

Legal Review of the Islamic Perspective on the Phenomenon of the Fawh Attacks of the 2024 Simultaneous Elections

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Abstract

The phenomenon of dawn attacks in the 2024 Simultaneous Elections in Indonesia is in the main spotlight because of the practice of money politics which threatens the integrity and public trust in the democratic process. This research uses a normative juridical approach to analyze the dawn attacks from the perspective of Islamic law and Indonesian positive law. Data was collected through literature studies involving laws, Islamic legal literature, as well as previous research. The results of the research show that the majority of people believe that there are no dawn attacks, although some segments of society still believe in the practice. According to Islamic law, dawn attacks are categorized as haram bribery (risywah), while in Indonesian law, this practice is prohibited under Law Number 7 of 2017 concerning Elections. Analysis shows that strict law enforcement, comprehensive political education, and the use of technology such as e-voting are important steps to eradicate dawn attacks. Active participation from the public, political parties and candidates is very necessary to create fair, transparent and democratic elections. The conclusions of this research emphasize the importance of collaboration between various parties to ensure election integrity and prevent the practice of money politics that undermines democracy.

Keywords: Dawn attack, money politics, election integrity, risywah, law enforcement.

INTRODUCTION

One of the main principles of a democratic society is general elections (Pemilu), which provide voters with the opportunity to elect their leaders directly (Ariyanti, et al, 2021). The simultaneous elections in Indonesia in 2024 are a historic event that can improve governance and strengthen democracy. However, the phenomenon of "dawn attacks" which often occur before elections is still a big concern and endangers the integrity of the democratic process (Siregar & Maryanah, 2022).

The "dawn attack" phenomenon describes the practice of politicians or political parties giving gifts or cash to voters before election day to influence their decisions (Hastuti, Widayati & Harsasto, 2013). This behavior not only violates applicable legal provisions, but also the ideals of democracy in Indonesia. Furthermore, from the

perspective of Islamic law, this kind of practice is also seen as unethical and contrary to religious teachings (Zawai, 2015).

As the election approaches in Indonesia, dawn attacks are nothing new. This is one of the most common types of cheating and has been practiced for a long time. Dawn raids are considered a successful strategy to influence voters quickly, especially in places with low economic and educational levels. A 2013 study by Hadiz and Robinson found that the political culture of patronage that is still strong in Indonesia includes elements of money politics, including dawn attacks.

Legally, it is clear that dawn attacks are against all applicable laws and regulations. Money politics is strictly prohibited under Law Number 7 of 2017 concerning Elections. Article 523 paragraph 1 of the Law states that "Any person who deliberately during the quiet period promises or gives money or other materials to voters not to exercise their right to vote, uses their right to vote in a certain way so that their vote is invalid or chooses a particular candidate, shall be punished by imprisonment for a minimum of 36 (thirty-six) months and a maximum of 72 (seventy-two) months and a fine of at least IDR 200,000,000.00 (two hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah)."

Dawn attacks can be classified as a type of bribery (*risywah*) which is prohibited in Islamic law. The hadith narrated by Imam Ahmad and other scholars states that Rasulullah SAW stated, "The giver and recipient of bribes will go to hell." This view highlights that manipulating elections in any way, including dawn attacks, is against Islamic law and positive law.

This problem undermines the fairness of elections while introducing injustice into the political system. The temporary appeal of content influences voters who should be making decisions based on the candidate's platform, vision, and mission. This results in the election of dishonest and incompetent leaders, which ultimately has a negative impact on the development and welfare of society.

In addition, public distrust of the political process also increased with the dawn attacks. Voters will lose confidence in the political process and government if they believe that election results can be bought with money. A Transparency International Indonesia (TII) study in 2022 indicated that around 36 percent of participants thought that money politics was a common thing in elections (Laila, Kornelis & Zukriadi, 2024). This shows how society has been affected by the culture of money politics and the urgency to deal with it seriously.

One specific example of this incident is the dawn attack that occurred in Blitar during the 2024 Simultaneous Election. This issue involved several candidates and their campaign teams who were suspected of using money to influence voter decisions. Currently, this case is under investigation by the authorities. This research aims to analyze the phenomenon of dawn attacks from the perspective of Islamic law and Indonesian state law, as well as examining the case that occurred in Blitar. It is hoped that this research will provide a deeper understanding of the impact and implications of the dawn attacks on democracy in Indonesia.

RESEARCH METHODS

A normative juridical approach, which emphasizes relevant legal norms and how these rules are used in practice, is the method used in this research (Efendi, 2018). Using this method, the phenomenon of dawn attacks in the 2024 simultaneous elections is studied from the perspective of Indonesian positive law and Islamic law.

Primary and secondary legal sources are the secondary data used in this research. Primary sources of legal information are Law Number 7 of 2017 concerning Elections, regulations issued by the General Election Commission (KPU) and the Election Supervisory Body (Bawaslu) regarding the topic of risywah (bribery), as well as hadith literature and Islamic law. Books and previous research that support this research are secondary materials. The data collection technique was carried out through library research. Then the data that had been collected was analyzed qualitatively using descriptive-analytical methods.

RESULTS AND DISCUSSION

Research result

Based on the Political Indicator poll conducted via telephone interviews with 1,227 respondents, it was found that 80.3% of respondents admitted that there had never been an attack at dawn. These findings show the level of public confidence in the security and integrity of the election process. In contrast, 18.4% of respondents said they thought the 2024 election would be attacked early in the morning. These statistics illustrate the distrust that various groups of society have in the ability of elections to proceed without outside intervention. Meanwhile, 1.4% of respondents did not respond at all or admitted that they were not aware of the early morning strike.

According to the Blitar report, the dawn attack did occur and the losses caused ranged from IDR 100,000 to IDR 300,000 per victim. The success team for legislative candidates contesting in the 2024 elections is suspected of carrying out this money politics practice directly with prospective voters in their respective homes.

Discussion

Indonesian Legal Perspective

The type of money politics that is prohibited is dawn attacks, according to Law Number 7 of 2017 concerning Elections. According to the law, anyone who deliberately promises or gives money or other materials to voters to influence their decisions will be subject to prison sentences and large fines (Article 523 Paragraph (1)). This shows that the dawn attack is contrary to positive law and Indonesian democratic norms.

Enforcing laws against dawn attacks is critical to maintaining the integrity of elections. However, reports from the field indicate that this practice is still common and that some individuals, especially those on low incomes, even expect it. This suggests that social change and increased political awareness are needed in addition to law enforcement.

Islamic Law Perspective

The dawn attack can be classified as bribery (risywah) which is prohibited according to Islamic law. The hadith narrated by Imam Ahmad and other scholars states that Rasulullah SAW said, "The bribe giver and the bribe taker will go to hell." This viewpoint highlights that manipulating elections in any way, including early morning attacks, is against Islamic law and positive law.

According to Islamic law, a leader should be chosen because of their integrity and leadership skills, not because of the financial benefits they receive. As a result, the dawn

attacks violated Islamic moral and ethical standards and undermined the integrity of the election.

The Impact of the Dawn Attack on Democracy

The dawn attack phenomenon gives an unfair advantage to one or more parties during the election process, giving rise to injustice. This behavior ultimately has a negative impact on the progress and welfare of society by leading to the election of dishonest and incompetent leaders. Additionally, people's distrust of democracy was exacerbated by the dawn attacks as they believed that election results could be manipulated through financial means.

Prevention and Enforcement Efforts

Various stakeholders must be involved in strategic steps to combat the dawn raid phenomenon. Strict legal action against perpetrators of money politics needs to be balanced with voter education that emphasizes the importance of choosing candidates based on their qualifications and moral character. To stop dawn attacks, election monitoring organizations such as Bawaslu need to be proactive in carrying out patrols and searches.

In addition, political parties and candidates need to show that they are not involved in money politics. They must concentrate on providing work programs, visions and missions that are real and relevant to community needs. Fitriyah's research (2018) shows that political parties that are able to attract supporters with real work plans have great potential to gain sincere and sustainable support.

Implementation of Technology in Elections

One potential way to reduce the frequency of dawn attacks is to incorporate technology into the election process, such as electronic voting. E-voting can reduce the opportunity for money politics to emerge by minimizing direct contact between voters and successful candidates or teams. According to research by Pratama and Setiawan (2020), electronic voting has the potential to increase accountability and transparency in elections, but still requires adequate infrastructure preparation and human resources.

CONCLUSION

The dawn attack in the 2024 Simultaneous Elections is an important issue that endangers the credibility and trust of the public in the democratic process in Indonesia. Based on research findings and conversations, dawn attacks need to be stopped with strict law enforcement, political education that increases voter awareness, and the use of technology such as electronic voting to reduce interactions. Because Islamic law prohibits bribery, and positive Indonesian law prohibits money politics. directly helps political funding. To produce capable and moral leaders, political parties, candidates and the general public must work together to promote honest, fair and transparent elections.

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