

The Involvement of State Officials in the 2024 Election Campaign Reviewed from the *Siyasah Dusturiyah* Perspective

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Abstrak

Elections are a democratic activity where every citizen has the right to directly elect leaders, people's representatives, and government officials for future leadership in a country. Apart from that, elections also become a stage for political contestation and become a democratic party in a democratic country. However, during the election, there were still many violations of the rules committed by several people. One of the rules that is often violated in organizing elections is during the campaign. This violation took the form of involvement of state officials in carrying out the campaign. In the 2024 Election, precisely during the campaign process, there are state officials who take part in the campaign, the state official who participates in the campaign is the Minister of Trade of the Republic of Indonesia. Basically, state officials are allowed to campaign but must fulfill several provisions, one of which is taking leave outside the state's responsibility and not being able to use state facilities other than accompanying the state official. However, the Minister of Trade of the Republic of Indonesia carried out a campaign outside the leave period that he had proposed. So his involvement in the campaign violated election administration. However, it is a shame that he did not receive strict sanctions from Bawaslu, as stipulated in the law, but the Minister of Trade of the Republic of Indonesia only received a strong warning from Bawaslu. This has also been prohibited in *Siyasah dusturiyah*, this is the same as not carrying out the mandate and abusing the authority that has been given.

Keywords: Juridical Study; State Officials; Campaign; Election; *Siyasah Dusturiyah*

Introduction

The election of the President and Vice President is a routine activity held every 5 years in Indonesia. Elections have been discussed and conceptualized since after Indonesia's independence, but the first elections were only realized in 1995.(Noviawati, 2019) Elections in Indonesia have been held 9 times, namely in 1955, the 1971 election, 1977-1997 election, 1999, 2004 election, 2009 election, 2014 election, election 2019, and recently held elections in 2024 (Sugitanata, 2021).

General elections or elections are a real realization and example of the application of the concept of democracy. Democracy means a system of government that is from the people, by the people, and for the people, and prioritizes people's

sovereignty, freedom of opinion, people's welfare, equality, and justice in all matters (Liando, 2016). This democratic party has several stages, starting with the registration of presidential and vice-presidential candidates with the General Election Commission (KPU). There is a stage in the democratic party which is called the campaign stage. Campaigns are activities carried out by election participants or other parties that are mandated to election participants to provide an understanding of the vision, mission, and ideas of the candidate pairs (Dollah, 2016). Implementation of this campaign can be done by creating a national campaign team consisting of election participants, various supporting parties, or any person or party appointed by the election participants (Fatimah, 2018).

However, in this campaign, several people or parties are not allowed to participate in the campaign. These people, namely State Officials, State Civil Apparatus (ASN), Police, and the Indonesian National Army (TNI) may not participate in carrying out the campaign. This is stated in Article 280 Paragraph (2) of Law Number 7 of 2017 concerning General Elections.

However, researchers here see violations of Article 302 Paragraph (2) of Law Number 7 of 2017 concerning General Elections in the general elections which will be held in 2024. The author sees that there are state officials involved in the campaign in the contestation for the 2024 Indonesian President and Vice President election. Sadly, the state officials in question openly and outside of the leave period they have been given appear to campaign for certain candidate pairs. The figure the author refers to is the Minister of Trade of the Republic of Indonesia.

The Minister of Trade of the Republic of Indonesia carries out a campaign for 3 days a week, namely first, on January 23 2024 at Dekai Sejahtera Field in the Papua Mountains, second, on January 24 at Anunggrah Sports Hall, Makassar City, Third, on January 26 2024 at the Football Field Kedung Jaya Cirebon West Java. This violates Article 281 Paragraph (1) letter b of Law no. 7 of 2017 concerning elections which states that state officials who campaign must undergo leave outside the responsibility of the state is reaffirmed in Article 302 (2) of Law no. 7 of 2017 concerning Elections which states "*Leave for ministers carrying out campaigns can be given 1 (one) working day per week during the campaign period*".

Campaigning activities carried out outside the leave period by the Minister of Trade of the Republic of Indonesia constitute a violation of Article 282 of Law Number 7 of 2017 concerning Elections which states "State officials, structural officials, and functional officials in state positions, as well as village heads, are prohibited from making decisions and/or carry out actions that benefit or harm one of the election participants during the campaign period"(Undang-Undang Pemilu, 2017).

This strengthens the author's argument that there have been election violations by state officials. This violation took the form of non-neutrality of state officials regarding the implementation of elections. This will of course have an effect on the

political conditions of Indonesia. Of course, holding elections is also synonymous with violating election rules (Regif, 2023). Taking sides with a candidate pair in election contestation certainly violates the law and harms the ethical values of state officials.

However, the violations committed by the Minister of Trade of the Republic of Indonesia during the 2024 Election Campaign were only given a strong warning by Bawaslu. There was no action in the form of sanctions given by the Minister of Trade of the Republic of Indonesia even though the Minister of Trade of the Republic of Indonesia had violated Article 302 Paragraph (2) and Article 282 of Law Number 7 of 2017 concerning Elections.

Research Methods

When conducting research, of course, a researcher must have a research method that is useful to make it easier to formulate a research design. In this case, of course, each research method has different methods. A method is a procedure or path that must be implemented to achieve research objectives using certain tools. This article uses the Normative Juridical approach method. The Normative Juridical Approach is an approach that is oriented toward legal theories and concepts that are based on statutory regulations related to research (Benuf, 2020).

Result and Discussion

Understanding the Elections

Elections are a political contestation that cannot be avoided by a country in selecting and determining the country's leaders for the next few years, this also applies to Indonesia. In Indonesia, elections are a symbol of democracy where every citizen is free to exercise their rights and vote in determining the president for the next period.

In the implementation of elections, of course, there are administrative or criminal violations committed by several people to win the candidate pair they support. Like a few moments ago, there were election administration violations committed by state officials. A state official is someone who is given a position in the form of a state tool whose scope of work is a state institution and whose task is to assist the implementation of the state (Rajab, 2019). In carrying out their duties as state officials there are several rules and prohibitions that must be followed, one of these rules and prohibitions is the rules for conducting campaigns in ongoing election contestations.

A campaign is an action in the form of presenting ideas and ideas as well as our mission to the public, this is useful for convincing the public to vote for someone based on the ideas and ideas that they have presented (Cangara, 2011). Campaign in another sense is a form of communication process that presents a person's opinion to convince the communicator to take political action (Wahid, 2016).

Juridical Study of the Involvement of State Officials in the 2024 Election Campaign

During the election, there will of course be a lot of news and reports regarding violations of the election rules that have been determined, both in the form of administrative violations and criminal violations. Basically, a state official may carry out an election campaign, but the official must follow all existing rules, these rules are: As a presidential candidate or vice presidential candidate; Status as a member of a political party; or Members of the campaign team or campaign implementers who have been registered with the General Election Commission ("KPU").

Then in Article 281 Paragraph (1) of Law Number 7 of 2017 concerning Elections it is explained that state officials who are allowed to carry out campaigns must fulfill several provisions, namely, 1) not use facilities in their position, except for security facilities for state officials as regulated in the regulations. legislation; and 2) undergoing leave outside the state's responsibility.

In this research, the researcher raised one of the election campaign violations, namely the involvement of state officials in the 2024 election campaign. The official involved in carrying out the election campaign was the Minister of Trade of the Republic of Indonesia. The Indonesian Minister of Trade is carrying out a campaign outside the leave period that has been proposed and determined. He campaigned for 3 days a week, namely first, on January 23 2024 at the Dekai Sejahtera Field in the Papua Mountains, second, on January 24 at the Anunggrah Sports Hall, Makassar City, Third, on January 26 2024 at the Kedung Jaya Football Field, Cirebon West Java. Mr. Minister of Trade of the Republic of Indonesia clearly and openly invited the people who had gathered in the field to choose one of the candidate pairs for President and Qakil President. So the actions of the Minister of Trade of the Republic of Indonesia, who openly campaigned outside of his leave period, were not a violation of laws and election administration regulations. This is proven by the Bawaslu petition and Decision Number 001/LP/ADM.PP/BWSL/00.00/II/2024 concerning Election Administration Violations.

Basically, the reason for implementing the rules for campaigning for State Officials as stated in Law Number 7 of 2017 concerning Elections is because there are concerns about (abuse of power and authority)(Syaputri, 2024) So, to avoid abuse of power, regulations are enforced by state officials who participate in campaigning.

By looking at the involvement of state officials, namely the Minister of Trade of the Republic of Indonesia, in carrying out the campaign, to be precise, carrying out the campaign outside the leave period that has been proposed and determined. So this action certainly violates several laws and regulations. These regulations are:

1. Article 281 Paragraph (1) Letter b Law no. 7 of 2017 concerning Elections

The actions of the Minister of Trade of the Republic of Indonesia have violated Article 281 Paragraph (1) letter b of Law no. 7 of 2017 concerning elections which states that state officials who campaign must take leave outside the state's responsibility. So

the actions of the Minister of Trade of the Republic of Indonesia in carrying out a campaign outside his leave period are a violation of Article 281 Paragraph (1) Letter b of Law no. 7 of 2017 concerning Elections.

2. Article 302 (2) Law no. 7 of 2017 concerning Elections

This article reads "Leave for ministers carrying out the campaign can be given 1 (one) working day per week during the campaign period". This article reaffirms the rules for leave for state officials who campaign in elections and provides limits on leave days for state officials who wish to campaign. The word leave here means that a state official is not carrying out state activities or duties and is on holiday and in this case, the state official is not using state facilities and is only being escorted.

3. Article 282 Law Number 7 of 2017 concerning Elections

This article reads "State officials, structural officials, and functional officials in state positions, as well as village heads, are prohibited from making decisions and/or taking actions that are beneficial or detrimental to one of the Election Participants during the Campaign period." If you look at the actions of the Minister of Trade of the Republic of Indonesia, who is a state official, campaigning outside of his leave period is an action that benefits one of the election participants during the campaign period. So the actions of the Minister of Trade of the Republic of Indonesia violate Article 282 of Law number 7 of 2017 concerning Elections.

Every violation of the rules will of course have consequences in the form of sanctions that must be accepted as a consequence of the action. This also applies to any official who violates the law regarding the rules for campaigning. Sanctions for violations committed by the Minister of Trade of the Republic of Indonesia are sanctions contained in Article 547 of Law Number 7 of 2017 concerning Elections which reads "*Every state official who deliberately makes decisions and/or takes actions that benefit or harm one of the Election Participants in campaign period, shall be punished with a maximum imprisonment of 3 years and a maximum fine of Rp. 36 million rupiah.*"

However, the violations committed by the Minister of Trade during the 2024 Election Campaign were only given a strong warning by Bawaslu, this is stated in Bawaslu Decision Number 001/LP/ADM.PP/BWSL/00.00/II/2024. In this decision, no action in the form of sanctions was given to the Minister of Trade of the Republic of Indonesia, whereas in Article 547 of Law Number 7 of 2017 concerning Elections, sanctions are regulated against state officials who violate campaign rules and are involved in the campaign. If you look at it, the Minister of Trade of the Republic of Indonesia has clearly carried out campaign actions outside the leave period and has clearly violated the rules of Article 302 Paragraph (2) and Article 282 of Law Number 7 of 2017 concerning Elections.

Review of the Position of Bawaslu in the *Siyasah Dusturiyah* Perspective

Siyasah dusturiyah is a branch of science from *Siyasah Fiqh* that discusses the relationship between leaders and their people, then discusses institutions and

authority in a country as well as legislative rules. *Siyasah dusturiyah* consists of two words, namely *siyasah* and *dusturiyah*, the word *siyasah* originates from the word *sasa* which means managing, managing, ruling or governing (Iqbal, 2014). Meanwhile, the word *dusturiyah* comes from the Persian word *dusturi* which means someone who has abilities in the fields of politics and religion. However, *dusturi* in Arabic means basic or principle. Muhammad Iqbal believes that the word *dusturi* has the same meaning as the constitution. In terms of *Siyasah dusturiyah*, it is a rule that regulates the relationship between society and the government as representing the state, both written (constitution) and unwritten (convention)(Ali Akhbar Abaib Mas Rabbani Lubis, 2019).

In *Siyasah dusturiyah*, a person who is currently serving in a state office may not campaign for himself or another person who is running to fill a position or head of state. This is based on the fact that the position given to a person is a mandate so that every person who occupies that position must be trustworthy regarding what he has received as his responsibility (Ashsubli, 2016).

In the *Siyasah dusturiyah* perspective, these are basic principles or basic rules. Imposing sanctions that are not in accordance with the sanctions stipulated in a law is an act of abuse of authority or arbitrary action. This is because a legislative regulation made by a leader will apply to the entire community without exception and not only apply to one group.

The action of carrying out a campaign outside the leave period is a form of abuse of the public's mandate or trust in a leader. Where this leader carries out a campaign outside of his leave period, this should be a form of his responsibility as a leader to carry out his duties and responsibilities to the country and society. However, he used this to campaign against one of the candidate pairs to win in the election contest. This also clearly and clearly violates the laws and regulations regarding Elections.

Bawaslu, which is the Election Supervisory Body, should be able to take action in the form of imposing sanctions in accordance with the sanctions stipulated by the statutory regulations. Bawaslu should also ensure cleanliness and openness in investigating election violations. However, Bawaslu's actions in imposing sanctions that are not in accordance with what is stated in the applicable laws and regulations is a form of legal injustice and abuse of the authority that has been given to Bawaslu.

Conclusion

Violations of the rules will of course result in sanctions for violating these rules. Elections are a real realization and example of the application of the concept of democracy, which means a system of government that is of the people, by the people and for the people, and prioritizes people's sovereignty, freedom of opinion, people's welfare, equality and justice in all matters. Of course, the implementation of elections must be based on a strong sense of nationalism and the value of justice. Bawaslu is an

Election Supervisory Body which is basically a body that carries out supervision over the implementation of elections. It should be able to carry out its mandate and duties by upholding the values of honesty and justice. Just giving sanctions in the form of a strong warning to the Minister of Trade of the Republic of Indonesia for his actions as a state official who carried out an election campaign outside his leave period is a form of injustice and arbitrariness. This is also in line with *Siyasah dusturiyah* where every position is a form of responsibility so that every action we take, whether carrying out campaigns or giving inappropriate sanctions, is a violation or arbitrary action of the responsibilities that have been given to an official.

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