



Responsibility for campaign grant funds in the 2024 presidential election: Hifdzul Mal's perspective

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ABSTRACT

President Joko Widodo has made a decision regarding the voting day for the General Election of 2024. The substantial campaign fund required for the presidential election necessitates donors for campaign financing. However, issues arise in the implementation concerning the unclear origin of campaign grant funds. "Hifdzul mal" or protection is one of the concepts derived from Sharia maqasid, obligating the proper preservation and protection of property as a means of worshiping Allah. In Islam, the safeguarding of wealth prohibits theft, deception, hoarding, and engaging in activities related to usury. The acquisition of wealth must adhere to Sharia-compliant efforts. This research utilizes a normative legal research method with a statutory approach and a conceptual approach. The data collection employs library research instruments, and qualitative methods are used to gain an understanding of the researched issues. The findings reveal that, in the compilation of laws within the Election Supervisory Agency (BAWASLU) and the General Election Supervisory Board (PKPU) Acts regarding the supervision of campaign funds for general elections, several provisions align with the concept of "Hifdzul Mal" (wealth protection). It is emphasized that the management of campaign funds is highly relevant to the concept of value in Hifdzul Mal. Individuals or groups involved in fraud related to campaign funds face legal consequences based on the principles of Hifdzul Mal and the Election Supervisory Agency (BAWASLU) and General Election Supervisory Board (PKPU) Acts. This legal foundation underscores the importance of safeguarding wealth and the severity of the sins committed by violators.

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1. INTRODUCTION

According to the decision of the President of the Republic of Indonesia, Number 10 of 2024, regarding the Election Day for the general elections in 2024 as a national holiday, President Joko Widodo has designated this day. The 2024 General Election will encompass the selection of the President and Vice President (presidential election), members of the People's Consultative Assembly (MPR), Regional Representative Council (DPD), Provincial Legislative Council (DPRD Provinsi), and Regency/Municipality Legislative Council (DPRD Kabupaten/Kota). The Election Commission (KPU) and the Supervisory Board (Bawaslu) play crucial roles in organizing and overseeing the 2024 elections. (Sellita, 2022)

The presidential campaign, which runs from November 28, 2023, to February 10, 2024, involves various activities such as limited meetings, face-to-face gatherings, distributing campaign

materials to the public, installing campaign paraphernalia, mass media advertisements in print and electronic media, debates between presidential and vice-presidential candidates, and the use of social media. Consequently, running a successful campaign for the 2024 presidential election requires substantial funding for each candidate. Due to the high campaign costs, candidates seek donors for campaign financing, including monetary contributions, goods, and services. However, these donations are subject to limits set by the KPU and Bawaslu. (Rismawati & Suryanef, 2021)

Islam encourages mutual assistance, cooperation, and maintaining good relationships among individuals and groups. Therefore, it is legitimate for individuals or groups to act as donors in the 2024 presidential campaign. Islamic principles emphasize the responsibility (hifdzul mal) of safeguarding and managing wealth properly for the purpose of worshiping Allah. (Putra et al., 2021) Islam prohibits theft, fraud, hoarding, and engaging in activities related to usury in acquiring wealth. Obtaining wealth must adhere to Sharia-compliant endeavors, such as trade, managing industries, and other lawful means. (Mustika, 2019) Despite these principles, issues arise in the campaign funding, specifically concerning unclear sources of grant funds. Islamic adherents are obligated to protect their wealth through lawful efforts (kasab). Legitimacy in wealth protection involves avoiding practices such as usury, bribery, corruption, or any form of unlawful distribution of wealth. (Fadiyah & Simorangkir, 2021) The process of hifdzul mal encompasses criteria such as being distributed, clear, preserved, stable, and fair. This study focuses on the accountability of grant funds in the 2024 presidential campaign based on hifdzul mal, considering priority levels of dharuriyat (essential needs), hajiyyat (needs), and tahsiniyat (luxuries). Previous research has touched upon issues like the withdrawal of grants, such as cases discussed by Syahrudin Ali Hr. and Azwar Hamid regarding familial relationships. However, this study diverges by examining the unclear origin of grant funds in the 2024 presidential campaign. Research Questions, How is the mechanism of grant funds regulated in the 2024 Presidential Campaign, What is the accountability of grant funds in the 2024 Presidential Campaign from the perspective of Hifdzul Mal.

"Responsibility For Campaign Grant Funds In The 2024 Presidential Election: Hifdzul Mal's Perspective" is expected to have significant impacts in several aspects. Firstly, in terms of knowledge, this research is anticipated to fill gaps in the literature by providing a deeper understanding of the mechanisms and accountability of grant funds in political campaign financing. This will enrich our insights into the relationship between Islamic principles, ethics, and governance in the context of political finance. Secondly, in problem-solving, the study is expected to provide valuable insights for policymakers and decision-makers, assisting them in designing more effective regulations and implementing measures to enhance accountability and transparency in campaign financing. Lastly, the practical contribution of this research is expected to directly benefit the society, particularly in ensuring that political processes involving grant funds are guided by ethical principles and fairness, thus strengthening the integrity of democracy and public trust in the political system as a whole.

2. RESEARCH METHOD

This research employs a normative legal research methodology with the aim of providing a comprehensive and systematic explanation by studying various regulations, analyzing legal materials, both primary and secondary legal sources, and predicting the development of legal rules in the future. The study focuses on examining the accountability of grant funds in the 2024 presidential campaign from the perspective of hifdzul mal. (Nadhiroh, S.Sos.I, M.I.Kom & Atik Nurfatmawati, SE, M.I.Kom, 2022) It utilizes a statutory approach and a conceptual approach. The data for this research is gathered through library research methods. This research is qualitative in nature, as its objective is to gain an understanding of the issues under investigation. (Samosir & Novitasari, 2022)

3. RESULTS AND DISCUSSIONS

3.1 Grant

Examining the word "grant" from a linguistic perspective, it is a verbal noun derived from the Arabic word "wahaba," as used in the Quran along with its derivatives 25 times in 13 chapters. "Wahaba" translates to giving, and when the subject is Allah, it signifies granting grace or

bestowing. Linguistically, according to Al-Munjid dictionary, a grant originates from the root word "wahaba-yahabu-hibatan," meaning to give or bestow. (Syarwi, 2022) In Al-Munawwir dictionary, the term "grant" is a verbal noun derived from "wahaba," indicating a gift or giving. Similarly, in the Indonesian Big Dictionary, it refers to a voluntary transfer of rights over something to another person. In terminology, a grant is defined as an agreement that transfers ownership without compensation while the grantor is still alive. According to various schools of thought, a grant is interpreted as follows: (Sudibya Isakh Benyamin, 2018)

According to the Shafi'i school, a grant is a recommended form of giving, executed with an offer and acceptance while the grantor is still alive. The giving is not intended to honor or dignify someone or fulfill the needs of the recipient. Thus, according to the Shafi'i school, a grant encompasses two meanings: (Hamonangan et al., 2022) (a) Specific meaning, limited to the grant itself, as defined above. (b) General meaning, including gifts and charity in a broader sense.

According to the Hanbali school of thought, a grant is the transfer of ownership of property by a capable adult to a certain amount of known or unknown property that is difficult to identify. The property exists, can be relinquished with an obligation, and without compensation.

According to the Hanafi school, a grant is the transfer of ownership rights to an object without the condition of receiving compensation. The grant is valid as long as the grantor is alive, and the object to be given is legitimately owned by the grantor. (Saptanti, 2020)

3.2 Hifdzul Mal

Wealth represents a fundamental need in the earthly existence, as humans are inevitably intertwined with it. Throughout life, individuals are motivated to seek wealth to maintain their existence and enhance both material and spiritual pleasures. However, this pursuit is constrained by three essential conditions: accumulating wealth through lawful means, utilizing it for permissible purposes, and fulfilling the rights of God and society in the place one resides. Hifdzul mal, or the preservation of wealth, is the obligation to safeguard and manage possessions as a means of worship. (Hayat & Hasrullah, 2016) This is articulated in the words of Allah in Surah An-Nisa', Ayat 29: "O you who have believed, do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful]."

This verse emphasizes the prohibition of acquiring wealth through unjust means and underscores the permissibility of engaging in trade with mutual consent. Moreover, it admonishes against taking one's own life, emphasizing Allah's boundless mercy.

It is imperative for believers to comprehend that seizing another's wealth through unethical practices is forbidden. Engaging in trade through mutual agreement is the ethical path allowed by Allah. Avoid entangling yourselves in transgressions against divine commands and refrain from causing harm to others, for you share a common essence. Remember, Allah continuously bestows His mercy upon you. (Wati, 2020)

3.3 Responsibility Of Campaign Grant Funds In The 2024 Presidential Campaign

a. Regulation of Campaign Grant Fund Registration

There are regulations for the registration of campaign grant funds in the 2024 campaign that the author discovered through the Oversight of Campaign Fund sources. Firstly, the Candidate Pair ensures that the Campaign Fund source is derived from the personal wealth of the respective Candidate Pair. (Handayani, 2021) Secondly, Political Parties participating in the Election or the Coalition of Political Parties proposing a Candidate Pair must source the Campaign Fund from the finances of the participating Political Party or the Coalition of Political Parties proposing the Candidate Pair. (Mahyuddin et al., 2020) Thirdly, legal contributions from other parties are accepted, including: (a) Individuals; (b) Groups; (c) Companies; and/or, (d) Non-governmental business entities.

Supervision of the forms of the Campaign Fund includes money, goods, and services. The Election Supervisory Board (Bawaslu) ensures that the limitation on Campaign Fund contributions for Candidate Pairs includes:

First, legal contributions from other parties, which are individuals, should not exceed Rp2,500,000,000.00 (two billion five hundred million Indonesian Rupiah).

Second, legal contributions from other parties, which are groups, companies, or non-governmental business entities, should not exceed Rp25,000,000,000.00 (twenty-five billion Indonesian Rupiah).

b. Campaign Grant Fund Usage Regulations

In the regulations governing the use of campaign grant funds, the first aspect pertains to the financing of election campaign activities. The second aspect involves the settlement of debts, including:(Badrika et al., 2022). (a) Payment of debts incurred by candidate pairs and/or political parties participating in the election or a coalition of participating political parties resulting from the purchase of goods from third parties. Such debts become the responsibility of the respective candidate pairs and/or political parties or the proposing coalition of political parties. (b) Payment of debts incurred by Election Participant Political Parties arising from the purchase of goods from third parties, which becomes the responsibility of the Election Participant Political Parties. (c) Other expenditures related to the Election Campaign, The Election Supervisory Board (Bawaslu), Provincial Bawaslu, and District/City Bawaslu, in accordance with their respective authorities, must ensure that Campaign Funds are not used to finance the representatives of Election Participants during the stages of vote collection and counting. Any individual, group, non-governmental organization, or company exceeding the set limit for contributing to election campaign funds may face a maximum prison sentence of 2 years and a maximum fine of IDR 500 million.(Firmansyah et al., 2017).

c. Campaign Fund Reporting Regulations

The reporting of Campaign Fund by the Election Supervisory Agency (Bawaslu), Provincial Bawaslu, and District/City Bawaslu is carried out in accordance with their respective authorities. The oversight of campaign fund reporting involves several steps. Firstly, ensuring that the reports of Financial Reports (LADK), Receipt and Expenditure Reports (LPSDK), and Donor Reports (LPPDK) comply with the provisions of laws and regulations. Secondly, verifying the timeliness of reporting LADK, LPSDK, and LPPDK. Thirdly, examining the completeness of LADK, LPSDK, and LPPDK. Fourthly, inspecting the identity of campaign fund donors.(Saputra & Erowati, 2021) Fifthly, ensuring that campaign funds are not sourced from prohibited origins based on legal regulations. Sixthly, examining the conformity of contributions with the prescribed campaign fund limits. Lastly, checking for any excess campaign fund contributions.(Damayanti & Hamzah, 2017).

Participants in the election who knowingly fail to report excess contributions to the General Election Commission (KPU) or fail to remit excess contributions to the state treasury within 14 days after the end of the Election Campaign may face criminal sanctions of up to 2 years imprisonment and a maximum fine of IDR 500 million. Additionally, any participant or individual deliberately providing false information in the election campaign fund report may be subject to imprisonment for a maximum of 1 year and a fine ranging from IDR 12-14 million.

In cases where campaign organizers and campaign teams receive contributions but fail to report them to the KPU or do not remit them to the state treasury, they may be subjected to criminal sanctions, including a maximum of 2 years imprisonment and a fine equivalent to three times the amount of contributions received.(Miranda & Azis, 2020)

3.4 Source Of Grants In The 2024 Presidential Campaign

In facing the upcoming democratic celebration of the 2024 general elections, the people will exercise their right to choose and determine their fate for the next five years. The elected leaders represent the hopes of the people for change, justice, and prosperity for the entire nation.

Referring to data from the Sikadeka portal, the author discovered that campaign funds come from various sources, including personal funds from candidate pairs, political party support, individual donations, and contributions from companies and non-governmental entities.(Saptanti, 2020) Candidate pair number two, Prabowo-Gibran, emerged as the pair with the highest campaign funds, totaling IDR 31.43 billion. On the other hand, candidate pair number one, Anies-

Cak Imin, had the smallest campaign funds, amounting to IDR 1 billion. Meanwhile, Ganjar-Mahfud MD accumulated campaign funds totaling IDR 23.37 billion. (Aryadillah & Fitriansyah, 2022)

The author identified issues with the campaign fund sources, specifically the lack of clarity regarding their origins. Referring to findings by Titi Anggraini, an election law lecturer at the Faculty of Law, University of Indonesia, the author emphasized that the Financial Transaction Reports and Analysis Center's (PPATK) discovery of suspicious transactions related to the 2024 election campaign funds should be promptly addressed by the General Election Commission (KPU) and the Election Supervisory Board (Bawaslu). (Ngenget et al., 2023) According to Titi, the funds used for election purposes were circulating before the campaign period started. Furthermore, these funds were not held in a dedicated campaign fund account but were managed by other parties. This practice occurred without consolidation for inclusion in the campaign fund reports submitted to the KPU. (Aryadillah & Fitriansyah, 2022)

This practice has persisted without legal enforcement, as election participants claim ignorance about funds managed by others, attributing it to being beyond their control and supervision. In this case, the KPU acknowledged receiving a letter from the PPATK regarding suspicious transactions leading up to the 2024 elections. The letter, dated December 8, 2023, was received by the KPU on December 12, 2023. In the letter, the PPATK explained findings of financial transactions exceeding half a trillion rupiahs in and out of the political party treasurer's account during the period from April to October 2023. These financial transactions pose a potential threat to Indonesia's democracy, commonly referred to as a "dawn attack." (Ma'mun & Kosandi, 2020)

Title: Responsible Handling of Grant Funds in the 2024 Presidential Campaign from the Perspective of Hifdzul Mal. Among the Maqashid al-Shariah (objectives of Islamic law), Hifdzul Mal, or the protection of wealth, plays a crucial role. This particular objective is closely related to economic activities, such as the focus on grants, specifically addressing the responsibility of grant funds in the 2024 Presidential Campaign. (Ruth Grasela Gultom, Mangatur Sinaga, 2021)

The Prophet Muhammad (SAW) stated: "The wealth of a Muslim is not permissible except by good means" (Narrated by Muslim). This hadith emphasizes the importance of safeguarding wealth, underscoring the severity of transgressions. If this is the law concerning the protection of personal wealth, the safeguarding of communal wealth is undoubtedly of greater significance. Therefore, leaders should also consider the general welfare in preserving public assets, fostering positive relationships both within and outside the Muslim community. (Saptanti, 2020)

Linking this to suspicious transactions leading up to the 2024 elections, there are varying levels of protecting wealth, assuming the following: (Inka Rahmawati et al., 2023) (a) In the level of Dharurriyat (necessities): This involves Sharia rules governing ownership and the prohibition of acquiring others' wealth illegally. Violating these rules threatens the existence of wealth protection. Suspicious financial transactions, if unchecked, may be used for vote manipulation, undermining Indonesia's democracy. (b) In the level of Hajjiyat (needs): Sharia endorses grants in campaigns. Neglecting this method does not necessarily endanger wealth's existence but may inconvenience those in need of campaign funding. (c) In the level of Tahsiniyat (refinements): This includes guidelines to avoid fraud, emphasizing moral and ethical considerations in transactions or business ethics. Compliance with these principles validates the legitimacy of grants, as this third level is a prerequisite for the second and first levels.

In terms of legal compilation, the Law No. 15 of 2023 on the oversight of campaign funds for general elections contains provisions aligned with Hifdzul Mal (wealth protection). It emphasizes the significant relevance between campaign fund management and the concept of Sharia values in Maqashid Syariah. (Sellita, 2022)

According to Imam As-syatibi, Hifdzul Mal safeguards rights and obligations, preserving wealth in Islam for the benefit of the community in economic dealings. This approach aims to prevent any transactions involving elements of gambling or fraud that could harm others, guiding Muslims towards practices in line with Sharia guidance for a prosperous and ethical life.

4. CONCLUSION

Based on the discussions and explanations above, it can be concluded that: Firstly, in terms of legal compilation, the Election Supervisory Board (Bawaslu) Law and the Presidential and Vice Presidential Election Law (UU PKPU) regarding the supervision of campaign funds in it contain several provisions that are value-based on *hifdzul mal* (asset protection). It is stated that in the management of campaign funds, there is a very relevant connection with the concept of values related to *Hifdzul Mal*.

Secondly, the accountability of grant funds in the 2024 presidential election campaign already has consequences if any related party, whether individual or group, engages in fraud based on *hifdzul mal* and UU PKPU and *Hifdzul Mal*. Thirdly, a leader of the community should also consider the common interest (*mashlahah*) in safeguarding public property, whether in relation to the general public or the Islamic community, as the importance of protecting assets and their custodians, and the severity of the sin of the violator.

The research delves into the nexus between campaign fund management and the Islamic principle of *hifdzul mal*, emphasizing the imperative of ethical considerations in political finance regulations. It elucidates the ethical provisions entrenched within prevailing laws, notably those governing bodies like the Election Supervisory Board (Bawaslu) and the Presidential and Vice Presidential Election Law (UU PKPU), which can serve as a framework for bolstering accountability and transparency in campaign finance regulations. Furthermore, the study accentuates the accountability of grant funds in the 2024 presidential election campaign, stressing that any malfeasance concerning campaign finance could invoke repercussions under both *hifdzul mal* principles and pertinent legal statutes. By underscoring the ramifications of deceitful conduct, the research underscores the significance of adhering to ethical standards and legal conformity in campaign financing endeavors. Moreover, it brings to the fore the duty of community leaders in safeguarding public assets and communal interests (*mashlahah*), both within the broader populace and the Islamic community. It accentuates the gravity of transgressing principles related to asset protection (*hifdzul mal*) and the imperative for leaders to contemplate the broader societal ramifications of their actions. Overall, the research contributes to enlightening policymakers, legal practitioners, and community leaders regarding the ethical, legal, and societal dimensions surrounding campaign finance in the 2024 presidential election. It underscores the necessity of aligning campaign finance regulations with ethical precepts such as *hifdzul mal* and stresses the imperatives of accountability, transparency, and safeguarding public interests in political processes.

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