



Harmonization of Positive Law and Islamic Law in Handling Election Violations in Jambi

**Iron Sahroni¹, Rahmi Hidayati Al Idrusiah^{2*} , Maryani³, M. Nazori Madjid⁴,
Muhammad Farhan HR⁵ **

UIN Sulthan Thaha Saifuddin Jambi, Indonesia¹

UIN Sulthan Thaha Saifuddin Jambi, Indonesia²

UIN Sulthan Thaha Saifuddin Jambi, Indonesia³

UIN Sulthan Thaha Saifuddin Jambi, Indonesia⁴

UIN Sulthan Thaha Saifuddin Jambi, Indonesia⁵

Corresponding Email: rahmihidayati@uinjambi.ac.id*

Received: 09-07-2025 Reviewed: 10-08-2025 Accepted: 25-09-2025

Abstract

This study aims to examine the forms of criminal violations of the General Election that occurred in Jambi Province during the 2024 Election, and analyze them from the perspectives of positive law and Islamic criminal law. This study uses a qualitative method with an empirical juridical approach, combining literature studies and field data from the Elections Supervisory Agency (Bawaslu), the Law Enforcement Agency (Gakkumdu), and court decisions. The results indicate that the most prevalent violations are money politics, off-schedule campaigning, violations of the neutrality of civil servants (ASN), the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri), the spread of hoaxes, vote rigging, and the destruction of campaign materials. Of the total findings and reports in Jambi Province, the majority are administrative violations. However, seven cases were processed as election crimes, some of which have reached the investigation stage and court decisions. From an Islamic criminal law perspective, these violations are categorized as ta'zir crimes, with discretionary sanctions intended to provide a deterrent effect and safeguard the public interest. This study emphasizes the synergy between positive law and Islamic values in realizing honest, fair, and dignified elections.

Keywords: General Election, Election Crimes, Positive Law, Islamic Criminal Law.

Introduction

General elections are the primary means of exercising popular sovereignty, held directly, publicly, freely, secretly, honestly, and fairly. Through elections, the public can fairly elect leaders and representatives, as they involve the participation of all citizens (Daud et al., 2020). The primary purpose of elections is to serve as a concrete manifestation of popular sovereignty, a means of establishing political representative institutions, a mechanism for

constitutional leadership replacement, and a platform for public participation in politics. Therefore, elections hold a crucial position because their results determine the direction of future leadership and the formation of laws, while also reflecting the involvement of the people's aspirations (Yani et al., 2022).

Implementing honest and fair elections is fundamental, as elections are a key pillar of democracy and reflect the people's will (Lewerissa et al., 2025). If the election process is marred by fraud, the people's aspirations will be distorted, and long-term goals, such as institutionalizing a democratic political culture, will be unattainable. In the legal context in Indonesia, issues related to elections are categorized as complex legal issues, particularly during their implementation. Law Number 7 of 2017 concerning Elections regulates at least six categories of election legal issues, including violations of the code of ethics by election organizers, administrative issues, result disputes, election crimes, and other related legal issues (HR, 2023).

In Indonesia, particularly in Jambi Province, although elections are generally conducted smoothly, election crimes still frequently occur. Although provisions, sanctions, and handling mechanisms are stipulated in laws and regulations, their handling has not been optimal (Ramadhan et al., 2025). In the 2024 Election, for example, seven reports of election crimes reached the court stage. Of these seven findings and reports, one was found in Jambi Province, one report in Sarolangun Regency, one finding and one report in Batanghari Regency, and three in Tebo Regency. The main issue in Jambi Province: During the plenary meeting for the provincial vote count recapitulation, it was discovered that there had been a shift in the vote counts of election participants in Sarolangun and Pauh Districts for the Jambi Provincial DPRD Electoral District 3 (Sarolangun-Merangin). The main issue in Sarolangun Regency is the reduction and increase of vote counts in Pelawan District, Sarolangun Regency. The main issue in Batanghari Regency is voting more than once on election day (Supriyadi & Purnamasari, 2023). The main issue in Tebo Regency: Allegations of multiple voting, Allegations of vote additions for the Democratic Party's DPR RI ticket number 8 in Tengah Ilir District, and Allegations of vote additions for the Democratic Party's DPR RI ticket number 8 in Sumay District.

The numerous violations are inseparable from the efforts of some parties to win the contest by any means necessary (Mahpudin, 2020). Individuals, organizations, and legal entities can commit election crimes. These violations include vote manipulation, disrupting the voting process, damaging election facilities, and disrupting the election process (Sirate, 2025). Ideally, all these violations would be prosecuted. However, in practice, only a small portion are followed up, creating a sense of injustice among the public, who hope that elected leaders will bring positive change and honest governance (Zuhro, 2021).

Based on the aforementioned issues, no research has examined the forms of election crime violations that occurred in Jambi Province. This research still needs to be improved to fill this gap. The study of the forms of election crime violations in Jambi Province was analyzed using a qualitative, empirical, juridical case study approach to facilitate the author's analysis of election violations in Jambi Province from the perspective of positive law and Islamic criminal law (Sembiring & Saragih, 2024).

Literature Review

Election Crimes

According to Law Number 8 of 2012, election crimes are violations or crimes against the election criminal provisions stipulated in the law. In other words, election crimes do not encompass all crimes occurring during the election period, but only those expressly categorized as election crimes. Some characteristics of election crimes include:

a) Vote Buying

Vote buying is buying voters' votes by candidates, their campaign teams, or political parties running in the general election. This form of vote buying involves offering money or other financial benefits in exchange for the voter's vote in the upcoming general election to the party purchasing the vote. This practice is often referred to as money politics and is regulated by Law Number 10 of 2001 and the Corruption Eradication Law, as it falls under bribery (Kurnaiwati et al., 2024).

b) The practice of buying seats or nominations

This is the act of certain politicians who bribe or engage in nepotism to be nominated as legislative candidates by political parties before the election.

c) The practice of manipulating the general election process.

This includes attempts to manipulate administrative data before, during, or after the election, such as changing, obstructing, or manipulating the voting, counting, and vote recapitulation stages.

These three characteristics represent various forms of general election crimes that can occur. In Indonesia, regulations regarding general election crimes are regulated in the Criminal Code (KUHP) and the Law on General Elections (Harahap & Tanjung, 2024). The absence of regulations on proving election crimes results in the obligation to comply with the evidentiary system outlined in the Criminal Procedure Code (KUHP) (Lubis et al., 2023). This is very different from, for example, handling corruption crimes, which have broader conditions and scope than those contained in the KUHP. The provisions for proving election crimes are subject to those stipulated in the KUHP.

Election crimes are regulated in Articles 148–152 of the Criminal Code, which outline seven types of violations, such as using violence to obstruct voters, bribing or accepting bribes related to voting rights, fraud resulting in invalid votes, and disrupting voting. Election crimes are a multifactorial phenomenon, often interconnected, and create an environment conducive to violations (Hanan et al., 2025).

Ta'zir

From the perspective of Islamic criminal law, violations are referred to as jarimah (criminal offenses). Types of jarimah include hudud (retribution), qisas (retribution), diyat (retribution), and ta'zir (retribution). Ta'zir (retribution) is a violation for which the authorities determine the punishment because it harms the public interest. Ta'zir sanctions are provided

for three categories: immoral acts, acts that endanger the public interest, and violations of regulations (*mukhalafah*). Therefore, any violation, even if not directly regulated in the texts or rights of Allah, can still be subject to sanctions based on *ta'zir* (Ismail & Nabila, 2024). Based on the essence of *ta'zir*, it can be concluded that a violation under Islamic criminal law is subject to sanctions, even if it does not fall within or deviate from the provisions of the text or the rights of Allah.

Etymologically, the word "*takzir*" comes from the Arabic root '*azara*', which has several meanings, including "to prohibit," "to hinder," "to respect," "to strengthen," "to assist," and "to punish" (Syarbaini, 2023). These meanings collectively reflect the purpose of sanctions: deter crime, educate the perpetrator, and uphold honor or order. In Islamic jurisprudence (*fiqh*) terminology, *takzir* is defined as a punishment imposed by a judge (*qadi*) for a Sharia violation that does not have a penalty (*hudud*) explicitly stipulated in the Qur'an or Sunnah, and does not include *qisas* (equitable retribution) or *diyat* (compensation). It is applied to sinful acts that do not fall under the *hudud* category, or to *hudud* violations that do not meet the requirements for proof (Wirawan, 2024). This flexibility distinguishes it from *hudud*, which are fixed and defined by Sharia (Huda & Hidayati, 2023).

The legitimacy of *takzir* in Islamic Sharia is based on the general principles of justice, preventing evil, and maintaining social order (*maslahah mursalah*). Although there is no explicit text that specifies the form or degree of *takzir* for each type of violation, its existence is supported by:

- 1) The Qur'an: Verses that generally enjoin good (*amar ma'ruf*) and forbid evil (*nahi munkar*), such as Surah Ali 'Imran: 104 and Surah Al-Ma'idah: 2. These general principles provide the basis for the state or authorities to take necessary action to uphold law and morality.
- 2) As-Sunnah (Practice of the Prophet Muhammad): Numerous hadith and narrations indicate that the Prophet Muhammad (peace be upon him) imposed discretionary punishments for offenses not considered *hudud*, such as violations of social etiquette, inappropriate behavior in the mosque, or theft that did not reach the *nisab* (the minimum threshold for *hudud* punishment) (Sahih Muslim, Chapter al-Hudud; Abu Dawud, Chapter al-Hudud). This provides a strong precedent for judicial discretion.
- 3) *Ijma'* (Scholarly Consensus): The majority of Islamic jurisprudence scholars from various schools of thought (*maths*) (Hanafi, Maliki, Shafi'i, and Hanbali) have reached a consensus (*ijma'*) on *takzir* as a valid form of punishment. While there are differences of opinion regarding the details of its application, the basic principle is widely accepted (Mujaddid & Khasanah, 2021).
- 4) *Qiyas* (Analogy) and *Ijtihad*: *Takzir* is also based on an analogy with the objectives of Islamic criminal law in general (for example, protecting the five basic objectives of sharia: religion, life, reason, lineage, property) and is the result of the judge's *ijtihad* in deciding the most appropriate and proportional sanctions for violations that are not explicitly regulated.

Fiqh scholars agree that the primary purpose of takzir is more comprehensive than the hudud punishment, which is retributive-preventive. The purpose of takzir is multifaceted and oriented towards the benefit of the individual and society:

- 1) Prevention (al-Rad'u/al-Zajr): Preventing perpetrators from repeating their actions and preventing others from committing similar violations by providing a proportional deterrent effect. This is the primary function of takzir (Akramov, 2024).
- 2) Education and Teaching (al-Ta'dib): Disciplining and educating the perpetrator to become a better person, comply with sharia, and realize his mistakes. Takzir is not only physical punishment, but also aims to shape character.
- 3) Reform and Reform (al-Ishlah): Helping the perpetrator improve themselves and return to the right path, not merely as retribution. This aligns with the concept of rehabilitation in modern law.
- 4) Maintaining Public Order (Hifz al-Nizam al-'Amm): Maintaining societal stability, social harmony, and justice by punishing evil and preventing chaos.
- 5) Eliminating Violations (Izalat al-Fasad): Eliminating the negative impacts of violations and restoring ideal societal conditions.

Thus, takzir reflects an Islamic legal approach that is flexible, adaptive, and oriented toward prevention, education, and rehabilitation, aiming to achieve individual and collective well-being (Laksana et al., 2025).

Research Method

This type of research is a case study, an empirical juridical study (Muhammad, 2004). It investigates contemporary phenomena or cases related to real life, particularly in contexts and unclear contexts. The approach used in this research is a qualitative one, emphasizing analysis over the conclusion-making process. The research is descriptive and analytical, aiming to accurately measure specific social phenomena, provide an overview of the symptoms that form the core of the issues discussed, and analyze the problems that arise in the research. This research aims to examine and examine matters related to the forms of general election violations that occurred in Jambi Province, in relation to the perspectives of positive law and Islamic law.

This study's data sources are divided into primary (main) and secondary (supporting) data. Primary data sources are those needed to obtain data directly related to the research object. Meanwhile, secondary data are needed to support primary data sources from the literature to provide information or matters related to the forms of criminal violations in the general election that occurred in Jambi Province.

Result and Discussion

Types of Election Crimes Violations Occurring in Jambi Province

Amidst the intense political competition, the 2024 Election process and stages were marred by numerous violations. Existing regulations were ineffective in prosecuting perpetrators of election violations. The 2024 Election process and stages were fraught with numerous challenges (Saputra & Setiadi, 2024). One of these was the rampant practice of election violations. This became a significant issue that captured public attention. There are two legal issues in the election sector: legal disputes and election violations. In more detail, these two issues can be divided into six types:

1. Election crimes;
2. Disputes within the election process;
3. Election administration violations;
4. Violations of the election organizers' code of ethics;
5. Disputes over election results; and
6. Other legal disputes.

Of these six types of election legal issues, the mechanisms and procedures for resolving election legal issues are usually carried out by different institutions. The institutionalization of these resolutions is inextricably linked to the amendments to the 1945 Constitution of the Republic of Indonesia (UUD 1945), which have played a significant role in the governance of democracy and the rule of law in Indonesia. This can be seen in regulating elections through legislation, which has shown significant progress. In Jambi Province, the results of handling election violations that were carried out were 96 violations and 22 non-violations. The types of violations that were proven were 63 administrative violations, 20 violations of the Code of Ethics, seven violations of election crimes, and six violations of other laws.

The Integrated Law Enforcement Center (Sentra Gakkumdu) in the Jambi Province area has also followed up on reports and findings of election crimes in their respective areas. Seven cases were processed based on reports and findings of election supervisory ranks regarding alleged election crimes in Jambi Province (Jumantoro & Novemyanto, 2025). There was one finding in Jambi Province, one report in Sarolangun Regency, one finding and one report in Batanghari Regency, and three findings in Tebo Regency. The following are the results of the handling of alleged election crimes that occurred in Jambi Province:

1. Jambi Province

Case Matter: During the plenary meeting for the provincial-level vote count recapitulation, it was discovered that there was a shift in the vote counts of election participants in Sarolangun and Pauh Districts for the Jambi Provincial DPRD Electoral District 3 (Sarolangun-Merangin).

Reported Parties: The Sarolangun District Election Committee (PPK) and the Pauh District Election Committee (PPK).

Harmonization of Positive Law and Islamic Law in Handling Election Violations in Jambi

Alleged Articles: Articles 551 and 505 of Law Number 7 of 2027 concerning General Elections, as amended by Law Number 7 of 2023.

Status: Under investigation at the Jambi Regional Police.

2. Sarolangun Regency

Case Matter: The reduction and increase of votes in Pelawan District, Sarolangun Regency

Reported: MKS

Alleged Article: Article 532 of Law Number 7 of 2027 concerning General Elections, as amended by Law Number 7 of 2023

Handling: On March 4, 2024, the results of the clarification examination, investigation, and discussion by the Sarolangun Regency Gakkumdu Center revealed that the report was not followed up on or was discontinued because the Reported Party was unable to attend after being properly invited.

Status: The elements were not met/and the evidence to support the crime of an election violation was not met.

3. Batanghari Regency

(1) Main Case: Voting more than once on Election Day

Reported: CS and R

Alleged Article: Article 516 of Law Number 7 of 2017 concerning General Elections, as amended by Law Number 7 of 2023

Status: The court ruling states:

- Defendant 1 was sentenced to 3 months' probation and a fine of 3 (three) million rupiah, or 1 (one) month's subsidiary sentence.
- Defendant 2 was sentenced to 15 (fifteen) days' imprisonment. The Batanghari District Attorney's Office is filing an appeal against Defendant 2's decision.

(2) Main Case: Alleged Voting at More Than One Polling Station

Reported: HB, M, and WJ

Alleged Article: Article 516 of Law Number 7 of 2017 concerning General Elections, as amended by Law Number 7 of 2023

Status: After examination, clarification, investigation, and discussion by the Batanghari Regency Gakkumdu Center, it has been discontinued.

4. Tebo Regency

(1) Main Case: Allegedly Voting Multiple Times

Reported: Village Head of Teluk Rendah Ulu Village, Village Officials of Teluk Rendah Ulu, Political Party Witnesses from TPS 06, Teluk Rendah Ulu Village, Chairperson and

Members of the Polling Station Working Committee (KPPS) from TPS 06, Teluk Rendah Ulu Village, Tebo Ilir District

Alleged Article: Article 532 of Law Number 7 of 2017 concerning General Elections, as amended by Law Number 7 of 2023

Status: After conducting a clarification examination, investigation, and discussion by the Tebo Regency Gakkumdu Center, it was decided that it did not fulfill the elements of an election crime. (2) Main Case: Alleged increase in vote count for Democratic Party, House of Representatives Candidate Number 8

Reported: Chairperson and Member of the Central Ilir Election Committee

Alleged Article: Articles 535 and 505 of Law Number 7 of 2017 concerning General Elections, as amended by Law Number 7 of 2023

Status: Under investigation at the Tebo Police Resort

(3) Main Case: Alleged increase in vote count for Democratic Party, House of Representatives Candidate Number 8

Reported: Chairperson and Member of the Sumay Election Committee

Alleged Article: Articles 535 and 505 of Law Number 7 of 2017 concerning General Elections, as amended by Law Number 7 of 2023.

Based on Election Supervisory Agency Regulation Number 7 of 2022 concerning Handling of Findings and Reports of General Election Violations, election violations are actions that contradict, violate, or are inconsistent with the laws and regulations governing elections. Election violations take various forms. Referring to Law Number 7 of 2017 concerning General Elections, there are generally three types of election violations: violations of the code of ethics, administrative violations, and election crimes. Election crimes are violations and/or crimes against the provisions of election crimes as stipulated in the law governing elections. Election crimes are handled by the Elections Supervisory Agency (Bawaslu), the Police, and the Prosecutor's Office, members of the Integrated Law Enforcement discussion (Gakkumdu).

Election Violations in Jambi as Reviewed from Positive Law and Islamic Criminal Law

Analyzing violations in the 2024 Election in Jambi requires a comprehensive approach. Analyzing them from the perspective of Indonesian positive law, which regulates every aspect of election administration in detail, is insufficient. It is also highly relevant to draw comparisons and review them from the perspective of Islamic criminal law. Given that the majority of Jambi's population is Muslim, the ethical-moral dimension offered by Islamic criminal law is particularly significant. This legal dwilogi approach will enrich our understanding of justice, accountability, and the universal moral principles that should govern every political process, while also identifying challenges and formulating recommendations for better elections in the future (Saputra et al., 2024).

Indonesian positive law serves as the primary framework for regulating all stages of elections, from preparation to determining results. Law Number 7 of 2017 concerning General Elections is the primary legal umbrella, comprehensively regulating the types of violations, their handling mechanisms, and the sanctions that can be imposed. Institutions such as the General Elections Commission (KPU), the Election Supervisory Agency (Bawaslu), and the Integrated Law Enforcement Center (Gakkumdu) play a central role in ensuring that elections run according to the law.

A. Conceptual Classification of 2024 Election Violations in Jambi Province Based on Positive Law

Indonesian positive law serves as the primary framework for regulating all stages of elections, from preparation to determining results (Myaskur & Ubaidillah, 2024). Law Number 7 of 2017 concerning General Elections is the primary legal umbrella that comprehensively regulates the types of violations, their handling mechanisms, and the sanctions that can be imposed. Institutions such as the General Elections Commission (KPU), the Election Supervisory Agency (Bawaslu), and the Integrated Law Enforcement Center (Gakkumdu) play a central role in ensuring that elections run according to the law.

Based on reports, supervision, and findings by the Jambi Province Bawaslu and its staff during the 2024 Election, various forms of violations can be categorized as follows:

1. Criminal Election Violations: This is the most serious category of violations, directly threatening the integrity and legitimacy of election results, and is subject to criminal sanctions in the form of imprisonment and/or fines.
 - a) Money Politics: This violation is a perennial scourge in every election in Indonesia, including in Jambi, and remains the most prevalent. Money politics involves giving or promising money, goods (necessities, clothing, household items), or other benefits to voters or certain parties, intending to influence their choices to vote for or against a particular election candidate. Money politics occurs in various forms, from "dawn raids" during the quiet period, to distributing "envelopes" during the campaign, to the lure of projects or positions.
 - Regulation: Article 515 and Article 523 of Law Number 7 of 2017 expressly prohibit money politics. Article 523 paragraph (1) states, "Any Election Campaign Implementer, Participant, and/or Team who intentionally promises or gives money or other materials as compensation to Election campaign participants directly or indirectly as referred to in Article 280 paragraph (1) letter j shall be subject to a maximum imprisonment of 2 (two) years and a maximum fine of IDR 24,000,000.00 (twenty-four million rupiah)." This sanction applies to both the giver and the recipient.
 - Jambi 2024 Context: Various reports and sting operations (OTT) by Gakkumdu Jambi indicate that money politics is still rampant. Cases such as the discovery of stacks of envelopes containing cash or food coupons at the residences of legislative candidates or field coordinators of campaign teams often make the news. The main

obstacles are proving malicious intent (*mens rea*) and the complex chain of command, as perpetrators are often only at the lower levels.

- b) **Campaigning Outside the Schedule or in Prohibited Locations:** This prohibition aims to maintain equality and order during the campaign. Campaigning activities before or after the official campaign period, or using legally prohibited locations such as government facilities, educational institutions, or places of worship, are prohibited.
- **Regulation:** Article 276 and Article 280 of Law No. 7 of 2017. For example, Article 280 paragraph (1) letter h prohibits campaigning in places of worship and educational institutions.
 - **Jambi 2024 Context:** Despite ongoing outreach and supervision, there are still findings of legislative candidates or campaign teams holding limited meetings by gathering residents in places of worship or on school grounds during holidays, or conducting activities that indicate covert campaigning outside the official schedule.
- c) **Neutrality of State Civil Apparatus (ASN), the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri):** State apparatuses are prohibited from engaging in practical campaign activities or showing favoritism to a particular candidate or political party. They must maintain professionalism and neutrality to ensure fair public service.
- **Regulation:** Article 280 paragraph (3) of Law No. 7 of 2017 explicitly states, "Election Campaign Implementers, Participants, and Teams are prohibited from including: (a) state officials; (b) structural and functional officials in civil service; (c) state civil apparatus; (d) members of the Indonesian National Armed Forces; and (e) members of the Indonesian National Police."
 - **Jambi 2024 Context:** Several reports and investigations by the Jambi Elections Supervisory Agency (Bawaslu) have uncovered cases of civil servants, particularly within the regional government and village heads, who were suspected of being involved in campaign activities, either through social media (uploading support, sharing candidate content), attending campaign events, or even mobilizing support. Although the usual sanctions are internal disciplinary sanctions, evidence of deliberate influence on the election can result in criminal charges.
- d) **Spreading Fake News (Hoaxes) and Smear Campaigns:** Prohibition on spreading false information, slander, or misleading narratives to discredit other election participants or divide society.
- **Regulation:** Article 280 paragraph (1) letter d of Law No. 7 of 2017 prohibits "insulting an individual, religion, ethnicity, race, group, candidate, and/or other election participants; and/or inciting and pitting individuals or the community against each other." Related articles of the Criminal Code (e.g., defamation, the ITE Law) can also be applied.

- Jambi 2024 Context: With high social media penetration in Jambi, the spread of hoaxes and smear campaigns has become challenging to control. Negative narratives about personal backgrounds, SARA issues, or the integrity of candidates often go viral through WhatsApp groups, Facebook, or TikTok. The Elections Supervisory Agency (Bawaslu) and the police in Jambi face challenges in tracing the source and prosecuting those spreading it.
- e) Manipulation of Voter Data or Vote Results: This is the most fundamental form of fraud, involving invalidly changing the Final Voter List (DPT) or manipulating vote count results at various levels.
- **Regulasi: Regulations:** Various articles in the Election Law prohibit fraud in the voting and voting counting (e.g., Articles 510, 511, 516, and 517).
 - **The 2024 Jambi Context:** Although there have been no proven large-scale cases of voter manipulation in Jambi, the potential for fraud at the data recapitulation level remains a concern. Complaints regarding the use of the national Recapitulation Information System (Sirekap) can also potentially raise doubts about data accuracy at the local level in Jambi.
- f) Destruction of Campaign Materials (APK): Destroying, removing, or disrupting legitimate campaign materials belonging to other election participants. While the impact is less significant than money politics, this violation demonstrates political immaturity.
- g) Obstructing Voters: Threatening, intimidating, or preventing citizens from exercising their right to vote.
2. Election Administration Violations: Violating the rules, procedures, or mechanisms related to election stages, but not categorized as election crimes or violations of the code of ethics. These violations are usually procedural in nature and can be corrected.
- **Regulations:** Regulated in various articles related to election stages, for example, Article 461 of the Election Law concerning administrative sanctions.
 - **Jambi 2024 Context:** Examples include technical errors in voter data input, lack of election logistics at several remote polling stations, delays in the delivery of recapitulation results, or minor errors in voting and vote counting procedures. The Jambi Election Supervisory Agency (Bawaslu) frequently issues recommendations for improvements to the Jambi Election Commission (KPU) for these violations.
3. Violations of the Election Organizer Code of Ethics: Perpetrated by members of the General Elections Commission (KPU) and Election Supervisory Agency (Bawaslu) at all levels (Provincial KPU, Regency/City KPU, Sub-district Election Committee (PPK), Sub-district Election Committee (PPS), Election Working Committee (KPPS), Provincial Bawaslu, Regency/City Bawaslu, Sub-district Election Supervisory Committee (Panwascam), and Election Supervisory Board (PTPS) who violate the code of ethics and guidelines for election organizers.

- Regulation: Regulated in the Election Organizer Honorary Council (DKPP) Regulations concerning the Election Organizer Code of Ethics.
- Jambi 2024 Context: Reports or allegations of violations of the code of ethics often arise regarding the lack of neutrality of KPPS or PPS members who are suspected of favoring a particular candidate, or negligence in carrying out their duties, such as failing to address vote-buying practices at their polling stations firmly. These cases are handled by the Election Organizer Honorary Council (DKPP) at the national level or through the Regional Audit Council in Jambi if there is a delegation of authority.

B. Conceptual Classification of 2024 Election Violations in Jambi Province Based on Islamic Criminal Law (Jinayat)

Within the framework of Islamic criminal law, most election violations occurring in Jambi in 2024 will fall into the category of Ta'zir crimes. Ta'zir is a type of discretionary punishment determined by the authorities (judges or the government) for crimes that do not have specific and fixed penalties in the Quran or Hadith (unlike hudud, which have fixed penalties such as amputation for theft, or qisas-diyat for crimes against life or body parts) (Syarbaini, 2023). The purpose of ta'zir is to educate the perpetrator, prevent recurrence of the crime, and provide a deterrent effect. It is based on the principle of public interest (maslahah mursalah). The forms of ta'zir punishment can vary widely:

- a) Warnings and Reprimands: Verbal or written warnings.
- b) Fines (Gharamah): The judge determines the fine amount and can be adjusted according to the level of damage caused and the perpetrator's ability to cope.
- c) Imprisonment (Habsi): Imprisonment for a term determined by a judge.
- d) Flogging (Jald): For certain serious offenses.
- e) Confiscation of Assets (Mushadarah): Especially assets obtained through criminal proceeds, such as bribes.
- f) Revocation of Certain Rights: For example, revocation of the right to hold public office or be elected.
- g) Social Sanctions: For example, public announcement of the perpetrator's actions.

Application of Ta'zir to Violations in the 2024 Jambi Election:

1. Money Politics (Risywah): This is one of the most serious offenses in Islamic law. Ta'zir penalties can be severe and multi-layered to provide maximum deterrent effect and rid the political system of corruption. Sanctions can include:
 - Very large fines, exceeding the value of the bribe given/received, and even confiscation of all assets proven to be the proceeds of bribes or profits from fraudulent elections.
 - Significant prison sentences, commensurate with the scale and impact of the bribery practice.

Harmonization of Positive Law and Islamic Law in Handling Election Violations in Jambi

- Revocation of political rights (the right to vote and be elected) for a specific period or for life, to deter the perpetrator from further damaging the integrity of the election.
 - Publication of the punishment serves as a deterrent to the broader public. memberikan efek jera kepada masyarakat luas.
2. **Vote Manipulation:** This falls under the category of fraud (ghisysy) and betrayal of trust. Perpetrators may be subject to ta'zir penalties in the form of:
- Prison Sentence.
 - Proportionate fines.
 - Disqualification from holding public office or the annulment of manipulated vote results.
 - Revocation of public rights or the right to participate in future elections.
3. **Smear Campaigns and Hoaxes:** If someone is found to have spread slander (buhtan) or false news (kadhib) that damages an individual's reputation and incites social division, ta'zir penalties may be imposed, such as:
- Fines.
 - Short prison sentences.
 - Obligation to publicly apologize and clarify the truth in public media.
 - Sanctions against social media accounts (e.g., content removal, account suspension).
4. **Abuse of Authority (by Election Organizers/Officials) and Violation of Civil Servant/TNI/Polri Neutrality:** This constitutes a betrayal of trust and abuse of power for personal or group gain. Ta'zir sanctions may include:
- Removal from public office.
 - Fines.
 - Imprisonment.
 - Demotion or transfer.

Comparison and Convergence Analysis between Positive Law and Islamic Criminal Law in the Context of the 2024 Jambi Election

Despite originating from different legal sources and conceptual frameworks (artificial law vs. divine law), there is significant convergence between Indonesian positive law and Islamic criminal law in viewing and addressing violations of the 2024 Jambi Election.

1. **Similarities in Fundamental Goals and Values:** Both legal systems share the same primary goals: to uphold justice (al-adl), maintain social order (hifdzun nasl, hifdzul mal), protect individual rights (hifdzul nafs, hifdzul aql), and ensure legitimate and accountable governance. Values such as honesty, justice, trustworthiness, transparency, and the rejection of corruption are at the heart of both systems. Positive law seeks to

implement these values through detailed formal regulations, while Islamic criminal law refers to universal principles of sharia that are believed to apply across time and place.

2. Convergence in the Prohibition of Crucial Practices that Corrupt Elections:

- a) Money Politics: This is the strongest point of convergence. Positive law expressly criminalizes money politics with clear criminal sanctions. Islamic criminal law fundamentally prohibits the practice of *risywah* (bribery), which carries the threat of a major sin and severe *ta'zir* punishment. In Jambi, the strict action taken against money politics by Gakkumdu (the Indonesian Legal Entity for Political Influence) is a manifestation of this prohibition in positive law, which is in line with and reinforced by the anti-bribery teachings of Islam, which are believed by the majority of the population.
- b) Fraud and Vote Manipulation: Positive law categorizes this as a serious electoral crime that corrupts the results. Under Islamic criminal law, this act is a form of *ghisysy* (fraud) and a highly reprehensible betrayal of trust and is subject to *ta'zir* sanctions.
- c) Slander Campaigns and the Spread of Hoaxes: Positive law prohibits the spread of false news and slander during campaigns. Islamic law also expressly forbids slander (*buhtan*), lies (*kadhib*), and backbiting, which are often the core of smear campaigns.
- d) Abuse of Power/Violation of Official Neutrality: Positive law regulates the neutrality of civil servants (ASN), the Indonesian National Armed Forces (TNI), and the Indonesian National Police (Polri) and prohibits the misuse of state facilities. In Islam, this constitutes a betrayal of trust and abuse of power, which must be punished based on the *ta'zir* principle.

3. Differences in Approach and Flexibility:

- a) Positive Law: Tends to be more rigid, formal, and specific in defining violations, handling procedures, and sanctions. Its law enforcement mechanisms rely on formal institutions established by the state. This provides legal certainty and clear procedures.
- b) Islamic Criminal Law: More oriented toward broad ethical and moral principles, with discretionary and flexible *ta'zir* sanctions. This allows judges or authorities to determine the most appropriate punishment based on the context, severity of the offense, and social impact, based on the *maslahah mursalah* (public benefit) principle. This flexibility can be a strength in adapting to new cases. However, it can also become a weakness if there are no clear standards or it is prone to subjective interpretation.

Conclusion

Based on the research findings, it can be concluded that violations in the 2024 Election in Jambi Province reflect the continued serious challenges in realizing honest, fair, and integrity-based elections. Violations discovered included vote buying, off-schedule campaigning, violations of civil servant/military/police neutrality, the spread of fake news, vote

manipulation, and the destruction of campaign materials. Of the total reports and findings submitted to the Jambi Provincial Elections Supervisory Agency (Bawaslu), the majority were categorized as administrative violations. However, seven cases were processed as election crimes, some of which have reached the investigation stage and court decisions. Indonesian positive law, through Law Number 7 of 2017 concerning Elections, provides a clear legal framework regarding the classification of violations, handling mechanisms, and sanctions that can be imposed. The Integrated Law Enforcement Center (Gakkumdu) is crucial in ensuring that election crimes are handled professionally and coordinated. However, obstacles remain, including difficulties in obtaining evidence, limited timeframes for handling, and technical and resource constraints.

From an Islamic criminal law perspective, most election violations fall into the ta'zir crimes, the punishment and severity of which are left to the discretion of judges or authorities. The ta'zir approach emphasizes prevention, education, and a deterrent effect to prevent similar violations from recurring. Integrating positive law and Islamic legal values is crucial because it can strengthen morality, raise public awareness, and reinforce a shared commitment to safeguarding the public interest. Therefore, closer synergy is needed between election management bodies, law enforcement, and the public to strengthen oversight, increase political literacy, and strengthen sanctions for violators. Firm but fair law enforcement, supported by a moral and educational approach, will be a crucial foundation for creating clean, transparent, and integrity-based elections, thus producing leaders who are trustworthy and trusted by the public.

References

- Akramov, M. (2024). Ta'dhir in Islamic Law: Types of Crimes and Punishments. *Jurnal ISO: Jurnal Ilmu Sosial, Politik Dan Humaniora*, 4(2), 7.
- Daud, B. S., Aminullah, B. A., & Jaya, N. S. P. (2020). Law Enforcement and Overcoming Violations of Money Politic in General Election: Indonesia's Case. *Jurnal Hukum Novelty*, 11(2). <https://doi.org/10.26555/novelty.v11i2.a15146>
- Hanan, N. N. I., Amalia, N., & Muti, A. (2025). TINJAUAN YURIDIS DAN HUKUM ISLAM MENGENAI PUTUSAN DIBAWAH PIDANA MINIMUM KHUSUS PADA PELAKU TINDAK PIDANA NARKOTIKA (STUDI PUTUSAN NO. 504/PID. SUS/2021/PN. CBI). *Jurnal Inovasi Hukum*, 6(1).
- Harahap, M. R., & Tanjung, A. S. (2024). Purpose of Implementing Progressive Law against Criminal Offenders in Order to Provide Legal Certainty and Legal Benefits. *Journal of Progressive Law and Legal Studies*, 2(02), 142–151.
- HR, M. F. (2023). Abstention in the 2020 Jambi Provincial Gubernatorial Election. *Society*, 11(2), 275–287.
- Huda, M., & Hidayati, T. W. (2023). The Concept of Muḥammad Shahrūr on Gender Parity in Inheritance Legislation. *El-Usrah: Jurnal Hukum Keluarga*, 6(2), 262–280.
- Ismail, A., & Nabila, N. (2024). Analysis of the Concept of Ta'zir in Law Enforcement Against Perpetrators of Sexual Harassment. *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah*, 1(3), 148–155.

- Jumantoro, T. R. P., & Novemyanto, A. D. (2025). Anti-SLAPP Policy Conceptualization as a Strategic Effort to Protect Indigenous Peoples' Environmental Rights from Judicial Harassment. *Journal of Progressive Law and Legal Studies*, 3(01), 41–54. <https://doi.org/10.59653/jppls.v3i01.1312>
- Kurnaiwati, W. O. I., Yusuf, N. Y., Supriadi, S., Yusuf, M., Ismail, L. O., Soniwaru, M. S. R., & Yakub, L. M. Y. T. (2024). Pelaksanaan Kewenangan Badan Pengawas Pemilihan Umum Dalam Pelanggaran Administrasi Pemilihan Umum (Studi Tentang Penanganan Pelanggaran Administrasi Pemilu di Bawaslu Provinsi Sulawesi Tenggara). *PHENOMENON: Multidisciplinary Journal Of Sciences and Research*, 2(02), 150–172.
- Laksana, A. W., Lubis, M. R., Suwondo, D., Ngazis, M., & Sari, R. M. P. (2025). Integrating Maqasid al-Shari'ah in Contemporary Islamic Legal Reform on Drug Policy. *MILRev: Metro Islamic Law Review*, 4(1), 416–439.
- Lewerissa, S. S., Syahuri, T. S., & Triadi, I. (2025). Legal Review of States Financial Assistance for Political Parties According Democracy Perspective. *Journal of Progressive Law and Legal Studies*, 3(02), 241–253. <https://doi.org/10.59653/jppls.v3i02.1721>
- Lubis, M. T. S., Saragih, R., Hanifah, I., Koto, I., & Jacob, J. T. (2023). The Criminal Law Policy On The General Election System In Indonesia. *Jurnal Dinamika Hukum*, 23(3), 587–600.
- Mahpudin, M. (2020). Konflik Pemilu: Dinamika Sengketa Calon Perseorangan dalam Kontestasi Elektoral di Kabupaten Lebak. *JIIP: Jurnal Ilmiah Ilmu Pemerintahan*, 5(2), 98–117.
- Muhammad, A. K. (2004). *Hukum dan Penelitian Hukum*. Citra Aditya Bakti.
- Mujaddid, A. Y., & Khasanah, I. K. (2021). Epistemology Of Islamic Law In The Ibn Rushd's Perspective. *EMERGENCY REMOTE TEACHING IN QUARANTINE TIME. VIEWS OF PRIMARY EDUCATION TEACHERS*, 6(7).
- Myaskur, M., & Ubaidillah, N. (2024). Perbandingan Hukum Siyasah dan Hukum Positif dalam Penyelesaian Sengketa Pilkada. *Islamic Law: Jurnal Siyasah*, 9(1), 45–58.
- Ramadhan, M., Syamsir, S., & Hepni, A. (2025). Fungsi Badan Pengawas Pemilihan Umum dalam Penyelesaian Pemilu Legislatif Provinsi Jambi Tahun 2024. *Limbago: Journal of Constitutional Law*, 5(1), 23–46.
- Saputra, M. R., & Setiadi, W. (2024). Implementation of general principles of good government in the organization of the 2024 elections. *International Journal of Law and Society*, 1(3), 94–112.
- Saputra, M. R., Setiadi, W., & Thohari, A. A. (2024). Analisis potensi implementasi sistem politik tanpa partai di Indonesia dan dampaknya terhadap demokrasi dan tata kelola pemerintahan. *Eksekusi: Jurnal Ilmu Hukum Dan Administrasi Negara*, 2(4), 204–222.
- Sembiring, F., & Saragih, Y. M. (2024). Legal Certainty In Financial Disputes Case Resolution Progressive Legal Perspective. *Journal of Progressive Law and Legal Studies*, 2(02), 152–162. <https://doi.org/10.59653/jppls.v2i02.845>
- Sirate, A. I. S. I. (2025). PENANGANAN TINDAK PIDANA PEMILU PADA BADAN PENGAWAS PEMILU (Suatu Studi Di Bawaslu Konawe Selatan). *Sultra Law Review*, 3571–3585.
- Supriyadi, S., & Purnamasari, A. I. (2023). Redesign of Administrative Violation Handling at Bawaslu Post Determination of Election Results. *Jurnal Konstitusi*, 20(1). <https://doi.org/10.31078/jk2019>
- Syarbaini, A. (2023). Konsep Ta'zir Menurut Perspektif Hukum Pidana Islam. *Jurnal Tahqiq: Jurnal Pemikiran Hukum Islam*, 17(2), 37–48.
- Wirawan, V. (2024). Delik Hukum Dalam Perspektif Filsafat Hukum Islam. *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, 4(3), 2467–2476.

Harmonization of Positive Law and Islamic Law in Handling Election Violations in Jambi

- Yani, M. T., Mahfud, C., Sa'adillah, S. A. P. R., Bustami, M. R., & Taufiq, A. (2022). Advancing the discourse of Muslim politics in Indonesia: A study on political orientation of Kiai as religious elites in Nahdlatul Ulama. *Heliyon*, 8(12).
- Zuhro, S. (2021). Demokrasi dan kepemimpinan transformatif. *Himmah: Jurnal Kajian Islam Kontemporer*, 5(2), 359–374.