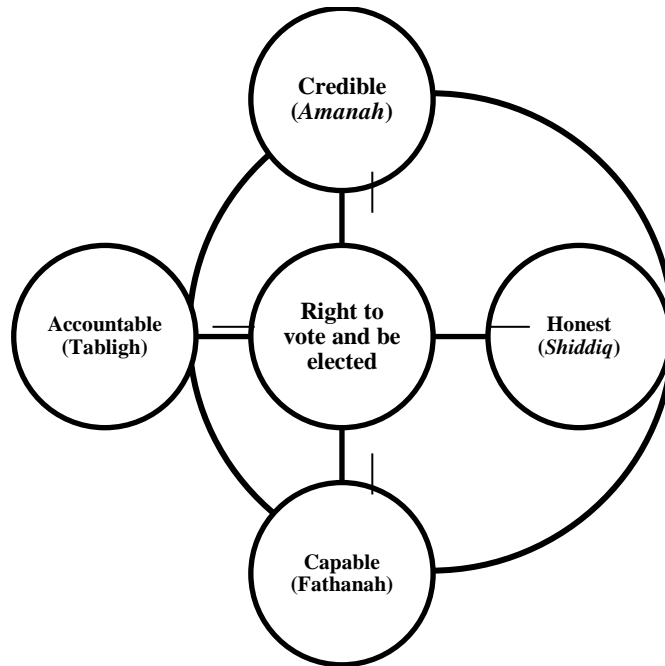
¹⁹ Andrew Reynolds and others, *Electoral System Design: The New International IDEA Handbook* (International Institute for Democracy and Electoral Assistance 2005) 14.

standards and agreements, and is professional, impartial, and transparent in its preparation and administration throughout the electoral cycle.²⁰

Elections with integrity (electoral integrity) must meet the characteristics: (1) the principle of democracy from universal suffrage; (2) political equality reflected in international standards and agreements; (3) professionals, (4) impartiality, and (5) transparent before, during, after the election cycle. Ensuring, protecting, and protecting the voting rights of all citizens is the main thing in the administration of elections. Equality of women's suffrage, persons with disabilities, public participation in elections, honest and fair implementation, resolution of violations and disputes, winners of elections must not act arbitrarily or take over everything by marginalizing opposition groups and the community, all these things must be the attention and concern of all election stakeholders. A certain country cannot claim to be a democratic state insofar as it has not fulfilled the principle of democracy which reflects customary standards and international law agreed upon by various countries and nations in the world. Despite agreeing to international democratic election standards, in practice they can be adapted to local democratic culture that has become the custom of the region. This means that democratic standards for international elections are built and developed by respecting and respecting the ethos of local democracy.

All citizens in exercising their right to vote and their right to choose must reflect prophetic values: honesty, credible, accountable, and capable of manifesting themselves in all their thoughts, attitudes, and actions. These four values should not be separated in understanding, living, and practicing, but are a unified whole and interact dynamically in answering all developments in society according to their time. These prophetic values are actually embedded in the ideals of the Pancasila which is very important to be understood carefully and set forth in the rule of law in the form of legislation and regulation. It is fitting that the formation of legal rules for elections in parliament must reflect a moral principle that has prophetic values. Not only judicial institutions that must reflect moral principles in law enforcement, but all state institutions with all their personalities must live and practice prophetic moral principles.

²⁰ *Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide : The Report of the Global Commission on Elections, Democracy and Security, September 2012* (International IDEA 2012) 6. This term has become famous in the realm of electoral law studies since it was introduced by former UN Secretary General Kofi Annan from January 1, 1997 to December 31, 2006.



Scheme on Dynamic Interaction of Four Election Characteristics with Integrity

The four features of election character with integrity which are values (*ethos*) of honesty, trustworthiness, responsibility, skills are guidelines for all election stakeholders: organizers, participants, voters, candidates in reasoning, acting, and acting. Values as an ontological natural law need to be derived into principles and norms. Build legal meanings according to the era by maintaining the structure of syntagmatic relations (*diachronic*) and associative relations (*synchronic*). In the context of the life of a legal state, meaning, making, carrying out and enforcing the law, must be pivoted, process and lead to the pleasure of Allah SWT.²¹ Learning outcomes Islamic prophetic values reflected in the story of Prophet Musa proposed by one of the daughters of Prophet Syu'aib so that Prophet Musa a. appointed as a worker:

قَالَتْ إِحْدَاهُمَا يَا أَبَتِ اسْتَجِرْهُ إِنَّ خَيْرَ مَنْ اسْتَجَرْتَ أَتَقْوِيًّا لَآمِينَ ۚ ۲۶

One of the women said, "O my father, hire him. Indeed, the best one you can hire is the strong and the trustworthy." [QS. Al-Qashah (28): 26].

Al-qawiyyu (a strong man) and *al-amiin* (who is trustworthy) to be 'trustworthy' in carrying out certain actions require long proofs and do not come suddenly, but are built through seriousness and a sense of responsibility. Credibility has a key role in realizing suffrage in democratic public spaces. In line with the praxis of democracy (*popularism*),

²¹ Sudjito Atmoredjo, *Kebangkitan Hukum Indonesia* (LinkMed Pro Publisher 2016) 30.

the people hold the main control in praxis of wisdom or representation (*reasoning skills*) and wisdom (skills of conscience) as reflected in the Qur'an:

فَبِمَا رَحْمَةٍ مِّنَ اللَّهِ لِنْتَ لَهُمْ وَلَوْ كُنْتَ فَظًا غَلِيظَ الْقَلْبِ لَانفَضُّوا مِنْ حَوْلِكَ فَاعْفُ عَنْهُمْ
وَأَسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ
الْمُتَوَكِّلِينَ ١٥٩

So by mercy from Allah, [O Muhammad], you were lenient with them. And if you had been rude [in speech] and harsh in heart, they would have disbanded from about you. So pardon them and ask forgiveness for them and consult them in the matter. And when you have decided, then rely upon Allah. Indeed, Allah loves those who rely [upon Him]. [QS. Ali 'Imran (3): 159].

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَىٰ بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ ٣٨

And those who have responded to their lord and established prayer and whose affair is [determined by] consultation among themselves, and from what We have provided them, they spend.[QS. Ash-Shuraa (42):38].

Indeed Islamic values are in harmony with the values of Pancasila, as thought by Sudjito Atmoredjo, content analysis of Pancasila values produces descriptions of facts, knowledge, and insights that reach three dimensions: (1) vertical dimensions (divinity), (2) dimensions horizontal (society, nation, country, nature), and (3) personal dimension (humanity).²² Islam respects and honor cultural pluralism in discovering the truth for the majesty of Allah SWT. Representative democracy that has the character of Unity in Diversity is at least comparable to the representative democracy of the United States that has the character of *E pluribus unum* ("Out of many, one"), "From many, one emerges" and In God We Trust to God We Believe.

Most of the founders of this nation got a western model education which of course western philosophy inspired his thinking in laying the foundation of the nation and the Unitary State of the Republic of Indonesia by exploring the values of the nation's own culture. The prophetic values of Islam, Hinduism, Buddhism, Catholicism, Protestantism, Confucianism, animist beliefs and dynamism intersect with each other and find inclusive harmony in divinity, humanity, unity, popularity and social justice in the Pancasila with the motto of Unity in Diversity. In connection with the practice of democracy it is fitting to make Pancasila values manifest in the paradigm of nation and state. In the Pancasila perspective, public office is a mandate, and will give birth to glory for officials if they get

²² Sudjito Atmoredjo, *Ideologi Hukum Indonesia, Kajian Tentang Pancasila Dalam Perspektif Ilmu Hukum Dan Dasar Negara Indonesia* (LinkMed Pro Publisher 2016) 65-68.

it in the right ways (*haq*) and fulfill it sincerely.²³ The truth values need to be elaborated in the principles set forth in the law as a product of the law of the era of the nation state and contemporary globalization.

Building dialectical relations between the thought of prophetic law and the thought of legal positivism which has been sharply criticized by various legal studies is due to defining the law as limited to the rules of written law in the form of laws and regulations. Legal positivism can be explored from the ontological aspect of the law, positive norms in the system of legislation, epistemological aspects of doctrinal-deductive approach, and axiological aspects of achieving the goal of certainty.²⁴ Protection of voting rights in its development is interpreted positively, meaning that it manifests itself in concrete and clear actions in fulfilling the rights of voters and candidates who want to compete in elections. Competition in elections is determined by benchmarks and can be measured in the election cycle. The more positive the standard of election action the more dry the value of truth and justice. The importance of a harmonious shift in the dynamic of natural reasoning (intuitionism) towards continuous metaphysic positivism is very influential in the praxis of casting the values and principles of electoral justice into legislation and regulation law products to better ensure the certainty and benefit of law in general elections. To realize between fairness and certainty of elections that is satisfying for all stakeholders, both the organizers, participants, candidates, voters, and the community are not easy. Even so, it is necessary to develop a complete and coherent understanding between the organizing body, supervisors, candidates, voters, and the participation of all citizens towards the values, principles, norms, rules of prophetic law.

Values are closely related to assessing activities. Assessment depends on the fundamental assumptions of each person as an intelligent person in harmony with his character and cognitive culture. In election law, of course there are those who say the election is worth good and bad, good and bad, right and wrong. This assessment cannot be separated from one's intellectual freedom and awareness. Understanding the electoral law, focusing more on the protection of suffrage is closely related to the cognitive character of the person concerned to individually and collectively build an electoral culture. The above scheme illustrates an inverse equilateral triangle contained in the meaning of values increasingly derived from the principles, norms, rules of law will experience a narrowing

²³ Sudjito Atmoredjo, *Memaknai Keistimewaan DIY* (LinkMed Pro Publisher 2016) 86.

²⁴ Shidarta, *Hukum Penalaran Dan Penalaran Hukum* (Genta Publishing 2013) 201.

of meaning. This narrowing of meaning reduces the meaning of the law only in the form of juridical mechanics and administrative procedures.

In hierarchical values (prophetic values: justice electoral) occupies the highest position which is subsequently derived from sequential principles (metaphysics), norms (metaphysics), legal rules (legislation products that have higher authority formed by legislative and executive institutions compared to regulations established by executive institutions as the implementation of legislation products). Even above values there is something that cannot be expressed intellectually by humans as the majesty of Allah SWT, the limitations of reason and conscience of man. The hierarchy above also shows that sequentially from values, principles, norms, and the rule of law is increasingly experiencing a narrowing of meaning and the existence of value reduction. It is natural in the times and society that the rule of law changes faster than the rule of law. There should be a critical dynamic shift in understanding the values, principles, norms, rules of law, especially in the context of electoral law.

3. The Implementation of the Prophetic Electoral Rights

The phenomenon of the elected candidates in the election after occupying political positions, many of which carry out acts of political corruption²⁵ are indeed very alarming. Political position is merely understood as mere power with materialist reasoning which marginalizes spiritualism. Through a systems approach that all actions of political officials are always related to various factors in the sub-systems that interact dynamically between organizers, participants, voters, candidates in the form of intersubjective communication actions. The will of the candidate to win the election in competition with other candidates cannot be separated from the track record of cognitive character in interacting with the voting community which requires high political costs which of course the expenditure exceeds the salary of political officials. In the end, the reason for pragmatism encouraged the candidates to carry out money politics and various other electoral frauds which were neatly wrapped in positivism actions.

The momentum of resolving contemporary legal issues by law enforcement officials in reality still leaves uncertainty and injustice for justice seekers on various legal issues

²⁵ Maria Silvy E Wangga, R Bondan Agung Kardono and Aditya Wirawan, 'Penegakan Hukum Korupsi Politik' (2019) 21 Kanun Jurnal Ilmu Hukum 56. Political corruption is a reality that is close to office, power and authority, owned by state officials or state administrators. Law enforcement against political corruption in a legal perspective, also needs to be strengthened by a value approach

they have experienced. The decision of various electoral disputes raises new problems as if the parties or candidates continue in an endless feud. Freedom of choice and choice, fairness of election, social solidarity in elections, upholding the right to vote, are difficult to find in positive legal reasoning, but are straighter forwardly examined in the space of prophetic legal reasoning. Based on efforts to realize electoral justice through the fulfillment of prophetic suffrage as a form of transcendental and empirical awareness in one's creative ego in their intentions, attitudes, actions, choosing candidates and the right to be nominated as candidates in elections.

Harmonization in understanding and combining prophetic suffrage by utilizing transcendental reasoning and empirical reasoning simultaneously, intact, and comprehensively. A priori Allah SWT as the Almighty God is present in the human mental realm as a manifestation of perfect beings (*ahsani taqwiim*) to criticize and find awareness of choosing and being chosen in the democratic law state discourse. Prophetic electoral right is the right to freedom of responsibility as a citizen that is understood by observing the prophetic values that apply in the life of the community, nation and state in harmony with the current era of globalization. Justice, peace, humanity, public welfare, equality in diversity as universal values influence the development of suffrage in the context of the Indonesian electoral culture. It is significant to understand prophetic suffrage to strengthen elections with integrity in Indonesia as a whole and comprehensively in numerical reasoning and logical reasoning by using six system features introduced by Jasser Auda:²⁶

First, towards validating all 'cognitions', meaning that any concept especially in the electoral law and electoral ethics, such as prophetic suffrage, prophetic suffrage protection (*das sollen*), and the praxis of the right to vote and be elected (*das sein*) in the electoral system will always validated or tested carefully as a result of consensus coherence of understanding, perception, activity cognition to gain knowledge for the subject of law, namely all election stakeholders who have legal standing. Organizers, participants, candidates, important voters have a systematic understanding of the meaning of the values, principles, norms and rules of election law. Prophetic suffrage is understood as the right to freely choose and be chosen which is carried out responsibly with boundaries or barriers between the word of Allah SWT and perceptions of human understanding in the formation of laws and regulations. Consensus (*ijmak*) legal partners is understood as a source of

²⁶ Auda (n 8) 45-51.

direction and as a mechanism for making collective legal opinions or public participation in making public policy. The logic of analogy (*qiyas*) must also be understood as a human effort to find the law for the common good. Jurists (*fakih*) must have the ability to 'reader' or 'outsider' who can do the reading text' (latin: *texere* means weaving) with the context and not just have the ability of 'author' only. Borrowing the meaning of 'text' in Jacques Derrida's view, everything that exists is text, everything that exists is characterized by textually, there is nothing outside the text, intertextuality, because a text is never isolated but always related to other texts.²⁷ The importance of building a dynamic-critical dialogue between jurists in finding legal truths and avoiding the interpretations of texts that are exclusively rigid so that they lose the context of their purpose. The cognitive character of the system guides the conclusions of the laws of various truths that are most likely based on different opinions. The character and cognitive culture of all election stakeholders, be they organizers, participants, candidates, and voters transparently will be validated continuously to find consensus on the value of electoral justice through active actions of intersubjective communication.

Law is understanding. Understanding requires good perception. Perception is a power that makes a person able to connect meaning in the realm of cognition and reality. For example, solving a dispute over an election result requires an understanding of the concept of electoral law holistically to be applied to the facts of the case that arises between the parties to the dispute. The interpretation of the rule of law by law enforcers is actually the practice of cognitive character which reflects the basic assumptions of jurisprudents as legal bearers. The cognitive character of the law implementer will explicitly appear and can be understood from the legal considerations he made in deciding a legal issue. This cognitive character is built through a long and continuous track record of experience.

Second, towards 'holism', the uncertainty of individual propositions, and the weaknesses of the reductionist and atomistic approaches which only rely on text (*nash*) of legislation and regulation to resolve contemporary cases regardless of other related texts, law is only assumed to have one cause (*'ilat*) in the form of text. The single proposition approach is based on causality which is partial and atomistic in traditionalist, modernist, and postmodernist theory. The need for a holistic approach (thematic-contextual interpretation) to solve contemporary problems with all their complexities demands a

²⁷ Kees Bertens, *Sejarah Filsafat Kontemporer : Prancis (Jilid II)* (Gramedia 2014) 323.

number of methods at various levels. At the language level, the need to understand legal language is integral to the cultural language of the local community. Regarding the level of important human knowledge a holistic approach to the mental and real world with its elements and rules. While at the topic level, the importance of bringing together legal themes that are mutually penetrating in a meta-judicial relationship to be applied in solving cases of everyday life. Relate to the level of scope by including all people regardless of the dimensions of their space and time. This approach also demands the unification of laws with morality and spirituality in a holistic approach. This is also called the wholeness feature.

Antinomy in law, law enforcers must be able to decide on legal certainty or justice. Moral is the basis of legal objectives. If legal certainty is put forward, legal applicants must be smart/fathanah/capable in interpreting existing laws. Without giving the correct interpretation, it will apply "*lex dura sed tamen scripta*" (the law is indeed hard, but inevitably it sounds like this). Based on morality, the court can give different decisions. The importance of legal certainty is built on the consideration of a multi-disciplinary, inter-disciplinary, trans-disciplinary, and cross-disciplinary approach in resolving complicated cases of the present era so as to produce eclectic decisions (certainty-justice) that reflect peace as a goal of law.

Third, towards openness and self-renewal, a system must maintain a level of openness and self-renewal to stay alive. The mechanism towards openness and self-renewal is carried out through legal changes with changes in the worldview or cognitive culture of a *fakih* and philosophical openness. The world view is the result of a number of factors that shape human cognition to the world. While cognitive culture is a mental framework and nuances of reality that includes a person in looking at and interacting with the outside world. Traditionally the impact of the postulate/customs is very limited to certain parts of the world, it requires discovery of legal (*ijtihad*) towards a competent worldview of a Jurist based on scientific means that a person is needed jurisprudence that works based on methods, data, critical, and systematic with a multidisciplinary approach so as to open a legal system to the progress of the natural, social and other sciences. In certain cases a Jurist must consult with certain specialists to solve certain cases along with the development of science. The other side is also the need for renewal of electoral law through philosophical openness. The electoral legal system must be wide open to accepting philosophical investigations on an ongoing basis to find legal theories

themselves. Important values and principles of electoral law actually protect the voting rights of all citizens as referred to in the constitution. The constitution itself as a result of reason and conscience of all citizens in realizing democratic equality in regulating the nation and state.

The context of elections with integrity should always be open to progress that never stops in carrying out reforms. The progress of another country will have an influence on other countries either directly or indirectly through various communication tools that cross the boundaries of a country. Interaction of world progress cannot be avoided, but by taking the benefits that best suit the culture of each country and nation. Even though there are strengths and weaknesses in democracy, it should be criticized on an ongoing basis to find the best solution that is dignified in realizing people's welfare.

Fourth, interrelated hierarchy, improvement in axiological range (*maqasid*), improvement in the reach of people covered by legal objectives, improvement in the source of induction, drawing conclusions from special facts towards general rules and levels of axiological publicity. Traditional axiology is particular or specific in that it limits its range of space. Contemporary axiology is interconnected between general, specific, particular axiological so that it produces abundant axiological treasures. Traditional axiology is contemporary and axiological contemporary social and public nature. The importance of bringing up a general axiological theory that is directly extracted from intertextuality in contextually, legal reading as a verb is not as a noun which continues to mean according to its time, since classical theory is extracted from legal literature from legal schools, beyond the historicity of legal decisions, representing values and principles general law.

Fifth, towards multi-dimensionality, the limitations of binary categorization and the importance of multidimensionality applied to the two basic concepts of 'certainty' and 'opposition'. The binary category between legal certainty and uncertainty in contemporary contexts is no longer relevant as the Arabic proverb 'something can be distinguished from others based on their opponents (things are distinguished based on their opposites). Certainty must be interpreted as possibilities with a non-linear model continuously with the many available arguments available to increase trust in deciding cases or disputes that arise. The complicated issue of the present cannot be left to the votes of the majority who win the election, the voice of the minority must be considered and answered by all the problems thoroughly and with dignity. Legal certainty must be built through a multi-

dimensional, inter-disciplinary, trans-disciplinary, and cross-disciplinary approach. Legal certainty must enable various alternatives in resolving all issues that arise.

The maturity of all citizens is important in understanding the common issues that must be resolved. The way to resolve the conflict between the arguments in the law by way of *lex specialis derogat lege generali*, *lex posteriori derogat lege priori*, *lex superior derogat lege inferiori*, *res judicate pro veritate habetur*, the relationship of norms (orders, prohibitions, permits, and dispensations), especially if carried out arbitrarily instead adds to the severity of the settlement of a case. The importance of combining multidimensionality features by breaking legal axiological wisdom is to find solutions to conflicting postulates. The truth-seeking to build legal justice uses a spectrum of possibilities in stages towards legal benefit and certainty, rather than binary. The multidimensionality feature is very relevant for criticizing modernists and postmodernism which tend to be binary, reductionist, and uni-dimensionality.

Sixth, towards 'purposefulness', the goal as a fundamental criterion in legal discovery. The purpose of law is the core objective of all methodologies for the discovery of linguistic and rational laws that do not depend on various names and approaches. The realization of objectives from the point of view of the system must maintain openness, renewal, realism, and flexibility in the Islamic legal system. Validity or testing the validity of legal findings (*ijtihad*) must be determined based on the level of intentions or axiology, namely the level of realization of the legal goals that he did. Political cartel as a combination of political parties that have the same goal. The practice of political cartels tends to abandon honest and fair values and principles of political morality to obtain and maintain power. Political parties have so far not been able to demonstrate quality as a constitutional institution that is not merely a political infrastructure but also as a political superstructure enjoying the life of the power elite.

The characteristics of political parties tend to turn into institutions that compete with each other for the power of their business class resources which are transformed into authoritarian oligarchic entities. Power itself is an entity that must be maintained in all ways without caring about violating the identity of political parties as constitutional institutions to accommodate and realize the wishes of members and all citizens. The ultimate goal of the election is actually to elect the head of government and people's representatives in parliament as the coordinator in realizing the goal of the unitary state of the Republic of Indonesia. There is a dynamic shift from procedural democracy to

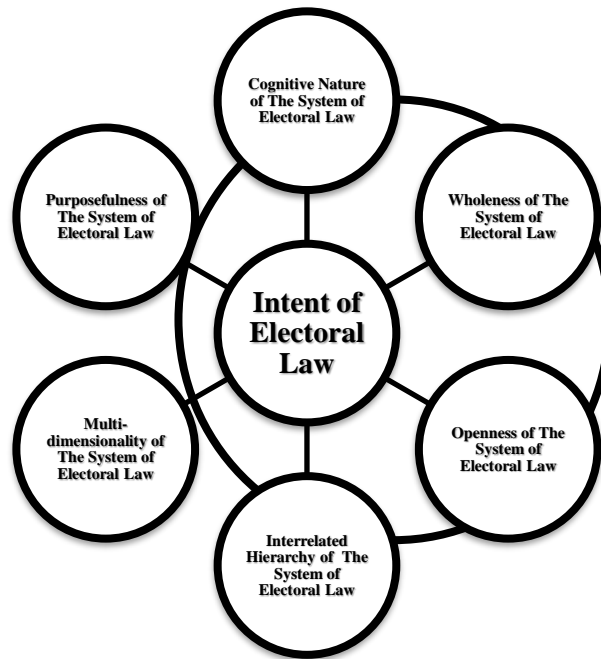
substantial democracy, from mere democratic consolidation to the quality of democracy.²⁸ Indonesian democracy has indeed fulfilled procedural democracy indicators with periodic voting every five years to directly elect the president and legislative members as a manifestation of popular sovereignty. The people as voters have their own right to determine the president and his best representatives to sit in the legislature. On the contrary, the people as elected or nominated should have integrity in holding the mandate of voters to realize political promises during the election campaign.

The success of the implementation of the election actually still leaves a variety of problems that must be resolved to achieve a substantial democratic ranking that has succeeded in completing and realizing various issues of public welfare and social justice for all the people of Indonesia. The political polarization of voters to trade their voices that castrated democracy principles weakened public oversight.²⁹ Improvements to the implementation of elections with integrity need to be carried out in a sustainable to produce a more stable quality of democracy by carefully examining it based on prophetic values.

The six features of the system paradigm as knife analysis (blade analysis) in understanding the meaning of prophetic suffrage in the electoral system with the aim of producing justice of elections for all election stakeholders. Finally, the ideal form of prophetic suffrage with the Indonesian context emphasizes the pluralism of the will of every citizen who has a diverse character and culture of knowledge by harmonizing the function of reason and revelation.

²⁸ David Beetham and International Institute for Democracy and Electoral Assistance (eds), *Assessing the Quality of Democracy: A Practical Guide* (Internat IDEA 2008) 23. The quality of democracy is measured by values: participation, authorization, representation, accountability, transparency, responsiveness, solidarity.

²⁹ Milan W Svolik, 'Polarization versus Democracy' 30 July 2019 <<https://www.journalofdemocracy.org/articles/polarization-versus-democracy/>> accessed 24 July 2019 20-32.



Scheme of Six Election Destination System Features

The will to create a quality political party institution is very much determined by qualified political party administrators. Qualified political party administrators are very much determined by qualified personalities. Prophetic suffrage is inherent in quality personalities. About the political cartel, it stems from the personal behavior of political party officials in forming a combination to only fight for power resources by overriding the function of political parties as a means of communication between voters and those chosen, between the people and representatives, in combining and formulating various popular interests. Complex and complicated. Political parties and their officials tend to forget the constituents after the election is over, instead of manipulating the voters' vote to benefit their groups. Personal managers of political parties should carry out democratic virtues for the benefit of all people. Relying on the prophetic ethos, the struggle for power resources should be understood to bring about general prosperity and social justice in an endless blessing of Allah SWT. Thus, the citizens attached to prophetic suffrage will always think, behave, and act critically in a dynamic shift of religious logic (metaphysics) and positivism.

D. Conclusion

Prophetic electoral rights rests on the value of prophetic *shiddiq* (honesty), *amanah* (credible), *tabligh* (accountable), *fathonah* (capable). Indonesia as a religious democratic

law country must protect the right to vote for every citizen in elections in a consistent and sustainable manner as a manifestation of popular sovereignty. Prophetic suffrage is actually an intuitive, logical and critical understanding of man as an endless blessing (*ajrun ghairu mamnun*) from the most absolute of the absolute, the most supernatural of the occult (*ghayb al-ghuyub, dzat al-wujud*) Allah SWT.

The implementation of prophetic suffrage begins with the individual self as a man who is perfectly sensible and conscientious in wrapping endless blessings from Allah SWT in a democratic life. All election stakeholders, including organizers, participants, candidates, and voters, deeply appreciate the meaning of the right to vote based on the prophetic ethos. The important thing is the application of prophetic suffrage has implications for the transformation of individual, collective, and cultural life of a dignified nation and state which ultimately affects the quality of public welfare and social justice for all Indonesian people.

The Indonesian government must holistically protect universal suffrage, not just safeguarding and guaranteeing citizens who are marginalized political rights include minority groups, disability, women, beginner voters, gender equality, plurality and inclusiveness, freedom that is responsible for continuously realizing equality in electoral justice.

Pouring sequentially and consistently the values and principles of justice which are explored and understood in full and thoroughly from *Al-Qur'an* in contemporary context in the rules of election law, in addition to formulating the value of benefits and certainty in the form of legislation and regulation of dogmatic, theoretical and philosophical elements.

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