

Author:

Ahmad Syarifudin^{1*}, Ridwan²

Affiliation:

^{1,2}Faculty of Law, Universitas
Islam Indonesia, Yogyakarta,
Indonesia

Corresponding author:

23932002@studenst.uui.ac.id

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Reconstruction of Incumbent Candidate Liability for Legal Violations in Regional Elections: A Contemporary Islamic Politics and Prophetic Law Approach

Abstract: The 2024 Simultaneous Regional Elections in Indonesia exposed persistent legal uncertainty regarding the liability of incumbent candidates who violate electoral regulations, particularly the prohibition against bureaucratic transfers and the politicization of government programs under Article 71 paragraph (5) of Law Number 10 of 2016. Divergent judicial decisions have created inconsistency in the application of disqualification sanctions, with some rulings imposing sanctions collectively on candidate pairs while others limiting liability to the individual incumbent. This study aims to reconstruct the legal framework governing incumbent candidate liability by integrating contemporary Islamic political thought and the Prophetic Law paradigm to resolve this doctrinal inconsistency. Employing normative legal research, the study adopts statutory, conceptual, and case approaches to examine legislation, constitutional principles, judicial decisions, and contemporary Islamic legal scholarship. The analytical framework combines the concept of *syirkah siyasiyyah* (political partnership) with the Prophetic Law principles of Humanization, Liberation, and Transcendence to evaluate the relationship between individual accountability and collective political responsibility within electoral contests. The findings demonstrate that the legal relationship between running mates constitutes a unified political partnership in which electoral advantages and public legitimacy are jointly pursued and mutually enjoyed. Consequently, when an incumbent abuses state authority to secure electoral benefits, the resulting legal consequences should extend to the candidate pair rather than to the individual offender alone. Such reconstruction is justified by the priority of *maṣlahah ‘āmmah* (public interest) over *maṣlahah al-khāṣṣah* (individual political rights), ensuring substantive justice, electoral integrity, and equal political competition. This study contributes to contemporary legal scholarship by reconciling statutory electoral law with contemporary Islamic political thought and Prophetic jurisprudence, offering a normative model of collective electoral liability that strengthens legal

certainty while embedding democratic governance within ethical, constitutional, and transcendental values.

Keywords: Collective Liability; Contemporary Islamic Political Thought; Electoral Integrity; Prophetic Law; Regional Elections.

INTRODUCTION

Leadership integrity constitutes a fundamental pillar of modern democratic consolidation, as unethical conduct by public officials can significantly erode public trust in governance.¹ Similarly, within Islamic political thought, the character and spirituality of a leader occupy a pivotal role. The concept of leadership (*imāmah*) in Islam is not merely a political structure but a sacred trust (*amānah*) that must be upheld through the principles of justice (*‘adl*), responsibility, and the prioritization of public interest (*maṣlahah ‘ammah*).² Empirical studies by Scott G. Heyler et al. demonstrate that a leader's spiritual character significantly influences their leadership practices, including the ethical dimensions of decision-making.³ These ethical foundations continue to evolve within contemporary Islamic political discourse, which increasingly emphasizes constitutionalism, accountability, public trust, and ethical governance as indispensable elements of democratic leadership.

In the specific context of Regional Head Elections (*Pilkada*) in Indonesia, candidates—particularly incumbents—are legally mandated to demonstrate integrity and remain free from unlawful conduct. This requirement aims to ensure that future governance is conducted on the basis of ethical and just principles.⁴ Among the critical

¹ Sumardi, *Pengantar Ilmu Pemerintahan (Konsep, Teori, Dan Aplikasinya)* (Jawa Tengah: Tahta Media Group, 2025), 122.

² Mahyudin Mahyudin, “Karakter Dan Konsep Pemimpin Dalam Perspektif Al-Qur’an,” *Takuana: Jurnal Pendidikan, Sains, Dan Humaniora* 1, no. 2 (October 2022): 102–12, <https://doi.org/10.56113/takuana.v1i2.36>; Widya Rahmat and Luci Afiani Oktavia, “Urgensi Administrasi Publik Dalam Islam: Tinjauan Maslahah Mursalah,” *Jurnal Hadratul Madaniyah* 11, no. 1 (July 2024): 62–68, <https://doi.org/10.33084/jhm.v1i1.7578>.

³ Scott G. Heyler et al., “A Qualitative Study Investigating the Ethical Decision Making Process: A Proposed Model,” *The Leadership Quarterly* 27, no. 5 (October 2016): 788–801, <https://doi.org/10.1016/j.leaqua.2016.05.003>.

⁴ Shelvi Rusdiana et al., “Political Rights of Ex-Corruptors Vis a Vis Electoral Integrity in Indonesia,” *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 14, no. 1 (April 2025): 234–53, <https://doi.org/10.24843/JMHU.2025.v14.i01.p13>.

restrictions imposed on incumbent candidates is the prohibition of unauthorized bureaucratic transfers six months prior to the candidate determination by the General Election Commission (KPU), as well as the politicization of government programs to benefit or detriment a specific candidate. Proven violations of these provisions result in severe punitive measures, including disqualification from candidacy, thereby precluding further participation in the electoral contest. These prohibitions are codified in Article 71, paragraphs (2), (3), and (5) of Law Number 10 of 2016 regarding Regional Elections. This normative framework is essential to preserve the sanctity of the election process, ensuring it upholds the principles of honesty and justice while establishing a 'fair playing field' for all contestants.⁵

However, the practical enforcement of Article 71, paragraph (5) of Law Number 10 of 2016 during the 2024 Simultaneous Regional Elections has been markedly inconsistent and legally ambiguous. The article stipulates that *"If an incumbent Governor, Regent, Mayor, or their respective deputies violates the provisions referred to in paragraphs (2) and (3), said incumbent shall be subject to cancellation as a candidate by the Provincial or Regency/City General Election Commission (KPU)."* The legal uncertainty arises primarily from the varied composition of candidate pairs, which may include mixed pairings of incumbents (Cp) and non-incumbents (Cn). This configuration generates distinct legal complexities, particularly when the incumbent commits a violation, either individually or jointly with their non-incumbent partner. This disparity is evident in the cases of Papua Barat Daya Province⁶ and Banjar Baru City,⁷ where the entire candidate pair (Cp and Cn) was disqualified, notwithstanding that the violation was committed solely by the incumbent. Conversely, in Metro City, which involved a pair of incumbents, the disqualification was applied

⁵ A. Basuki Babussalam, *Pengujian Tindakan Maladministrasi yang Dilakukan Calon Petahana dalam Sengketa Pemilihan Kepala Daerah* (Fakultas Hukum Unair, 2016), Surabaya, [//all.fh.unair.ac.id%2Findex.php%3Fp%3Dshow_detail%26id%3D22954](http://all.fh.unair.ac.id%2Findex.php%3Fp%3Dshow_detail%26id%3D22954).

⁶ Decision of the General Election Commission of Southwest Papua Province Number 105 of 2024 concerning the Amendment to Decision Number 78 of 2024 regarding the Determination of Candidate Pairs for the 2024 Southwest Papua Gubernatorial and Deputy Gubernatorial Election..

⁷ Decision of the General Election Commission of Banjarbaru City Number 124 of 2024 concerning the Cancellation of H. Muhammad Aditya Mufti Ariffin, S.H., M.H. and Drs. H. Said Abdullah, M.Si. as the Candidate Pair for Mayor and Deputy Mayor of Banjarbaru in the 2024 Election.

exclusively to the vice-mayor candidate.⁸ Furthermore, in Fakfak Regency, a pair of incumbents was involved, with only one party committing the violation—both candidates were nonetheless disqualified. These disparities are further detailed in Table 1.1 below:

Table 1.1. Combination of Incumbent and Non-Incumbent Candidates

No	Pair Composition	Region	Sanction Outcome
1.	Cp and Cn	Papua Barat Daya Province, Banjar Baru City	Both Disqualified (Collective Sanction)
2.	Cp and Cp	Metro City	Only Vice Candidate Disqualified (Individual Sanction)
3.	Cp and Cp	Fakfak Regency	Both Disqualified (Collective Sanction)

Note: Cp denotes Incumbent Candidate; Cn denotes Non-Incumbent Candidate. Source KPU

Beyond a positivistic interpretation of electoral law, the issue of incumbent accountability also raises broader concerns regarding political ethics and public accountability.⁹ Contemporary Islamic politics no longer views political power merely as a legal mandate, but rather as a moral responsibility that must be continuously exercised based on the principles of accountability (*mas'uliyah*), justice (*'adl*), trustworthiness (*amanah*), and the public interest (*maslahah*).¹⁰ Contemporary Islamic political thinkers argue that democratic institutions must not only uphold procedural legality but also ensure the realization of substantive justice by preventing the abuse of power and maintaining public trust in the electoral process.¹¹ Therefore, legal accountability for electoral violations

⁸Decision of the General Election Commission of Metro City Number 300 of 2024 concerning the Determination of Candidate Pairs for the 2024 Metro City Mayoral and Deputy Mayoral Election.

⁹Jimly Asshiddiqie, "Menggagas Peradilan Etik Di Indonesia," in *Menggagas Peradilan Etik Di Indonesia* (Jakarta: Sekretariat Jenderal Komisi Yudisial Republik Indonesia, 2015), 18.

¹⁰Sajjad Ahmad et al., "Integrating Islamic Ethics with Modern Governance: A Comprehensive Framework for Accountability Across Religious, Social, and Economic Dimensions," *Al-Irfan* 8, no. 15 (June 2023): 51–79, <https://doi.org/10.58932/MULB0043>.

¹¹Efa Rodiah Nur et al., "Reinforcing the Role of the Gakkumdu Center in Electoral Law Enforcement: A Contemporary Analysis from the Perspective of Fiqh Siyasa Dusturiyah," *MILRev: Metro Islamic Law Review* 4, no. 2 (November 2025): 1281–96, <https://doi.org/10.32332/milrev.v4i2.11108>.

should not be based solely on formal statutory provisions, but must also reflect the ethical consequences arising from the abuse of public office.

The polemic surrounding the disparity in disqualification sanctions for candidates committing legal violations can be analyzed from two distinct perspectives. The first perspective focuses exclusively on the individual perpetrator. This view is legally defensible as it aligns with the fundamental criminal law principle of *geen straf zonder schuld* (no punishment without guilt).¹² Under this interpretation, sanctions are limited to the incumbent who directly violated Article 71, paragraphs (2) and (3) of Law No. 10 of 2016. Consequently, the uninvolved candidate is permitted to continue their candidacy, even in the absence of a running mate, as exemplified by the Metro City Mayoral Election.¹³ Conversely, the opposing view emphasizes that regional head and deputy candidates are nominated as an indivisible pair (*paket*), not as independent individuals. Abdul Rahman Nur argues that candidate pairs must be legally construed as a single entity rather than separate subjects. Therefore, if a violation affects electoral outcomes, the liability must be borne collectively by both partners.¹⁴

This study seeks to resolve these legal contentions by proposing a Prophetic Law approach. Etymologically, "prophetic" denotes having the character or function of a prophet.¹⁵ M. Syamsuddin equates this term with the Arabic concept of *nubuwwah*, as referenced in the Quran, Surah Al-Imran (3): 79.¹⁶ The prophetic paradigm offers a

¹² Ahda Mutaqqin, "Telaah Asas Geen Straf Zonder Schuld terhadap Pertanggungjawaban Pidana atas Tindak Penipuan melalui Modus Ritual Mistis," *Jurnal Peradaban Hukum* 2, no. 2 (December 2024): 58–61, <https://doi.org/10.33019/jph.v2i2.6>.

¹³ The Deputy Mayor candidate of Metro City, Qomaru Zaman, was disqualified by the General Election Commission (KPU) of Metro City, notwithstanding the fact that his photograph remained depicted on the ballot paper alongside the Mayoral candidate, Wahdi. However, the KPU issued an official notification declaring his disqualification as a candidate. Consequently, in terms of legal substance, Qomaru was deemed non-existent (*non-existent*) in the electoral process.

¹⁴ Abdul Rahman Nur, "Putusan MK Setengah Hati," *Kompas.id*, April 6, 2025, <https://www.kompas.id/artikel/putusan-mk-setengah-hati>.

¹⁵ Heddy Shri Ahimsa-Putra, "Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan Dan Kemungkinan Pengembangan Di Era Postmodern," in *Paradigma Profetik (Sebuah Konsepsi)* (Yogyakarta: Pusat Studi Hukum (PSH) FH UII kerjasama dengan FH UII Press, 2013), 25.

¹⁶ M. Syamsudin, "Pendahuluan," in *Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan Dan Kemungkinan Pengembangannya Di Era Postmodern* (Yogyakarta: Pusat Studi Hukum (PSH) FH UII kerjasama dengan FH UII Press, 2013), 14.

directive for transformation based on the ideals of Humanization, Liberation, and Transcendence, derived from Surah Al-Imran (3): 110.¹⁷ Humanization refers to horizontal human relations; Liberation signifies emancipation aimed at establishing a just and egalitarian society;¹⁸ and Transcendence denotes the vertical relationship between humanity and the Divine.¹⁹ Consequently, Prophetic Law distinguishes itself from legal positivism by transcending mere norms and procedures and orienting itself toward a mission of social transformation grounded in prophetic values.

A review of existing literature reveals that scholarship regarding candidate disqualification remains dominated by juridical-normative and empirical-sociological approaches. The juridical-normative perspective is evident in the works of Putri Ayu Prayogo,²⁰ Imam Mawardi,²¹ Happy Hayati Helmi, Anna Erliyana,²² as well as Ana Fauzia and Radian Salman.²³ These studies primarily conclude that incumbent leave is a preventive measure against abuse of power, highlight the regulatory ambiguity surrounding disqualification, identify procedural gaps in post-verdict legal remedies, and advocate for revisions to resignation requirements. Meanwhile, empirical-sociological studies, such as those by Nurjani²⁴ and M. Faisal Ar Djide,²⁵ emphasize the lack of professionalism by the

¹⁷ M. Syamsudin, "Pendahuluan," 16.

¹⁸ Ridwan Ridwan, "The Law Of Transcendence Liberation," *Jurnal Jurisprudence* 11, no. 2 (March 2022): 156–69, <https://doi.org/https://doi.org/10.23917/jurisprudence.v11i2.14047>.

¹⁹ Siti Zuliyah et al., "The Philosophical Thought of the Prophetic Law in the Indonesian Legal System," *WISDOM* 26, no. 2 (June 2023): 242–54, <https://doi.org/10.24234/wisdom.v26i2.1002>.

²⁰ Putri Ayu Prayogo, "Kewajiban Cuti Bagi Petahana Yang Mengikuti Pilkada Serentak 2017" (Skripsi, Universitas Islam Indonesia, 2017), <https://dspace.uui.ac.id/handle/123456789/10456>.

²¹ Irvan Mawardi, "Pengujian Administrasi Terhadap Proses Diskualifikasi Petahana Dalam Pencalonan Pemilihan Kepala Daerah," *Jurnal Hukum Peratun* 1, no. 2 (October 2018): 245–64, <https://doi.org/10.25216/peratun.122018.245-264>.

²² Happy Hayati Helmi and Anna Erliyana, "Konstruksi Hukum Diskualifikasi Calon Petahana Dalam Pemilihan Kepala Daerah," *PALAR (Pakuan Law Review)* 5, no. 2 (January 2019), <https://doi.org/10.33751/palar.v5i2.1190>.

²³ Ana Fauzia and Radian Salman, "Reconstructing the Requirements for an Incumbent Candidacy to Achieve Fair Dan Democratic Regional Elections: Merekonstruksi Persyaratan Pencalonan Petahana Untuk Mewujudkan Pilkada Yang Adil Dan Demokratis," *Rechtsidee* 13, no. 1 (March 2025), <https://doi.org/10.21070/jihr.v13i1.1037>.

²⁴ Nur Jani, "Analisis Yuridis Rekomendasi Bawaslu Tentang Diskualifikasi Petahana (Studi Kasus Pilkada Kabupaten Tasikmalaya Tahun 2020)," *Law, Development and Justice Review* 6, no. 3 (September 2023): 200–218, <https://doi.org/10.14710/ldjr.6.2023.200-218>.

²⁵ M. Faisal Ar Djide, "Penegakan Hukum Diskualifikasi Petahana Dalam Pemilihan Kepala Daerah" (masters, Universitas Hasanuddin, 2024), <https://repository.unhas.ac.id/id/eprint/37758/>.

Election Supervisory Body (Bawaslu) and KPU in handling incumbent violations. However, existing literature tends to address these practices in a partial and isolated manner. Crucially, previous studies have failed to explain how the disparity in disqualification sanctions can be resolved through a purely positivistic framework. In contrast, this study analyzes the most recent cases from the 2024 Regional Elections, which exhibit significant inconsistencies in the execution of incumbent disqualifications. Furthermore, unlike previous studies that predominantly rely on positivistic legal reasoning, this article develops an integrated analytical framework by combining contemporary Islamic politics with Prophetic Law. Contemporary Islamic politics provides the ethical and constitutional understanding of political accountability, while Prophetic Law offers normative principles of Humanization, Liberation, and Transcendence to reconstruct a more coherent model of liability for incumbent candidates in regional elections.

METHOD

This study employs doctrinal legal research to reconstruct the legal liability of incumbent candidates for administrative violations in regional elections by integrating contemporary Islamic political thought and the Prophetic Law paradigm. The research adopts three complementary approaches: the statutory, case, and conceptual approaches.²⁶ The statutory approach examines the normative framework governing incumbent candidates under Law Number 10 of 2016, with particular emphasis on Article 71, paragraph (5), concerning disqualification sanctions for the abuse of public office during electoral contests. The case approach analyzes judicial decisions and decisions of the General Election Commission (KPU) arising from the 2024 Simultaneous Regional Elections to identify inconsistencies in the imposition of sanctions, particularly the distinction between collective and individual liability. The conceptual approach explores contemporary Islamic political thought, including *syirkah siyasiyyah* (political partnership), *maṣlaḥah*, and the Prophetic Law paradigm, to develop a normative framework capable of addressing the doctrinal gap in the existing electoral legal regime. Data were collected

²⁶ Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2017).

through an extensive review of primary legal materials, including legislation, court decisions, and KPU regulations, complemented by secondary materials comprising scholarly books, peer-reviewed journal articles, and authoritative works on Islamic legal and political philosophy.

The collected legal materials were analyzed using qualitative legal analysis, employing interpretive, systematic, and comparative techniques. Statutory provisions and judicial decisions were first interpreted to identify normative inconsistencies in the application of incumbent liability, followed by a comparative assessment of competing judicial reasoning concerning collective and individual sanctions. The findings were subsequently synthesized with contemporary Islamic political thought through the analytical dimensions of Prophetic Law—Humanization, Liberation, and Transcendence—to formulate a coherent reconstruction of collective electoral liability that harmonizes constitutional principles, democratic integrity, and Islamic legal ethics. To enhance the credibility and rigor of the study, the validity of the findings was ensured through legal-source triangulation, cross-case comparison, and theoretical triangulation by systematically comparing statutory norms, judicial precedents, constitutional principles, and contemporary Islamic legal doctrines. This validation strategy strengthens the consistency, normative coherence, and theoretical reliability of the proposed reconstruction while ensuring its relevance to contemporary electoral governance and Islamic legal scholarship.

RESULTS AND DISCUSSION

Disqualification of Candidates in Indonesian Local Election Regulations

A fundamental tenet of the rule of law is that all individuals and institutions, including the state, are subject to and accountable under laws that are fairly enforced.²⁷ Ni'matul Huda emphasizes that within the context of a rule-of-law state (*Rechtsstaat*), the exercise of power must not be based on arbitrariness but must be strictly grounded in law.

²⁷ Robert A. Stein, "What Exactly Is the Rule of Law?," *Houston Law Review* 57, no. 1 (October 2019): 185–201.

²⁸ This principle encompasses the administration of governance, commencing with the election of regional heads.

The implementation of Regional Head Elections (*Pilkada*) derives its constitutional basis from Article 18, paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which stipulates that "*Governors, Regents, and Mayors, as heads of provincial, regency, and city governments respectively, shall be elected democratically.*" The phrase "elected democratically" was historically interpreted as election via representative bodies or Regional People's Representative Councils (DPRD); however, a progressive interpretation has shifted this meaning to direct election by the people. Jimly Asshiddiqie tends to validate this interpretation, asserting that both mechanisms fall within the spectrum of democratic practice.²⁹

Regulations governing *Pilkada* have emerged and evolved dynamically over time. Up to the 2024 Simultaneous Regional Elections, Law Number 1 of 2015, which served as the initial foundation for simultaneous elections, has been amended three times: through Law Number 8 of 2015, Law Number 10 of 2016, and Law Number 6 of 2020. A fourth amendment is anticipated following the Constitutional Court Decision Number 135/PUU-XXII/2024, which mandates the separation of national elections (electing the President, Vice President, and legislative members) from local elections (electing Governors, Regents, Mayors, and local legislators).³⁰ Under this decision, national elections are scheduled to commence in 2029, while local elections are set to be held in 2031.³¹

Regarding candidate disqualification, Law Number 10 of 2016 specifically delineates two categories of violations that warrant such sanctions: violations of Article 71 paragraphs (2) and (3), and violations of Article 73 of the said Law (*lex a quo*). The first

²⁸ Ni'matul Huda, *Ilmu Negara* (Jakarta: Rajawali Pers, 2011), 90.

²⁹ Jimly Asshiddiqie, *Konsolidasi Naskah UUD 1945 Setelah Perubahan Keempat* (Jakarta: Pusat Studi HTN FH UI, 2002).

³⁰ Constitutional Court Decision Number 135/PUU-XXII/2024.

³¹ Moch Nurhasim, "Memitigasi Pemisahan Kesenjangan Pemilu," Kompas.id, July 8, 2025, <https://www.kompas.id/artikel/memitigasi-pemisahan-kesenjangan-pemilu>.

category pertains to the authority of the incumbent regional head regarding unauthorized bureaucratic transfers and the politicization of government programs, activities, and authority. The second category concerns money politics that is structured, systematic, and massive (TSM). However, this article will focus exclusively on the first category of violations, while the second will be referenced solely for comparative purposes.

A critical scrutiny of Article 71, paragraphs (2), (3), and (5), of Law Number 10 of 2016 reveals that the prohibitory norms and sanctions are designed to target the candidate for regional head and the deputy regional head as individuals, rather than as a unified pair or entity. The use of the disjunction "or" in the statutory text evidences this intent. This stands in sharp contrast to the concept of candidacy stipulated in Article 1, items 3 and 4, of Law Number 8 of 2015, which provides that the regional head and their deputy are nominated as a single legal entity, not as separate individuals. This is further reinforced by Law Number 8 of 2015, which states that the amendment was enacted because, previously, regional heads were elected without deputies, whereas the current system mandates that elections be conducted as a pair, or "package."³²

Given that the candidate-pair format implies collective electoral legitimacy, it follows that the legal subject should be singular. Any action that impacts vote acquisition—whether positive or negative—is inherent to the pair, not to the individual. Therefore, legal liability for violations cannot be adequately assigned to an individual or solely to the partner who committed the act.³³ There exists an irrefutable causal relationship: if a legal violation occurs—such as bureaucratic replacement, program politicization, or activities designed to boost electoral votes—committed, for instance, by the Incumbent (Cp), the partner (Cn) inevitably enjoys the benefits of that decision if the violation is not addressed by law enforcement. Similarly, even if the Incumbent (Cp) is declared guilty, the decisions made and the resulting political advantages—such as increased electability—are still enjoyed by the deputy candidate (Cn). If only the Incumbent (Cp) is disqualified while the deputy (Cn) is

³²Lihat Penjelasan UU 8 Tahun 2015

³³ Bayu Arjunah et al., "Electoral Integrity and Criminal Policy: Addressing Regional Election Offences in Democratic Governance," *Nusantara: Journal of Law Studies* 5, no. 1 (June 2026): 746–69, <https://doi.org/10.66325/nusantaralaw.v5i1.207>.

not, the fruits of the fraud remain capitalized within the election and become the asset of the remaining deputy candidate.

Consequently, the norm in Article 71, paragraph (5) of Law Number 10 of 2016, which disqualifies only the "incumbent" (Cp), is legally weak. Administrative sanctions, which should inherently be *erga omnes* (binding on all/general),³⁴ are simplified and reduced to target only the distinct personnel, equating the violation to a general criminal offense requiring individual *mens rea*. Philosophically, there is a tangible conflict between individual protection and the principle of public interest. The absence of sanctions for the non-violating partner (Cn), despite being paired with the violating Incumbent (Cp), prioritizes the political protection of an individual over the public interest. This contradicts the nature of state administrative law, which should be distinguished from penal incarceration; administrative law aims for *restitutio in integrum* (restoration to original condition) to ensure that the election proceeds fairly for all parties.

The Polemic of Candidate Disqualification in the 2024 Simultaneous Regional Elections

Although the mandate appears to be a straightforward enforcement of Article 71 paragraphs (2), (3), and (5) of Law Number 10 of 2016, election organizers—specifically the General Election Commission (KPU)—have encountered significant impediments in practice. Marked inconsistencies have emerged regarding the application of the *lex a quo* during the 2024 Simultaneous Regional Elections. This divergence has precipitated legal uncertainty, cast public doubt on the fairness of the process, and tarnished the integrity of the election administration. Upon close examination, it becomes evident that there is a vacuum of specific regulations or clear guidelines to facilitate the enforcement of these provisions, thereby hindering the attainment of legal certainty.³⁵ There are at least four

³⁴ *Erga Omnes* berasal dari bahasa Latin yang artinya berlaku untuk setiap orang (toward everyone) Erna Ratnaningsih, *Asas Erga Omnes Dalam Putusan Mahkamah Konstitusi*, October 2017, <https://business-law.binus.ac.id/2017/10/31/asas-erga-omnes-dalam-putusan-mahkamah-konstitusi/>.

³⁵ A. Zarkasi, Firmansyah Putra, and Dimas Rizal, "Law Enforcement of Election Crime in the 2024 Simultaneous Elections in Indonesia," November 7, 2023, 702–10, https://doi.org/10.2991/978-2-38476-110-4_70.

regions that have implemented Article 71, paragraph (5) with disparate approaches, as detailed in the following table:

Table 2. Candidate Disqualification by the KPU during the 2024 Simultaneous Regional Elections

No	Candidate	Region	Sanction Outcome
1.	Abdul Faris Umlati (Cp) and Petrus Kasihiaw (Cn)	Papua Barat Daya Province	Both Disqualified (Collective Sanction)
2.	Aditya Mufti Ariffin (Cp) and Said Abdullah (Cn)	Banjar Baru City	Both Disqualified (Collective Sanction)
3.	Untung Tamsil (Cp) and Yohana Dina Handom (Cp)	Fakfak Regency	Both Disqualified (Collective Sanction)
4.	Wahdi (Cp) and Qomaru Zaman (Cp)	Metro City	Only Vice Candidate Disqualified (Individual Sanction)

Note: Cp denotes Incumbent Candidate; Cn denotes Non-Incumbent Candidate. Source: KPU

An analysis of the KPU decisions identifies three distinct typologies of sanction disparities. First, in cases involving a combination of Incumbent (Cp) and Non-Incumbent (Cn) candidates, the entire pair was disqualified even though the violation was committed solely by the Incumbent (Cp). This scenario occurred in the candidacy of the Governor and Deputy Governor of Southwest Papua (Abdul Faris Umlati as Cp and Petrus Kasihiaw as Cn), as well as the Mayor and Deputy Mayor of Banjar Baru City (Aditya Mufti Ariffin as Cp and Said Abdullah as Cn). Second, in cases involving two Incumbents (Cp and Cp), both were disqualified collectively. This was observed in the election for the Regent and Deputy Regent of Fakfak, which involved Untung Tamsil and Yohana Dina Handom. Third, in cases involving two Incumbents (Cp and Cp), the sanction was partially applied because the deputy committed the violation; only the deputy was disqualified. This is evident in the Metro City case, where Qomaru Zaman (Cp/Deputy Mayor candidate) was disqualified, while his running mate, Wahdi (Cp/Mayor candidate), remained eligible.

The sanction disparities illustrated in Table 2 cannot be construed merely as technical-administrative issues; rather, they signify a fundamental conflict between two legal paradigms regarding the subject of the violation. The first perspective relies on a textual-individualistic approach, adhering strictly to procedural statutory text and emphasizing individuality. The guiding principle of this school of thought is *geen straf zonder schuld* (no punishment without guilt).³⁶ Consequently, disqualifying the entire pair—including the deputy or partner who was not involved in the violation of Article 71 paragraphs (2) and (3) of the Regional Election Law—is deemed inappropriate. Such a decision is viewed as a form of deprivation of rights, infringing upon the constitutional rights of the innocent candidate.³⁷

Conversely, the second perspective adopts a substantive approach, viewing the regional head and deputy candidates as a single indivisible entity. Therefore, to achieve substantive justice and restore a level playing field, disqualification sanctions must be applied to the candidate pair as a whole.³⁸ This is grounded in the reality that it is impossible to separate vote acquisition or political benefits between the regional head and the deputy within the same ballot paper. The tension between the principle of individual guilt and the doctrine of collective entity elucidates the anomalies found in KPU decisions. In Metro City, for instance, only the Deputy Mayor candidate (Cp) was disqualified, while the Mayoral candidate (Cp) was not. However, both remained depicted in the same column on the ballot paper, and the Mayoral candidate continued to accrue benefits even if voters punched the image of the disqualified Deputy. This partial disqualification reflects an individualistic view that segregates legal liability. In contrast, the decisions in the other

³⁶ Fifink Praiseda Alviolita, "Pertanggungjawaban Pidana Oleh Pengurus Korporasi Dikaitkan Dengan Asas *Geen Straf Zonder Schuld*," *Refleksi Hukum: Jurnal Ilmu Hukum* 3, no. 1 (May 2019): 1-16, <https://doi.org/10.24246/jrh.2018.v3.i1.p1-16>.

³⁷ Diastama Anggita Ramadhan, "The Limitation of Voting Rights for People with Permanent Mental Disabilities in Indonesia: A Debate between Reasonable and Unreasonable Rights," *Cogent Social Sciences* 7, no. 1 (January 2021): 1932032, <https://doi.org/10.1080/23311886.2021.1932032>.

³⁸ Muhammad Faisal et al., "Government Social Media Communication as a Political Public Relations Strategy for Advancing Social Welfare," *Nusantara: Journal of Law Studies* 5, no. 1 (April 2026): 421-35, <https://doi.org/10.66325//nusantaralaw.v5i1.215>.

three regions—Southwest Papua, Banjar Baru, and Fakfak—which disqualified the pairs entirely, reflect the application of the collective entity interpretation.

Reconstructing Candidate Disqualification through Contemporary Islamic Politics and Prophetic Law

The persistent inconsistency in imposing disqualification sanctions on incumbent candidates demonstrates that the controversy extends beyond a technical dispute over statutory interpretation. Rather, it reflects a deeper conflict between competing conceptions of legal responsibility in electoral governance. On the one hand, the classical doctrine of *geen straf zonder schuld* requires that sanctions be imposed only on the individual who personally commits a legal violation. On the other side, the institutional design of regional elections recognizes a candidate pair as a single political entity that jointly competes, campaigns, and ultimately exercises governmental authority if elected. This duality creates a normative dilemma because the benefits arising from the abuse of incumbency are rarely enjoyed exclusively by the offending incumbent. Instead, electoral advantages generated through the misuse of state resources, bureaucratic mobilization, or the politicization of public programs inevitably strengthen the electoral position of the entire candidate pair.³⁹ Consequently, limiting legal responsibility solely to the direct perpetrator risks preserving the political gains obtained through unlawful conduct, thereby undermining the very objectives of electoral justice. Resolving this dilemma requires moving beyond a purely textual interpretation of statutory provisions toward a broader normative framework capable of reconciling legal certainty, democratic integrity, and substantive justice.

Contemporary Islamic political thought provides such a framework by redefining political office not merely as a legal entitlement but as an *amanah* (public trust) carrying comprehensive ethical and legal obligations. Unlike conventional legal theories, which often sharply distinguish between legal accountability and moral responsibility, Islamic

³⁹ Etika Nur Rahmawati and Gallant Karunia Assidik, “Prophetic Rhetoric in the 2024 Indonesian Election Campaign on Social Media,” *Jurnal Inovasi Ilmu Sosial Dan Politik (JISoP)* 7, no. 1 (April 2025): 39–53, <https://doi.org/10.33474/jisop.v7i1.23400>.

political philosophy treats both as inseparable. Political authority is never understood as private property belonging to the officeholder but as a delegated mandate whose legitimacy depends upon the continuous realization of justice, honesty, accountability (*mas'uliyah*), and public welfare (*maṣlahah*).⁴⁰ Consequently, every individual who knowingly participates in, benefits from, or legitimizes an abuse of public authority shares responsibility for protecting the integrity of that mandate. This perspective substantially alters the legal understanding of candidate partnerships during regional elections. A running mate is not merely an electoral companion but an integral participant in a shared political partnership (*syirkah siyasiyyah*) established to pursue common political objectives and jointly receive the constitutional authority arising from electoral victory. Accordingly, the legal consequences arising from violations committed within that partnership cannot always be fragmented into isolated individual liabilities because the political benefits themselves are collective in nature.

The concept of *syirkah siyasiyyah* further reinforces this conclusion. Although classical Islamic jurisprudence primarily developed partnership theories within commercial transactions, contemporary Islamic political thought has expanded these principles to explain modern forms of collective political representation. Candidate pairs voluntarily establish a political partnership founded upon mutual consent, reciprocal obligations, shared political programs, collective campaigning, and joint constitutional legitimacy. Voters do not elect two separate individuals independently but confer authority upon a unified electoral ticket whose members become inseparable components of a single political mandate. Consequently, when one member exploits governmental authority to obtain electoral advantages, those benefits become inseparable from the political fortunes of the partnership itself. The issue, therefore, is not whether the running mate personally committed the prohibited act, but whether the political partnership collectively benefited from conduct that fundamentally compromised electoral fairness. Contemporary Islamic political theory emphasizes that partnership entails not only shared privileges but also

⁴⁰ Ahmad et al., "Integrating Islamic Ethics with Modern Governance," 51-79; Efa Rodiah Nur et al., "Reinforcing the Role of the Gakkumdu Center in Electoral Law Enforcement," 1281-96.

shared ethical responsibilities. A legal framework that allows one partner to retain benefits generated through unlawful conduct contradicts the foundational principles of justice underlying both Islamic political ethics and democratic constitutionalism.

This reconstruction becomes more coherent when examined through the paradigm of Prophetic Law, which transforms Islamic ethical principles into an integrated legal philosophy capable of evaluating positive law beyond its literal formulation. Prophetic Law does not reject statutory legality but seeks to ensure that legal norms consistently realize justice, humanity, and moral accountability. The paradigm rests upon three interconnected pillars—Humanization (*amar ma'ruf*), Liberation (*nahi munkar*), and Transcendence (*tu'minuna billah*)—which together provide normative criteria for assessing whether existing legal sanctions genuinely protect democratic integrity. Rather than treating these pillars as abstract theological ideals, they function as practical standards for reconstructing legal responsibility in situations where positive law produces inconsistent or unjust outcomes.⁴¹ From this perspective, candidate disqualification is evaluated not solely by procedural legality but by whether the sanction effectively restores public trust, eliminates structural injustice, and reflects the ethical purposes underlying democratic governance.

The first pillar, Humanization, requires legal institutions to preserve human dignity by protecting the rights of society as a whole rather than privileging narrow individual interests. Humanization in Prophetic Law does not adopt an anthropocentric understanding of human rights detached from moral obligations; instead, it recognizes every individual as a bearer of dignity and acknowledges that God entrusts human beings with ethical responsibilities toward others. Within electoral governance, this principle requires balancing the political rights of individual candidates against the collective constitutional rights of citizens to participate in free, fair, and honest elections. Restricting sanctions exclusively to the offending incumbent may appear to safeguard the political rights of the innocent running mate. However, such an approach simultaneously neglects the broader rights of millions of voters whose democratic choices have already been

⁴¹ M. Syamsudin, "Pendahuluan," 16.

distorted by the abuse of state power. Islamic jurisprudence consistently prioritizes public welfare through the legal maxim *al-maṣlaḥah al-'āmmah muqaddamah 'ala al-maṣlaḥah al-khāṣṣah*, affirming that public interest takes precedence over individual interest whenever both cannot be simultaneously protected. Within this framework, protecting electoral integrity represents a public interest of constitutional significance because democratic legitimacy itself depends upon equal political competition.⁴² Therefore, collective disqualification is justified not as collective punishment but as a mechanism for restoring the violated rights of the electorate and preserving the legitimacy of democratic institutions.

The second pillar, Liberation, shifts the analysis from individual wrongdoing toward the structural nature of electoral injustice. Prophetic Law understands oppression not merely as isolated unlawful acts but as systemic arrangements enabling unfair advantages to persist despite formal legal compliance. Electoral misconduct committed by incumbents rarely produces benefits limited to the individual offender. Bureaucratic transfers, misuse of public facilities, and the politicization of governmental programs systematically reshape electoral competition by mobilizing state resources in favor of the candidate pair. Consequently, disqualifying only the incumbent while permitting the running mate to continue benefiting from these structural advantages fails to dismantle the underlying injustice. Such an outcome effectively legalizes the fruits of unlawful conduct despite formally sanctioning its perpetrator. From the perspective of *nahi munkar*, eliminating injustice requires removing not only the prohibited act itself but also every institutional consequence that perpetuates its benefits. Liberation therefore demands a legal reconstruction capable of severing the entire chain of electoral advantages generated through abuse of public authority. Collective disqualification becomes an instrument of structural justice because it neutralizes the political incentives encouraging incumbents to exploit governmental power during electoral competition.

⁴² 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>.

This structural understanding also strengthens the preventive function of electoral law. Contemporary democratic governance increasingly recognizes that effective sanctions must deter future misconduct rather than merely punish past violations. If only the offending incumbent faces disqualification while the candidate pair retains the electoral benefits obtained through illegal conduct, political actors may perceive violations as strategically advantageous despite individual risks. Such a system weakens deterrence and unintentionally encourages future abuses of incumbency. Conversely, collective liability fundamentally changes electoral incentives by ensuring that unlawful conduct jeopardizes the political prospects of the entire partnership. Within both contemporary Islamic political thought and constitutional democratic theory, prevention constitutes an essential element of justice because legal institutions must safeguard the integrity of future elections rather than merely respond to completed violations. Collective disqualification therefore serves both corrective and preventive purposes simultaneously.

The third pillar, Transcendence, completes this reconstruction by restoring law's ethical orientation beyond procedural formalism. Prophetic Law maintains that legal systems ultimately derive legitimacy not merely from institutional authority but from their capacity to embody truthfulness, justice, honesty, and moral responsibility. Electoral law cannot be considered substantively just if it formally complies with statutory procedures while allowing candidates to retain political advantages obtained through unethical conduct. A purely positivistic interpretation that isolates individual liability from collective political benefit risks transforming law into an instrument of procedural legality rather than substantive justice.⁴³ Transcendence requires judges and legal institutions to interpret electoral norms according to their underlying moral objectives, ensuring that legal outcomes strengthen public trust rather than merely satisfy textual requirements. Allowing an undisqualified running mate to continue enjoying votes accumulated through abuses

⁴³ Enggarani Nuria Siswi and Achmad Miftah Farid, "The Election Supervisory Agency's Political Mitigation Against Religious Polarization in Regional Head Elections: A Study of Democratic Transcendence," *Journal of Transcendental Law* 6, no. 2 (December 2024): 101-13, <https://doi.org/10.23917/jtl.v6i2.8099>.

committed by the incumbent fundamentally contradicts this principle because the electoral mandate itself has already been contaminated by unlawful conduct.

Ultimately, reconstructing candidate disqualification through contemporary Islamic political thought and Prophetic Law does not reject the principle of individual culpability but redefines its application within the distinctive institutional context of electoral partnerships.⁴⁴ The proposed model recognizes that candidate pairs constitute a legally and politically integrated entity whose legitimacy depends upon collective adherence to constitutional and ethical standards. Where abuse of incumbency generates collective electoral benefits, the legal consequences must likewise extend to the political partnership that receives those benefits. Such reconstruction harmonizes constitutional democracy with Islamic legal philosophy by integrating legal certainty, democratic accountability, *maṣlaḥah*, and ethical governance into a coherent framework of electoral justice. In doing so, it moves beyond the false dichotomy between individual and collective responsibility and offers a normative model that preserves both the integrity of elections and the moral legitimacy of democratic governance.

CONCLUSION

This study concludes that the inconsistent enforcement of disqualification sanctions under Article 71, paragraph (5) of Law Number 10 of 2016 reflects a fundamental weakness in the current legal framework governing incumbent liability in regional elections. The prevailing individualistic interpretation, which limits sanctions exclusively to the incumbent who directly commits the violation, fails to recognize that a candidate pair functions as a unified political partnership (*syirkah siyasiyyah*) that jointly acquires electoral legitimacy and collectively benefits from the abuse of state resources. By integrating contemporary Islamic political thought with the Prophetic Law paradigm, this study reconstructs the existing liability model from individual responsibility toward collective electoral liability. Such reconstruction is normatively justified because the protection of

⁴⁴ Lukman Santoso, "Towards Religiosity-Based Legal Science: Critical-Constructive Prophetic Law on Positivism Paradigm," *Prophetic Law Review*, December 31, 2020, 221-42, <https://doi.org/10.20885/PLR.vol2.iss2.art6>.

maṣlaḥah ‘āmmah (public interest) must prevail over *maṣlaḥah al-khāṣṣah* (individual political rights), while the principles of Humanization, Liberation, and Transcendence collectively require electoral sanctions to restore democratic integrity, eliminate structural advantages derived from unlawful conduct, and uphold honesty, accountability, and substantive justice as the ethical foundation of constitutional democracy.

Although this study provides a normative reconstruction of incumbent candidate liability, its findings remain confined to doctrinal legal analysis within the Indonesian regional election framework. Future research should therefore examine the practical implications of collective electoral liability through comparative studies of other electoral jurisdictions, empirical analyses of judicial reasoning, and interdisciplinary approaches integrating constitutional law, political science, and Islamic legal philosophy. Further studies may also explore the compatibility of collective sanctions with constitutional guarantees of due process and individual rights, and assess their potential impact on electoral behavior, political party accountability, and democratic governance. Such investigations would strengthen the theoretical foundation and practical applicability of the proposed reconstruction while contributing to the ongoing development of contemporary Islamic legal scholarship and electoral law reform.

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AUTHOR CONTRIBUTIONS STATEMENT

Ahmad Syarifudin conceived and designed the study, developed the research methodology, conducted the formal legal analysis and investigation, curated the research

materials, interpreted the findings, and prepared the original manuscript draft. Ridwan supervised the research, validated the analytical framework, provided critical legal and theoretical insights, contributed to the conceptual refinement of the study, provided research resources and administrative support, participated in the review and editing of the manuscript, and approved the final version for publication. All authors contributed substantially to the conception and execution of the research, read and approved the final manuscript, and agree to be accountable for all aspects of the work, ensuring the accuracy and integrity of the research.

CONFLICT OF INTEREST

The author declares that there are no financial, professional, institutional, or personal conflicts of interest that could have influenced the research, analysis, interpretation of data, or publication of this article. The research was conducted independently, and all findings and conclusions presented are solely the responsibility of the author.

BIBLIOGRAPHY

- A. Basuki Babussalam. *Pengujian Tindakan Maladministrasi yang Dilakukan Calon Petahana dalam Sengketa Pemilihan Kepala Daerah*. Fakultas Hukum Unair, 2016. Surabaya. www.all.fh.unair.ac.id%2Findex.php%3Fp%3Dshow_detail%26id%3D22954.
- Abdul Rahman Nur. "Putusan MK Setengah Hati." Kompas.id, April 6, 2025. <https://www.kompas.id/artikel/putusan-mk-setengah-hati>.
- Ahmad, Sajjad, Abdul Jabbar Qamar, Muhammad Asad Akram Bhatti, and Usman Bashir. "Integrating Islamic Ethics with Modern Governance: A Comprehensive Framework for Accountability Across Religious, Social, and Economic Dimensions." *Al-Irfan* 8, no. 15 (June 2023): 51-79. <https://doi.org/10.58932/MULB0043>.
- Alviolita, Fifink Praiseda. "Pertanggungjawaban Pidana Oleh Pengurus Korporasi Dikaitkan Dengan Asas Geen Straf Zonder Schuld." *Refleksi Hukum: Jurnal Ilmu Hukum* 3, no. 1 (May 2019): 1-16. <https://doi.org/10.24246/jrh.2018.v3.i1.p1-16>.

Arjunah, Bayu, Syamsul Bachri, Aswanto, Khaleel Suliman Khaleel Alrahmanah, Mohammed Jasim Mohammed, and Ruslan Renggong. "Electoral Integrity and Criminal Policy: Addressing Regional Election Offences in Democratic Governance." *Nusantara: Journal of Law Studies* 5, no. 1 (June 2026): 746-769. <https://doi.org/10.66325/nusantaralaw.v5i1.207>.

Asshiddiqie, Jimly. "Menggagas Peradilan Etik Di Indonesia." In *Menggagas Peradilan Etik Di Indonesia*. Jakarta: Sekretariat Jenderal Komisi Yudisial Republik Indonesia, 2015.

Djide, M. Faisal Ar. "Penegakan Hukum Diskualifikasi Petahana Dalam Pemilihan Kepala Daerah." Masters, Universitas Hasanuddin, 2024. <https://repository.unhas.ac.id/id/eprint/37758/>.

Efa Rodiah Nur, Liky Faizal, Abd. Qohar, and Harapandi Dahri Syahrur. "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): 1281-1296. <https://doi.org/10.32332/milrev.v4i2.11108>.

Erna Ratnaningsih. *Asas Erga Omnes Dalam Putusan Mahkamah Konstitusi*. October 2017. <https://business-law.binus.ac.id/2017/10/31/asas-erga-omnes-dalam-putusan-mahkamah-konstitusi/>.

Faisal, Muhammad, Andi Alimuddin Unde, Muhammad Farid, Mamoon Suliman Alsmadi, and Mohamed W. Abouyounes. "Government Social Media Communication as a Political Public Relations Strategy for Advancing Social Welfare." *Nusantara: Journal of Law Studies* 5, no. 1 (April 2026): 421-435. <https://doi.org/10.66325//nusantaralaw.v5i1.215>.

Fauzia, Ana, and Radian Salman. "Reconstructing the Requirements for an Incumbent Candidacy to Achieve Fair Dan Democratic Regional Elections: Merekonstruksi Persyaratan Pencalonan Petahana Untuk Mewujudkan Pilkada Yang Adil Dan

Demokratis.” *Rechtsidee* 13, no. 1 (March 2025).

<https://doi.org/10.21070/jihr.v13i1.1037>.

Heddy Shri Ahimsa-Putra. “Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan Dan Kemungkinan Pengembangan Di Era Postmodern.” In *Paradigma Profetik (Sebuah Konsepsi)*. Yogyakarta: Pusat Studi Hukum (PSH) FH UII kerjasama dengan FH UII Press, 2013.

Helmi, Happy Hayati, and Anna Erliyana. “Konstruksi Hukum Diskualifikasi Calon Petahana Dalam Pemilihan Kepala Daerah.” *PALAR (Pakuan Law Review)* 5, no. 2 (January 2019). <https://doi.org/10.33751/palar.v5i2.1190>.

Heyler, Scott G., Achilles A. Armenakis, Alan G. Walker, and Donovan Y. Collier. “A Qualitative Study Investigating the Ethical Decision Making Process: A Proposed Model.” *The Leadership Quarterly* 27, no. 5 (October 2016): 788-801. <https://doi.org/10.1016/j.leaqua.2016.05.003>.

Jani, Nur. “Analisis Yuridis Rekomendasi Bawaslu Tentang Diskualifikasi Petahana (Studi Kasus Pilkada Kabupaten Tasikmalaya Tahun 2020).” *Law, Development and Justice Review* 6, no. 3 (September 2023): 200-218. <https://doi.org/10.14710/ldjr.6.2023.200-218>.

Jimly Asshiddiqie. *Konsolidasi Naskah UUD 1945 Setelah Perubahan Keempat*. Jakarta: Pusat Studi HTN FH UI, 2002.

M. Syamsudin. “Pendahuluan.” In *Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan Dan Kemungkinan Pengembangannya Di Era Postmodern*. Yogyakarta: Pusat Studi Hukum (PSH) FH UII kerjasama dengan FH UII Press, 2013.

Mahyudin, Mahyudin. “Karakter Dan Konsep Pemimpin Dalam Perspektif Al-Qur’an.” *Takuana: Jurnal Pendidikan, Sains, Dan Humaniora* 1, no. 2 (October 2022): 102-112. <https://doi.org/10.56113/takuana.v1i2.36>.

- Mawardi, Irvan. "Pengujian Administrasi Terhadap Proses Diskualifikasi Petahana Dalam Pencalonan Pemilihan Kepala Daerah." *Jurnal Hukum Peratun* 1, no. 2 (October 2018): 245–264. <https://doi.org/10.25216/peratun.122018.245-264>.
- Moch Nurhasim. "Memitigasi Pemisahan Keserentakan Pemilu." Kompas.id, July 8, 2025. <https://www.kompas.id/artikel/memitigasi-pemisahan-keserentakan-pemilu>.
- Mukti Fajar and Yulianto Achmad. *Dualisme Penelitian Hukum Normatif & Empiris*. Yogyakarta: Pustaka Pelajar, 2017.
- Mutaqqin, Ahda. "Telaah Asas Geen Straf Zonder Schuld terhadap Pertanggungjawaban Pidana atas Tindak Penipuan melalui Modus Ritual Mistis." *Jurnal Peradaban Hukum* 2, no. 2 (December 2024): 58–61. <https://doi.org/10.33019/jph.v2i2.6>.
- Ni'matul Huda. *Ilmu Negara*. Jakarta: Rajawali Pers, 2011.
- Nur, Efa Rodiah, Liky Faizal, Abd Qohar, and Harapandi Dahri Syahrur. "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): 1281–1296. <https://doi.org/10.32332/milrev.v4i2.11108>.
- Prayogo, Putri Ayu. "Kewajiban Cuti Bagi Petahana Yang Mengikuti Pilkada Serentak 2017." Skripsi, Universitas Islam Indonesia, 2017. <https://dspace.uui.ac.id/handle/123456789/10456>.
- Rahmat, Widya, and Luci Afiani Oktavia. "Urgensi Administrasi Publik Dalam Islam: Tinjauan Masalah Mursalah." *Jurnal Hadratul Madaniyah* 11, no. 1 (July 2024): 62–68. <https://doi.org/10.33084/jhm.v11i1.7578>.
- Rahmawati, Etika Nur, and Gallant Karunia Assidik. "Prophetic Rhetoric in the 2024 Indonesian Election Campaign on Social Media." *Jurnal Inovasi Ilmu Sosial Dan Politik (JISoP)* 7, no. 1 (April 2025): 39–53. <https://doi.org/10.33474/jisop.v7i1.23400>.

- Ramadhan, Diastama Anggita. "The Limitation of Voting Rights for People with Permanent Mental Disabilities in Indonesia: A Debate between Reasonable and Unreasonable Rights." *Cogent Social Sciences* 7, no. 1 (January 2021): 1932032. <https://doi.org/10.1080/23311886.2021.1932032>.
- Ridwan, Ridwan. "The Law Of Transcendence Liberation." *Jurnal Jurisprudence* 11, no. 2 (March 2022): 156–169. <https://doi.org/10.23917/jurisprudence.v11i2.14047>.
- Rusdiana, Shelvi, Rufinus Hotmaulana Hutaauruk, Winda Fitri, and Febri Jaya. "Political Rights of Ex-Corruptors Vis a Vis Electoral Integrity in Indonesia." *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 14, no. 1 (April 2025): 234–253. <https://doi.org/10.24843/JMHU.2025.v14.i01.p13>.
- Santoso, Lukman. "Towards Religiosity-Based Legal Science: Critical-Constructive Prophetic Law on Positivism Paradigm." *Prophetic Law Review*, December 31, 2020, 221–242. <https://doi.org/10.20885/PLR.vol2.iss2.art6>.
- Siswi, Enggarani Nuria, and Achmad Miftah Farid. "The Election Supervisory Agency's Political Mitigation Against Religious Polarization in Regional Head Elections: A Study of Democratic Transcendence." *Journal of Transcendental Law* 6, no. 2 (December 2024): 101–113. <https://doi.org/10.23917/jtl.v6i2.8099>.
- Stein, Robert A. "What Exactly Is the Rule of Law?" *Houston Law Review* 57, no. 1 (October 2019): 185–201.
- Sumardi. *Pengantar Ilmu Pemerintahan (Konsep, Teori, Dan Aplikasinya)*. Jawa Tengah: Tahta Media Group, 2025.
- Zarkasi, A., Firmansyah Putra, and Dimas Rizal. "Law Enforcement of Election Crime in the 2024 Simultaneous Elections in Indonesia." November 7, 2023, 702–710. https://doi.org/10.2991/978-2-38476-110-4_70.
- Zuliyah, Siti, Fithriatus Shalihah, Suryadi Suryadi, Megawati Megawati, Uni Tsulasi Putri, and Rahmat Muhajir Nugroho. "The Philosophical Thought of the Prophetic Law

in the Indonesian Legal System.” *WISDOM* 26, no. 2 (June 2023): 242–254.

<https://doi.org/10.24234/wisdom.v26i2.1002>.