

Legal Analysis of Receiving Funds from Money Politics in Indonesian Elections and Measures to Overcome It from the Perspective of Imam al-Ghazālī

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Abstract

The practice of money politics has consistently been a prominent and highly debated topic in Indonesia's political landscape. The rampant occurrence of vote buying during every election cycle makes this issue crucial to examine, particularly from a legal perspective and with a focus on potential solutions. This study investigates Imam al-Ghazali's views on the legal permissibility of accepting funds derived from money politics and explores his proposed solutions to this issue. This research aims to delve into the legal framework surrounding money politics in general elections, identify effective strategies to combat it, and instill a comprehensive understanding of the ruling on accepting funds from such practices. This library research employs a qualitative descriptive approach. The primary reference for this study is Imam al-Ghazali's seminal work, *Ihya' Ulum ad-Din*, supplemented by various other relevant texts by other prominent Islamic scholars. The findings indicate that the practice of money politics carries severe negative consequences and is categorized as bribery (*risywah*), which is expressly prohibited by the Islamic law. Consequently, according to Imam al-Ghazali, accepting funds from vote-buying is haram (forbidden), and recipients are obligated to return these assets to their rightful owners or the state treasury. The enforcement of a strict prohibition on accepting such funds is imperative, alongside concerted efforts to improve the economic conditions of society as preventive measures against this widespread issue. This study offers an in-depth understanding of the legal implications of accepting money politics funds from al-Ghazali's perspective. It also opens avenues for further discussion on money politics and its potential solutions through the lens of other Islamic scholars.

Keywords : Negative impact, Money politics, Financial gifts, Imam al-Ghazali.

Abstrak

Praktik *money politics* (politik uang) selalu menjadi topik hangat dalam dunia perpolitikan di Indonesia. Merembaknya kasus politik uang di Indonesia dalam setiap agenda pemilu memicu tema ini selalu penting untuk dikaji, terutama dari aspek hukum dan solusi menghadapinya. Penelitian ini mengkaji pendapat Imam al-Ghazali dalam menentukan hukum menerima dana hasil *money politics* dan solusi untuk menghadapinya. Penelitian ini bertujuan untuk menyelidiki konstruksi hukum *money politics* dalam pemilihan umum dan solusi menghadapinya, serta menanamkan pemahaman terkait hukum menerima dana dari *money politics*. Penelitian ini berupa penelitian pustaka (*library research*) dengan pendekatan metode kualitatif-deskriptif. Sumber referensi utama yang dipakai adalah kitab *Ihya' Ulum ad-Din*

karya Imam al-Ghazali dan beberapa kitab karya ulama lain yang relevan. Hasil penelitian menunjukkan bahwa praktik *money politics* mengandung dampak-dampak negatif dan termasuk dalam praktik suap atau *risywah* yang diharamkan. Sehingga hukum menerima dana pemberian politik uang menurut Imam al-Ghazali adalah haram, serta wajib mengembalikan harta yang diterima dari praktik *money politics* kepada pemilik atau kas negara. Penerapan larangan menerima dana dari *money politics* perlu diberlakukan, sekaligus perlu dilakukan upaya memperbaiki keadaan ekonomi masyarakat sebagai langkah dalam menanggulangi kasus ini. Penelitian ini menawarkan pemahaman mendalam tentang hukum menerima dana *money politics* dan Solusi menghadapinya dalam pandangan al-Ghazali, serta membuka diskusi lebih lanjut mengenai *money politics* dan solusi menanggulangnya dalam pandangan ulama lain.

Kata Kunci : Dampak negatif, *Money politics* (Politik Uang), Dana pemberian, Imam al-Ghazali.

INTRODUCTION

The practice of money politics in Indonesia has long been the subject of ongoing debate among various groups. This issue persists because money politics are not only seen as a threat to the integrity of democracy and a root cause of corruption in Indonesia, but they also violate both government regulations and Islamic law.

According to a 2021 survey published by Indekstat regarding public perceptions of the acceptability of money politics, 33.7% of respondents considered money politics to be acceptable and another 1.5% viewed it as completely acceptable. This indicates that more than one-third of the respondents perceive money politics as a normal phenomenon within Indonesia's political landscape, particularly during election campaign periods.

This situation is further exacerbated by the economic conditions of the Indonesian population, most of whom belong to the lower-middle class. Widespread poverty and unemployment in Indonesia serve as strong driving factors that allow money politics to continue smoothly.¹ According to earlier data found by the author, Indonesia ranks third among the countries with the highest levels of money politics in the world, alongside several other developing nations, such as Uganda and Benin, which rank above Indonesia, and Kenya, Liberia, and Mali, which rank below it.² In fact, the persistence of money politics is not solely influenced by politicians seeking to win elections by any means. It is also sustained

¹ Ikrimatul Amal, *Fenomena Dan Faktor Penyebab Masifnya Praktik Politik Uang Pada Pemilu di Provinsi Banten* (Madani: Jurnal Politik Dan Sosial Kemasyarakatan, 2022), Vol. 14, No. 3, hlm. 601.

² The Latin American Public Opinion Project (LAPOP) Americas Barometer 2010 dan the Afrobarometer Round 5, 2011–2012.

by the prevailing social conditions in which the public remains willing to accept gifts or material benefits from politicians, thus perpetuating this cultural and political practice.

On the other hand, some parties have attempted to push for the legalization of money politics. According to a report by *Tempo.co* (Jakarta), a member of Commission II of the House of Representatives (DPR) from the Indonesian Democratic Party of Struggle (PDI-P) faction, Hugua urged the General Elections Commission (KPU) to legalize the practice of money politics in the electoral process. This request was made during a meeting with KPU Chairman Hasyim Asy'ari at the DPR Building, Senayan, Central Jakarta, on Wednesday, May 15, 2024.³

Academically, money politics has also become a popular topic, attracting considerable attention. As a result, numerous studies have been conducted on this matter, such as research by Nanda Firdaus Puji Istiqomah and M. Noor Harisudin on the practice of money politics in Indonesian elections from the perspective of *fiqh siyāsah* and positive law. In their study, the researchers concluded that perpetrators of money politics deserve to receive fines or criminal penalties, as stipulated in prevailing laws. They also affirmed that money politics are prohibited (*ḥarām*) according to the *fiqh siyāsah*.⁴ Another study was conducted by Arqon et al. on the prevention of monetary politics in Indonesia. This analysis concluded that efforts to prevent money politics should focus on strengthening legal enforcement of existing prohibitions and increasing public awareness of its dangers.⁵

Research on money politics has been frequently conducted in the past, with most studies focusing on the actions of politicians who engage in money politics. Meanwhile, the author seeks to conduct a study on the legal status of receiving money from money politics and to emphasize the enforcement of prohibitions against accepting such funds as a solution to eliminate the practice from the perspective of Imām al-Ghazālī.

Issues surrounding election campaigns in Indonesia, such as the legality of receiving money from money politics and possible solutions to address them, need to be examined through the lens of al-Ghazālī, a highly competent scholar in Islamic law. His thoughts provide detailed discussions on the ethics of receiving funds from others, ensuring that state

³ <https://www.tempo.co/politik/ramai-ramai-tolak-usulan-money-politics-dilegalkan-saat-pemilu-58719>

⁴ Nanda Firdaus Puji Istiqomah dan M. Noor Harisudin, *Praktik Money Politic Dalam Pemilu Di Indonesia Perspektif Fiqh Siyāsah Dan Hukum Positif* (Jember: Rechtenstudent Journal Fakultas Syariah IAIN) Vol. 2, No. 1, 95.

⁵ Muhammad Arqon, *dkk., pencegahan politik uang di Indonesia* (Adagium: Jurnal Ilmiah Hukum, 2024), Vol. 2, No. 1, hal. 20-21.

political practices align with religious principles, while rejecting actions that contradict *shari'ah* regulations. Islam offers a comprehensive framework for politics and governance, including guidelines for political conduct within the state. By analyzing money politics from the perspective of Imām al-Ghazālī, this study aims to examine the legal rule on receiving money from money politics, propose solutions to address the issue, and open further discussions on alternative ways to resolve political practices that deviate from Islamic law in the modern era.

RESEARCH METHODOLOGY

This study employed a qualitative approach with a descriptive-analytical method to explore al-Ghazālī's views on money politics. This method enabled an in-depth and comprehensive analysis of Imām al-Ghazālī's perspective on money politics and the solutions he offered to address it. The research is a library-based study (*library research*), involving the collection and analysis of primary materials from al-Ghazālī's *Iḥyā' 'Ulūm al-Dīn*, supported by other works of Imām al-Ghazālī, classical (*salaf*) and contemporary scholars' writings, academic journals, and other relevant sources. In processing the data, content analysis techniques were applied to identify themes relevant to Islamic legal rulings on money politics. The research steps included searching for and collecting al-Ghazālī's statements and related references from other scholars relevant to the topic, organizing the collected data, analyzing it systematically, and formulating *five* legal conclusions along with their proposed solutions.

RESULTS AND DISCUSSION

Money Politics from the Perspective of Its Negative Impacts and Government Prohibition

Money politics is an effort to influence voters' or election organizers' choices through material rewards or other forms of compensation. This practice is considered a form of fraud committed by candidates who seek to gain votes from people by any means necessary. Consequently, money politics produce several negative impacts:

1. It encourages elected candidates to commit corruption and bribery to recover the large amounts of money spent during their campaigns, including paying exorbitant political dowries to the parties. This effect is known as the *mother of corruption* or *investive corruption*.
2. The elected leader may not be a competent and ethical figure since people's votes are determined by material gain rather than capability.
3. The policies adopted by the elected candidate tend to prioritize personal, party, and donor interests who financed the campaign.
4. This undermines the democratic system and erodes the sovereignty of the people in determining their choices.

5. Money politics can marginalize economically weaker groups and lead to political control by certain interest groups.
6. It taints the fairness of the political process and invalidates its outcome.

Thus, the practice of money politics poses serious dangers to the nation's ideology and sovereignty of the people. Ultimately, this threatens the welfare and future of society as a whole.

A similar case presented by al-Ghazali concerns the act of hoarding food during famine. According to him, hoarding goods under such circumstances is prohibited (*haram*) because of its consequences, which can lead to harm or negative effects (*dharar*).⁶ Thus, when we view the practice of money politics from the perspective of its impact and resulting consequences, it is likewise deemed *haram*.

In addition, the Regulation of the General Elections Commission (KPU) of the Republic of Indonesia Number 23 of 2018 states that, "Election organizers, participants, and campaign teams are prohibited from promising or giving money or other material goods to campaign participants." Referring to this regulation, the government explicitly prohibits money politics during election campaigns. Therefore, from this perspective, the practice of money politics is classified as an act forbidden by Islamic law as it constitutes a violation of government regulations. In Islam, obeying the government's regulations is obligatory, as long as those regulations do not contradict the principles of *shariah*, as stated by Allah, the Exalted.:

أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ.

"Obey Allah, and obey the Messenger, and those who have authority among you."

(QS. An-Nisa: 59).

The verse above contains a command to obey Allah, His Messenger, and those who hold authority. The obligation to obey the government is, in essence, an extension of obedience to Allah and His Messenger. This is because, in Islam, obedience to any created being is only valid when it is in accordance with what Allah and His Messenger have commanded.⁷

⁶ Muhammad bin Muhammad al-Ghazali, *Ihya' 'Ulum ad-Din* (Beirut: Dar al-Ma'rifah, tth), vol. 2, hal. 73.

⁷ Muhammad Mutawali asy-Sya'rawi, *Tafsir asy-Sya'rawy* (http: Mathabi' Akhbar al-Yaum, tth), vol. 5, hal. 3384. Baca juga: Muhammad bin Muhammad al-Ghazali, *Ihya' 'Ulum ad-Din*, vol. 2, hal. 73.

As a result, the practice of money politics is prohibited (haram) because it has a negative impact on society and violates the regulations established by the Indonesian government.

The Substance of Money Politics

Money politics practiced by politicians are acts carried out by candidates to gain people's votes by giving material goods, usually in the form of money or basic necessities. In this section, the author examines the status of giving in money politics along with its legal rule.

However, before that, the author will briefly explain the legal status of nominating oneself for a government position, since this practice originates from the candidates' mission to win people's votes in an election.

Islamic jurisprudence (fiqh) prohibits (haram) someone who lacks the necessary expertise to nominate themselves for a government position. Conversely, if a politician possesses sufficient credibility, it is permissible (mubah) for them to seek governmental authority from incompetent individuals or obtain legitimate financial income from the state treasury. Furthermore, if nomination is motivated by the intention to uphold the truth and prevent the government from falling into the hands of the incompetent, then it is recommended (sunnah). However, if a politician nominates themselves to replace a competent official out of hostility or for personal gain, then it is prohibited (haram).⁸

Furthermore, money politics can be simply defined as the act of giving money (or other goods) by politicians to people (voters). In Islamic jurisprudence (fiqh), the legal status of wealth given to others varies depending on the giver's intentions. If giving is done with the intention of seeking a divine reward, it is called *ṣadaqah* (charity) and is considered an act of worship. If the purpose is worldly benefit, it is termed *hibah* (gift), on the condition that there is mutual benefit or reciprocity. Meanwhile, if the wealth is given to build closeness or to gain favor from the recipient, its status becomes *rishwah* (bribery)—especially when such closeness is used to obtain legal privileges, influence decisions, or achieve personal objectives and desires.⁹

From the aforementioned distinctions between *rishwah* (bribery) and *hadiyah* (gifts), it is clear that there are similarities between them. However, Imam al-Ghazali sought to

⁸ Abu al-Hasan 'Aly bin Muhammad al-Mawardi, *al-Ahkam as-Sulthaniyyah* (Kairo: Dar al-Hadits, tth), hal. 127.

⁹ Yahya bin Syarraf an-Nawawi, *Raudlah ath-Thalibin* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1991), vol. 11, hal. 144.

highlight subtle differences that determine their legal and moral status. According to him, giving wealth to another person with the intention of building closeness and affection to achieve one's personal goals—by taking advantage of social status—is *makruh* (discouraged) if the social status being leveraged is based on knowledge or lineage. This is because such a giving is classified as a gift that resembles bribery.¹⁰ However, if the social status being exploited by a politician is political power or authority—such as influence in determining legal policies or other governmental decisions—then this act is regarded as bribery disguised as a gift since the intention is to gain political or personal advantage. Typically, a briber gives money or gifts only to someone who holds a government position and not because of the person's character. Thus, if someone else held the office, the gift would be redirected to that new person. This indicates that the giver's intention is not sincerity but rather self-interest.

Therefore, the money or goods given in cases of money politics are more akin to bribery (*rishwah*). This is evident from reality: candidates usually distribute money to voters only during election periods and only to those willing to vote for them. Meanwhile, citizens who refuse to support them receive nothing, or may even be treated with hostility.

Such acts of giving during the campaign period clearly indicated an underlying political motive. This action is forbidden (*haram*) because it involves spending wealth to gain power that one is not obligated to hold, creating bias among voters, and harming other candidates' chances and feelings. This prohibition aligns with Allah Almighty's words in the Qur'an:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِيَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

"And do not consume one another's wealth unjustly, nor use it to bribe the judges in order that you may wrongfully consume a portion of the property of others while you know (it is unlawful)." (QS. al-Baqarah:188)

Furthermore, the substance of *rishwah* (bribery), which encompasses the practice of money politics, is also reinforced by the very definition of *rishwah* itself:

مَا يُعْطِيهِ الشَّخْصُ لِحَاجَةٍ أَوْ غَيْرِهِ لِيَحْكُمَ لَهُ أَوْ يَحْمِلَهُ عَلَى مَا يُرِيدُ

Baca juga: Muhammad bin Muhammad al-Ghazali, *Ihya' 'Ulum ad-Din*, vol. 2, hal. 155.

“Rishwah (bribery) is material wealth given to a judge or another person in order to influence a legal decision or to induce them to fulfill a desired need or objective.”¹¹

Thus, the orientation of rishwah (*bribery*) in Islamic jurisprudence (*fiqh*) applies not only to the context of bribing a judge to obtain the desired legal ruling. Rather, if a gift is given with the intention of fostering a close relationship or winning the recipient’s favor to achieve a certain desired objective, then such giving is also categorized as rishwah (*bribery*). This is because the established relationship serves merely as a means to achieve an ulterior motive, such as gaining a favorable legal decision or other personal benefits.¹² Consequently, the practice of money politics, in its substance, falls under the category of bribery (*rishwah*), as it is used to pursue personal interests.

From a legal perspective, Muslim scholars (*‘ulama*) unanimously agree that the practice of *rishwah* is prohibited (haram)—both for the giver and the receiver—even if it is carried out through an intermediary and regardless of whether the amount involved is small or large. This prohibition is not limited to bribery and involves government officials alone.¹³ The reason for this prohibition is that *rishwah* constitutes the act of unlawfully consuming or taking another person’s property (*bi al-bāṭil*), which is forbidden in Islam. Moreover, this ruling was based on an authentic hadith (*ṣaḥīḥ*) that explicitly forbids such actions:

لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الرَّاشِيَّ وَالْمُرْتَشِيَّ¹⁴

“Rasulullah (peace be upon him) cursed the one who offers a bribe and the one who accepts it”

(HR. at-Tirmidzy).

In this hadith, the Prophet (peace be upon him) cursed both the giver and receiver of bribes, indicating that the act of bribery (*rishwah*) is strictly prohibited (haram) in Islamic law. Imam al-San‘adi interpreted *rishwah* in this hadith as an action that serves as a means

¹¹ Muhammad Nawawi bin ‘Umar al-Jawi, *Mirqah Shu‘ud at-Tashdiq* (Kediri: Maktabah as-Salam, 2023), hal. 93.

¹² Muhammad bin Muhammad al-Husain az-Zabidy, *Ithaf as-Sadah al-Muttaqin* (Beirut: Dar al-Kutub al-‘Ilmiyyah, 2011), vol. 6, hal. 160.

¹³ ‘Aly bin ‘Abdul Kafi as-Subky, *Fatawa as-Subky* (Beirut: Dar al-Ma‘rifah, tth), vol. 1, hal. 204.

Baca juga: Ahmad bin Hajar al-Haitami, *al-Jawazir* (Beirut: Dar al-Fikr, 1987), vol. 2, hal. 215.

¹⁴ Muhammad bin ‘Isa at-Tirmidzy, *Sunan at-Tirmidzy* (Beirut: Dar al-Gurab al-Islamy, 1996), vol. 1, hal. 16.

(*wasīlah*) for a person to achieve a desired need or goal, with the “*rāshī*” referring to the bribe-giver and the “*murtashī*” referring to the bribe-taker.¹⁵

A judge or any government official involved in acts of bribery corrupts the integrity of their position, and any decision or policy they issue becomes invalid and rejected.¹⁶ Thus, money politics also affects the legitimacy of its perpetrators within the framework of Islamic governance. Not all decisions and policies made by those who engage in money politics are legally valid according to Islamic state law, as they are built upon corruption and unjust gain.

Likewise, when a government official in office engages in bribery with a politician seeking to obtain a governmental position—by displacing another official—such an act results in an illegitimate appointment and invalidates all decisions made by both the incumbent and newly appointed official.¹⁷ Therefore, when a candidate conducts a campaign through money politics to gain public support and successfully win an election, their position is considered invalid (*bāṭil*) under Islamic law, and all subsequent decisions are rejected. Islam explicitly forbids the use of wealth to obtain political positions, ranks, or occupations in fields where one lacks competence.¹⁸

The prohibition on engaging in money politics becomes even more emphatic after the government issues regulations forbidding any candidate from practicing it. This is because an act that is initially permissible (*mubāḥ*) or discouraged (*makrūh*) under Sharia can be prohibited (*harām*) once the government formally forbids it.

Similarly, if an act is already prohibited by Sharia and is then prohibited by the state, the degree of its prohibition becomes even stronger. In this regard, the law of bribery (*rishwah*), which is already haram according to Sharia, becomes more severely forbidden when reinforced by government regulations. This is because in such a case, the perpetrator commits two violations simultaneously:

1. The religious prohibition of bribery as forbidden by Islamic law; and
2. The legal prohibition of disobeying government regulations.

¹⁵ Muhammad bin al-Hadi as-Sanady, *Hasyiyah as-Sanadi* (Beirut: Dar al-Kutub al-Ilmiyyah, 2021), vol. 2, hal. 320.

¹⁶ Ahmad bin Abi Ahmad ath-Thabari, *Adab al-Qadli* (Arab Saudi: Maktabah ash-Shidiq, 1989), vol. 1, ha. 116.

¹⁷ *Ibid.*

¹⁸ Wahbah az-Zuhailly, *al-Fiqh al-Islamy Wa Adillatuhu* (Damaskus: Dar al-Fikr, tth), vol. 6, hal. 4984.

In Islam, obedience to governmental authority is considered obligatory (wājib) as long as the rules and regulations established by the government do not contradict the principles of Sharia.

As a result, money politics is prohibited (ḥarām) based on both scriptural evidence and the consensus of Islamic scholars. Furthermore, the status of a position obtained through such means is considered invalid and its legal consequences are rejected in Islamic law. This prohibition is even stronger because money politics has negative impacts and violates the regulations established by the government.

Funds from Money Politics

Funds obtained from money politics refer to money or other material goods received through political bribery. In this context, perpetrators can be directed toward citizens who possess the right to vote for political candidates.

Imam al-Ghazālī, in his work *Iḥyā' 'Ulūm ad-Dīn*, classifies the status and legal rulings of a person's giving based on their underlying motives. According to him, the motives behind giving vary—ranging from the desire for eternal reward in the hereafter, material reciprocity, seeking assistance, to establishing closeness with the recipient in order to fulfill certain interests.¹⁹

In relation to the previous discussion, funds obtained from money politics can be associated with two (out of the five) motives explained by al-Ghazālī in his book *Iḥyā' 'Ulūm ad-Dīn*, namely:

First, funds from money politics are a form of giving with the motive that political candidates may gain electoral support from people in an election. If the candidate's intention to seek office is to engage in unlawful acts or oppress the public through their policies, then receiving funds obtained from money politics is considered *ḥarām* (forbidden),²⁰ This is because providing assistance in the realization of unlawful acts is itself *ḥarām*, as prohibited in the words of Allah, the Exalted.:

وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

“do not cooperate in sin and aggression”. (Al-Ma'idah: 02).

¹⁹ Muhammad bin Muhammad al-Ghazali, *Iḥyā' 'Ulūm ad-Dīn*, vol. 2, hal. 154.

²⁰ Muhammad bin Muhammad al-Ghazali, *Iḥyā' 'Ulūm ad-Dīn*, vol. 2, hal. 154-155.

Meanwhile, if the candidate's intention in seeking office is for a purpose permitted by the Sharī'ah, Imam al-Ghazālī initially classifies such giving as a form of compensation arising from an *ijārah* (lease or wage) contract, in which the object of the contract is the act or work performed by the people—namely, casting their votes. However, the *ijārah* contract in this case cannot be deemed valid, because the act performed by the voters does not fulfill the requirement of *'amal* (work) in an *ijārah* contract, which necessitates the element of effort or exertion (*kulfah*). Therefore, if funds from money politics are considered wages from an *ijārah* contract, their ruling remains *ḥarām*, since the contract itself is invalid and the people have no right to receive such compensation.²¹ This is because engaging in a transaction based on an invalid contract is *ḥarām*, as stated in the legal maxim:

تَعَاظِي الْعُقُودَ الْفَاسِدَةَ حَرَامٌ²²

"Engaging in invalid (void) contracts or transactions is prohibited (ḥarām)"

A similar issue can be found in the case of promoters or sales promotion girls (SPGs) whose work is merely to promote the merchandise of others. Scholars deem such work invalid under the *ijārah* (wage) contract, because it does not involve any real difficulty or exertion in its performance, and thus the worker is not entitled to receive a wage for it.²³

Second, funds are given in money politics is usually carried out to attract public attention, so that people become interested in voting for a particular candidate. Therefore, the candidate's relationship or appeal to the public is not the ultimate objective but merely a means to gain votes in the election.

Al-Ghazālī classifies this type of giving under the fifth motive. According to him, a person's giving may sometimes be intended to win the affection or inclination of the recipient, so that the giver may benefit from the recipient's social status in achieving his own interests. This motive is evident in real-life situations, where a person would not receive such a gift if they did not possess a social standing that could assist the giver in fulfilling their goals.²⁴

²¹ *Ibid.*

²² 'Abd Ar-Rahman bin Abu Bakar as-Suyuthi, *al-Asybah Wa an-Nadzair* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1990), vol. 1, hal. 287.

²³ Muhammad bin Muhammad al-Ghazali, *al-Wasith 'Ala al-Madzhab* (Kairo: Dar as-Salam, 1417 H.), vol. 4, hal. 157.

²⁴ Muhammad bin Muhammad al-Ghazali, *Ihya' 'Ulum ad-Din*, vol. 2, hal. 155.

In the context of elections, candidates only offer something to individuals who possess voting rights. Thus, their motive is to attract the attention of voters, so that they will be inclined to choose the candidate during the election. According to al-Ghazālī, such giving is *makrūh shadīd* (strongly reprehensible) if the recipient's social status is based on knowledge or lineage and *ḥarām* (forbidden) if the social status is related to the political sphere. This is because such giving falls under the category of *rishwah* (bribery), disguised as a gift.²⁵

The prohibition of receiving funds from money politics aligns with the *fiqh* principle, which states that if giving a certain property is *ḥarām*, then receiving that property is also *ḥarām*. This ruling parallels the case of *ribā* (usury), in which both the giver and receiver of usurious wealth are equally subject to prohibition. This principle is expressed as follows:

مَا حَرَّمَ إِعْطَاؤُهُ حَرَّمَ أَخْذَهُ²⁶

“What is forbidden to be given is likewise forbidden to be taken”

In the *fatwā* of Ibn al-Ṣalāḥ, it is explained that it is *ḥarām* for a judge (*ḥākim*) to receive a bribe from someone who seeks a legal opinion or a judicial ruling in their favor. This form of giving is classified as *rishwah* (bribery), which is strictly prohibited.²⁷ The money given is not based on sincerity or generosity but on personal interest and the desire to achieve a specific outcome. If this practice is left unchecked, it becomes extremely dangerous, as those who offer bribes often aim to advance their wrongful intentions or obstruct the realization of justice. Consequently, it is *ḥarām* for a judge (*qāḍī*) to accept gifts from individuals who never gave him gifts prior to his appointment as a judge, or even from those who used to give him gifts if the gifts given after his appointment are of greater value or quality than before.²⁸

The prohibition of receiving money from the practice of money politics, apart from being based on the same legal evidence (*dalīl*) as those applied to the giver, is also influenced by the inherent connection between the act of receiving such money and the giving

²⁵ *Ibid.*

²⁶ ‘Abdu Rahman as-Suyuthi, *al-Asybah Wa Nadzair*, hal. 150.

²⁷ ‘Utsman bin ‘Abd ar-Rahman, *Fatawa Ibn ash-Shalah* (Beirut: Maktabah al-‘Ulum Wa al-Hikam, 1407 H.), vol. 1, hal. 51.

²⁸ Zain ad-Din Ahmad bin ‘Abd al-‘Aziz, *Fath al-Mu’in Bi Syarh Qurrat al-Ain* (ttp: Dar Ibn al-Hazm, tth), hal. 620.

performed by politicians in their efforts to secure victory for a particular candidate. Consequently, this practice has harmful implications and contributes to facilitating various forms of injustice. As mentioned in one of Prophet's (*ḥadīth*) narrations:

هَدَايَا السُّلْطَانِ سُحْتٌ

"The gifts of rulers (government officials) are unlawful."

The ḥadīth above indicates the prohibition for a judge to accept bribes to render a specific legal decision. The statement of Ibn Mas'ūd, as cited by Imam Ibn al-Samnānī, further explains that this prohibition also applies to gifts given by someone who intends thereby to facilitate the fulfillment of personal interests.²⁹

This prohibition is further reinforced by the Qur'ānic injunction forbidding the consumption of another person's wealth through wrongful means (*bāṭil*), which is placed at the same level as the prohibition of offering bribes to government officials in pursuit of material gain. As explained in Allah's words, the Exalted.:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

"And do not consume one another's wealth unjustly, nor offer it (as a bribe) to the judges in order that you may consume a portion of others' property sinfully while you know (it is wrong)". (QS. al-Baqarah:188)

In the verse above, there is a clear prohibition against giving bribes to judges to acquire another person's property through a favorable ruling. Prior to that, the verse explicitly forbids consuming the wealth of others through unlawful (*bāṭil*) means.

The prohibition on receiving bribes arises from the fact that such acts are considered a form of acquiring another person's property through wrongful means. However, the coupling of this specific prohibition on bribery with the general prohibition on consuming wealth unlawfully emphasizes that bribery is an extremely reprehensible act that encompasses multiple layers of prohibition. It also refutes the mistaken assumption that

²⁹ 'Aly bin Muhammad as-Samnani, *Raudlat al-Qudlat Wa Thuruq an-Najat* (Beirut: Muassasah ar-Risalah, 1982), vol. 1, hal. 88.

accepting a gift (in the form of a bribe) to issue a legal judgment does not constitute *bāṭil* (wrongful gain).³⁰

Imam al-Ghazālī also elaborates on the ethics for the poor when accepting gifts or offerings from others. In this regard, the poor must consider three aspects before accepting such gifts: the status of the wealth, the intention of the recipient in taking it, and the intention of the giver. Therefore, if the giver's intention involves something unlawful (*ḥarām*), it is appropriate for the poor to reject such an intention and refuse the gift because accepting it would mean assisting the giver's wrongful purpose.³¹

The prohibition on receiving money from political bribery implies that the ownership of such wealth remains with the giver. Thus, as long as the identity of the person who gave the bribe is known, it is obligatory to return the money to its rightful owner. However, if the original owner of the bribed wealth is unknown to the recipient, then the money should be deposited in the state treasury (*bayt al-māl*).³²

Campaign Funds in Elections

Campaign funds serve as a strategic instrument that functions as the primary driver orchestrating all campaign activities of each candidate pair. Their role extends beyond merely financing; they also act as catalysts to determine the effectiveness of political communication strategies, message dissemination, and support mobilization. In other words, campaign funds are a vital means of connecting political vision with tactical implementation in the field, while simultaneously reflecting the managerial capacity and commitment of candidates in managing resources transparently, accountably, and effectively.

Campaign funds consist of money, goods, and services used by candidates and/or political parties, or coalitions of parties nominating candidates to finance their election campaign activities. In practice, these campaign funds are stored in special accounts and reported in campaign finance reports.

In this context, campaign funds function as *wasīlah* (means) for carrying out political campaigns conducted by candidates participating in elections. Therefore, the legal ruling (*ḥukm*) on contributing campaign funds depends on the purpose and intentions of the

³⁰ Muhammad Thahir bin 'Asyur, *at-Tahrir Wa at-Tanwir* (Tunisia: Dar at-Tunisiyyah Li an-Nasyr, 1984), vol. 2, hal. 183-188..

³¹ Muhammad bin Muhammad al-Ghazali, *Ihya' 'Ulum ad-Din*, vol. 2, hal. 208.

³² 'Aly bin 'Abdul Kafi as-Subky, *Fatawa as-Subky* (Beirut: Dar al-Ma'rifah, tth), vol. 1, hal. 204.

candidate. If the candidate's objective in seeking a governmental position is to uphold justice and truth, or to prevent acts of wrongdoing (*munkar*), and the provision of campaign funds serves as a necessary means to realize that mission, then contributing campaign funds is permissible (*mubāḥ*)—or even obligatory (*wājib*).³³

Al-Ghazālī's perspective places wealth—whether in the form of money or material possessions—as part of the worldly pleasures that are, in essence, transient. Nevertheless, wealth can attain a transcendental dimension and eschatological (*ukhrawī*) value when it is allocated for purposes that align with the commands of the Sharī'ah, particularly in the fulfillment of acts of worship (*ibādah*). Within this framework, enjoining good (*amr bi al-ma'rūf*) and forbidding evil (*nahy 'an al-munkar*) are classified as forms of worship that hold highly esteemed positions in Islam. Therefore, the utilization of wealth to support the realization of these objectives, such as through *jihād*, which serves as one of the principal instruments for upholding truth, is considered a noble act of worship that bears immense spiritual merit in the sight of Allah.³⁴

In general, campaign expenditures are used for activities such as public rallies, limited meetings, face-to-face gatherings, production of campaign materials, and management or consultancy services. The Consultant's Self-Estimated Price (*Harga Perkiraan Sendiri*, HPS) includes several components: direct personnel costs, direct non-personnel costs, and value-added tax (VAT). Each of these cost categories is regulated and limited in accordance with the prevailing legal provisions.

Management or consultancy in campaign implementation refers to the campaign team of each election candidate pair, including the *success team* (*time sukses*) that assists in the candidate's victory. Every member of the team received remuneration for their work performance. Al-Ghazālī classifies wealth as possessing a spiritual (*ukhrawī*) value when it is given to another person who has rendered assistance or contributed to fulfilling responsibilities that originally belong to the one being helped.³⁵

From a legal (*fiqh*) perspective, money given as remuneration in this context may be lawfully received by members of the *success team*. This is because such a case is categorized as a lease (*ijārah*) contract involving a recognized, permissible service that entails effort (*kulfah*), thereby fulfilling the requirements of a valid service contract and rendering *ijārah* legally permissible in Islamic law. Al-Ghazālī provides further criteria for defining a service that may lawfully be contracted under *ijārah*:

³³ Muhammad bin Muhammad al-Ghazali, *Ihyā' 'Ulūm ad-Dīn*, vol. 3, hal. 137.

³⁴ Muhammad bin Muhammad al-Ghazali, *Ihyā' 'Ulūm ad-Dīn*, vol. 3, hal. 236.

³⁵ *Ibid.*

فَكُلُّ عَمَلٍ مَعْلُومٍ مُبَاحٌ يَلْجِئُ الْعَامِلُ فِيهِ كُفَّةً وَيَتَطَوَّعُ بِهِ الْغَيْرُ عَنِ الْغَيْرِ فَيَجُوزُ الْإِسْتِئْجَارُ عَلَيْهِ وَيَجُوزُ جَعْلُهُ صَدَاقًا

“Every service that is known, permissible according to the Shari’ah, involves effort (kulfah) on the part of the doer, and is a type of work or worship that can be performed by one person on behalf of another, may lawfully be contracted for remuneration and may also serve as a valid bridal dower (mahr)”³⁶

However, the concept of the legality of campaign funds is grounded in the candidate’s intention in the election, namely, to uphold truth (*ḥaqq*) or to prevent wrongdoing (*munkar*). Thus, if the candidate’s objective is contrary to these purposes, the giving and receiving of campaign funds cannot be justified from al-Ghazālī’s perspective.

Furthermore, the permissibility of wages received through such a lease (*ijārah*) contract applies only as long as the work performed by the *success team* (*tim sukses*) does not involve prohibited acts such as slandering other candidates, distributing bribes, or similar unlawful activities. If the service being contracted involves an act of *ḥarām*, then the payment for such a service is classified as *rishwah* (bribery), which is categorically forbidden.³⁷

Efforts to Overcome the Practice of Money Politics

The clause in the government regulation prohibiting money politics, as stated in Article 284 of Law No. 7 of 2017, only mentions two parties: the implementers and the campaign teams. This implies that individuals outside of these two parties cannot be charged under this law. This reveals a weakness in the government’s efforts to combat money politics in Indonesia. In reality, money politics transactions cannot occur with only one party; rather, both the giver and receiver—whoever initiates or tempts the other—are involved. As a result, this regulation lacks sufficient deterrent effect on perpetrators.

A regulation that penalizes voters who are still willing to accept bribes or gifts from money politics must be established. Its purpose is to curb the ongoing practice of money politics, which persists despite the existing prohibitions. Islamic law prohibits the act of *rishyah* (bribery) for both givers and receivers. Moreover, the government is obligated to implement Islamic legal principles in state regulations.

Imam al-Ghazali, in his writings, explains that *amr ma’ruf nahi munkar* (enjoining good and forbidding evil) is obligatory in upholding the teachings of Islam. In this regard,

³⁶ Muhammad bin Muhammad al-Ghazali, *al-Wasīth*, vol. 4, hal. 165.

³⁷ Yahya bin Syarraf an-Nawawi, *Raudlah ath-Thalibin*, vol. 11, hal. 144.

the government holds greater authority and responsibility for its implementation because people's authority to prevent wrongdoing is limited. The public can only act to remove an act of evil, but they have no authority to impose punishment on perpetrators. Conversely, the government possesses the power to impose sanctions and to formulate regulations that can prevent criminal and immoral behavior.³⁸

On the other hand, the inadequate economic conditions of many Indonesians also influence their willingness to accept funds from monetary politics. The issues of poverty and unemployment, which still affect a large portion of the population, must be addressed urgently by the government. In situations of economic hardship, people tend to rely on external assistance, including financial aid originating from monetary politics. As al-Ghazali explained, a poor person with excessive desire is likely to become greedy and dependent on the generosity of others. However, such greed causes a person to appear disgraceful in the eyes of others.³⁹

Therefore, government efforts to reduce poverty and unemployment in Indonesia are crucial as part of a broader strategy to combat the persistent practices of money politics.

CONCLUSION

The practice of money politics in elections leads to various negative consequences that affect not only the people but also the government and nation as a whole. Although the Indonesian government has established regulations prohibiting money politics during election campaigns, the Act remains forbidden according to Islamic law (*Shariah*). This prohibition is further reinforced by explicit evidence found in sources of Islamic teaching.

Imam al-Ghazali provides a detailed explanation of the legal ruling concerning the acceptance of funds from money politics. According to him, receiving money from such practices, which are classified as *rishywah* (bribery), is strictly prohibited (*haram*). This prohibition is based on two underlying motives that render such gifts as acts of bribery: first, the intention to gain voter support in elections, and second, the attempt to win people's favor and exploit their social status for personal or political interests.

Several measures should be taken to overcome the recurring issue of money politics. These include enacting regulations that prohibit citizens from accepting funds originating from monetary politics, along with clear sanctions, and improving the economic conditions of society by reducing poverty and unemployment.

³⁸ Muhammad bin Muhammad al-Ghazali, *Ihya' 'Ulum ad-Din*, vol. 2, hal. 332.

³⁹ *Ibid.* vol. 3, hal. 231.

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