

# Local Head Election during the Covid-19 Pandemic in *Qawaid Fiqhiyyah Siyasiyyah* Perspective

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## ABSTRACT

Covid-19 affects people's lives globally, both in the economy, education, health, social, and politics. Simultaneous local head elections in Indonesia that were supposed to be held on September 29, 2020, were postponed to December 9, 2020. In Islamic law, there is the study of *Qawaid Fiqhiyyah*. This article discusses simultaneous local head elections during the Covid-19 pandemic from *Qawaid Fiqhiyyah Siyasiyyah*. This research is library research and qualitative. The data collected were analyzed descriptively analytically with a deductive mindset. The study results that the simultaneous local head elections during the Covid-19 pandemic were held on December 20, 2020. That is based on Regulation of the General Election Commission Republic of Indonesia Number 20 of 2020 concerning Election of Governor and Deputy Governor, Regent and Deputy Regent, and Mayor and Deputy Mayor with One Pair of the Candidate. The local head election is carried out by implementing health protocols by washing hands, wearing masks, and maintaining distance. The election's implementation appropriates the *Qawaid Fiqhiyyah Siyasiyyah "Iza ta'aradha al-mafsadatani ru'iya a'zhamuha dhararan bi irtikab akhaffihima"* (if there are two dangers, then the lighter dangers are chosen). The harm caused by the local head election is that there are concerns about a new cluster from the spread of Covid-19. If the election is postponed due to the pandemic, the harm is even more significant because there is no certainty when the pandemic will end and the position of the local head becomes vacant. With the holding of simultaneous local head elections, it is hoped that the local elected head can carry out their duties better, especially in dealing with the Covid-19 virus in their regions.

**Keywords:** *Simultaneous local leader elections, Covid-19 pandemics, Qawaid Fiqhiyyah Siyasiyyah.*

## 1. INTRODUCTION

Local head elections are an essential part of politics [1]. Based on law number 32 of 2004 concerning regional government, the people can elect their local head directly [2]. The first local head election was held in June 2005 [3]. It is held to elect local heads, governors, regents, mayors, or DPRD and improve the quality of effective and efficient local elections.

The simultaneous local head elections will be held in seven batches until a national simultaneous local head election is achieved in 2027. The first batch was in December 2015. The second batch was in February 2017. The third batch in June 2018. The fourth batch in 2020. The fifth batch in 2022. The sixth batch in 2023. The

seventh wave will be held simultaneously nationally in 2027 [3].

The Covid-19 virus has become a worldwide epidemic [4]. The World Health Organization (WHO), has declared the novel coronavirus (COVID-19) outbreak a global pandemic on March 11, 2020 [5]. This epidemic affects social life [6], politics [7]–[9], economy [10], education [11]–[14], and health [15]–[18] of people in the world, including Indonesia [19, p. 369]. From a political point of view, the coronavirus affects the implementation of elections, such as in America [20], Australia [9], and Indonesia [21]. Based on data from International IDEA (Institute for democracy and electoral assistance), as of the first week of April, at least 47 countries worldwide have decided to postpone

national and subnational elections due to the Covid-19 pandemic [21].

In Indonesia, the Covid-19 pandemic affected the 2020 local head elections [22]. The election schedule has been changed several times. From being scheduled in March, it was postponed to December [9]. That is related to the readiness of the General Elections Commission as the organizer of the simultaneous local head elections, local head candidates, and the community. As an institution in charge of and responsible for the effectiveness and security of general elections, the General Elections Commission must be careful in making policies because they are related to public health.

The Indonesian government has made several policies to tackle the spread of the Covid-19 virus. The government policies are Presidential Instruction no. 4 of 2020 [23], Presidential Decree No. 11 of 2020 [24], Presidential Decree No. 12 of 2020 [25], Government Regulation No. 21 of 2020 [26], Presidential Decree No. 7 of 2020 [27], and Presidential Decree No. 9 of 2020 [28].

To prevent the spread of the Covid-19 virus, Large-Scale Social Restrictions are carried out based on Law no. 6 of 2018 [29] and Minister of Health Regulation No. 9 of 2020 [30]. These restrictions include restrictions on schools, workplaces, religious activities, activities in public places or facilities, modes of transportation, and restrictions on other activities. Special restrictions related to defense and security aspects, accompanied by the threat of sanctions for those who violate.

The PSBB policy impacts people's lives and the implementation of the election. The state must protect the rights of its citizens as stipulated in the 1945 Constitution, namely Article 28, Article 33, and Article 34 [31, p. 127]. The implementation of the local head elections is part of the right to freedom of expression as regulated in the fourth amendment to the 1945 Constitution Article 28 E paragraph (3): "Everyone has the right to freedom of association, assembly, and expression." [32, p. 189] On the other hand, if the elections are held simultaneously, it is feared that the number of Covid-19 sufferers will increase. Whereas citizens can obtain their rights in maintaining their lives and livelihoods as stated in Article 28 A of the 1945 Constitution: "And the right to live in physical and spiritual prosperity, to live, and to have a good and healthy environment and have the right to obtain health services." That was confirmed by the World Health Organization (WHO) in 1948, which emphasized that "to obtain the highest degree of health is a human right for everyone." Based on some of these considerations, the government is considering the technical implementation of simultaneous local head elections so that the elections can be carried out and the public remains guaranteed health from the Covid-19 outbreak [33, p. 67].

The local head election is prone to violations and fraud [34]. In trials of enforcing health protocols at the time of campaigning in several areas, many candidate

pairs who have not implemented health protocols even seem euphoric. During the campaign, there were a lot of crowds, and many residents were not wearing masks. Violation of health protocols can lead to an increase in Covid-19 patients. In addition, there are concerns that the number of voters will decrease because people are afraid of being exposed to the Covid-19 virus [9]. Several countries that continued to hold elections during the Covid-19 pandemic, such as Australia, experienced a decline in votes to 77-78 percent from the previous 83 percent. If the elections are held simultaneously during a pandemic, it is feared that certain groups will commit fraud. Reduced public participation in the implementation of elections will be easier to be manipulated by irresponsible parties.

Islam is very concerned about health and freedom of speech. Islam prescribes benefits and rejects harm, as is the rule of fiqh "*al-dharar yuzal*" (adverseness must be eliminated). In carrying out regional head elections, the government must consider the principles of benefit and harm. If this local head election contains benefits, namely giving the people the right to choose their local head, but because the implementation includes greater harm that can threaten a person's life, the government should be postponed the local head election again. That is based on the fiqh rule "*dar' al-mafasid muqaddam ala jalb al-masalih*" (avoiding danger takes precedence over receiving benefit).

The government is the policyholder in a country. In making decisions, the government must consider people's benefits. The government is obliged to protect the people's rights, including life rights and freedom of opinion. This study examines the implementation of simultaneous local elections during the Covid-19 pandemic according to *qawaid fiqhiyyah siyasiyyah*.

There has been no research on the implementation of simultaneous local elections during the Covid-19 pandemic from *qawaid fiqhiyyah siyasiyyah*. However, there are several studies on the election. Muhtar Haboddin's research states that family politics is increasingly in the context of regional head elections. They have complete political capital, namely: networks, connections, and finances [35]. Muhammad Ihsan Kabullah explained that the victory of a local head wife in the province of West Sumatra during the 2019 elections relied on her husband's political resources and on political networks to reach voters, emphasizing traditional gender roles and their political institutions [36]. Sri Budi Eko Wardani's research supports that almost half (44 percent) of female candidates elected to the Indonesian national parliament in 2019 are members of political dynasties. Instead, the dynasty's female candidates marginalized many eligible female candidates [37].

Stefanus Sampe's research states that in the 2010 local elections in Manado, the public chose a local head based more on the candidate's local head profile than on the party's profile that carried him [1]. Dewi Darmastuti's

research explains that discretionary spending (consisting of grants, social assistance, and financial assistance) does not attract voter support effectively [2]. Regarding the local elections during the pandemic, Eko Noer Kristiyanto said that the election should be conducted indirectly in the provinces. Still, on the other hand, at the district/city level must be maintained direct elections [38]. Devi Layalin Rahmawati stated that implementing the 2020 Simultaneous local head election does not contain benefits but evil because it is contrary to maqasid syariah to protect lives [39].

Based on the data above, although there is research on regional elections, there is no research on regional elections associated with *qawaid fiqhiyyah siyasiyyah*.

## 2. METHOD

This study uses a qualitative research approach model with data described in descriptive analysis. The presentation of the data is done descriptively, not statistically. The information was collected through the library—the data collected in the simultaneous local head elections during the Covid-19 pandemic and the *qawaid fiqhiyyah siyasiyyah*.

The primary source in this research is KPU regulation Number 6 of 2020 regarding the implementation of simultaneous local head elections in the non-natural disaster conditions of Covid-19. At the same time, secondary sources are books or journals supporting research, especially those discussing *qawaid fiqhiyyah* and elections.

The data was analyzed using a deductive perspective. This study draws specific conclusions from general problems, namely departing from the issue of simultaneous local head elections during the Covid-19 pandemic to be analyzed explicitly using the *qawaid fiqhiyyah siyasiyyah* theory.

## 3. RESULTS AND DISCUSSION

### 3.1. Simultaneous Local head election Postponement during the Pandemic

Simultaneous Local head election is part of the activities of a state that adheres to a democratic system [40]. A democratic state conducts elections for a public office by involving citizens who have the right to vote [41, p. 5]. Implementing a fair election implements the principle of governance of the people, by the people, and for the people [42, p. 32].

From an administrative perspective, the general election is held by the General Elections Commission (KPU) to implement public management [43]. KPU plays an essential role in ensuring the quality of general elections. Normatively, the general election in Indonesia is expected to produce a government that has significant legitimacy to govern.

In the context of the 2020 local head election, all local election actors, including organizers, prospective candidates, and political parties, determine their attitude

to adjust to government policies related to the Covid-19 pandemic outbreak. By determining the status of a health emergency, limiting interactions complicates movement and hinders the performance of election administrators. This situation hindered the actions of prospective candidates and the movement of political parties to gain mass in the election of governors, regents, and mayors in 270 regions (consisting of 9 governors, 224 regents, and 37 mayors) [9].

The stages of holding simultaneous local head elections planned to be held on September 23, 2020, were postponed to December 9, 2020 [46]. This provision is based on the information contained in Article 201 paragraph (6) of Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors. The government has postponed the election due to the increasing spread of the Covid-19 outbreak and maintaining the people's health. The General Election Commission's decision is the right and responsive step in responding to the pandemic situation and suppressing the spread of the Covid-19 outbreak. Article 22 of the Constitution of the Republic of Indonesia said: "In the compelling emergency case, the President has the right to stipulate a government regulation instead of the Act." [44, p. 127].

### 3.2. Campaign Strategy during the Covid-19 Pandemic

Simultaneous elections during the pandemic were held in December 2020. In the election implementation, each candidate conducted a campaign to introduce themselves and ask for support from the community. They compete with each other to carry out their mission vision. During this pandemic, each candidate pair campaigned by implementing health protocols.

Election Supervisory Agency (Bawaslu) is a tough challenge as an institution with a role in supervision in the simultaneous election stage. There are two different principles; the principle of this pandemic is staying at home, while the principle of elections is mass mobilization. That becomes a little heavy on the role of Bawaslu in the implementation of simultaneous elections [9]. The campaigns are done in combination or mixing between offline and online. In public perception, the campaign is done with a crowd. This campaign conveys the vision, mission of the program, and the self-image of election participants, especially for newcomers. The campaign aims to attract popular votes to choose a particular partner. Campaigning is important because the campaign is the longest of the other stages in the election, which is 71 days, starting September 26 to December 5, 2020 [45, p. 4].

Offline campaign methods include limited meetings, face-to-face meetings, open meetings, public debates, spreading campaign banners, serving campaign ads. Online campaigns are not easy to do in educating the public. In general, people are still accustomed to offline campaigns face-to-face because the emotional feeling is easier to capture. But the government is trying to design an online campaign. Candidates should maximize more

on this online campaign opportunity. Public health remains at number one so that implementing this simultaneous election does not become a new cluster of Covid-19 spread. For online campaigns, the deadline expires 14 days before the election. Social media use can be through Facebook, WA, Instagram, Twitter, etc.

The barrier to online campaigns is adequate internet access and media access in all areas. DPR provides election organizers and the government conditions to maintain public safety and health. Second, the quality of democracy at the time of the election is still applied and maintained. The DPR requested that the campaign be conducted *merész* or online, using social media and others. For areas that cannot access the internet properly, the DPR asks the KPU and Bawaslu to communicate with KOMINFO to conduct meetings related to network power if the campaign is conducted online. In addition, the DPR asked the KPU to prepare an electronic recapitulation to streamline and optimize the election organizers simultaneously in terms of financing and faster in terms of results.

### 3.3. Efforts to make the 2020 Simultaneous Elections Can Be Carried Out Properly

With the implementation of simultaneous elections in 2020 during the Covid-19 pandemic, it is expected to meet the demands of democracy while maintaining public health. The democratic party that is carried out through simultaneous elections in 2020 is expected to run smoothly; community participation remains high, while the community remains safe from Covid-19. Therefore, there are several efforts so that simultaneous elections in 2020 can run well and effectively. These efforts are:

#### a. Increased oversight of health protocols

Efforts in preparation for the implementation of simultaneous elections in 2020 can certainly improve the quality of democracy by staying in compliance with health protocols to prevent Covid-19 transmission. At each election stage, all parties are expected to adjust the selection mechanism and health protocol Covid-19. Election organizers, regional heads, and candidates for local heads, election supervisors, and state security forces are required to play an active role in creating a conducive situation in implementing the 2020 Simultaneous Elections on December 9, 2020.

One of the efforts to keep simultaneous elections in 2020 is to apply the rules in Article 11 of the Election Commission Regulation of the Republic of Indonesia No. 6 of 2020 concerning the Implementation of The Election of Governors and Deputy Governors, Regents and Deputy Regent, and Mayors and Deputy Mayors simultaneously Continued in Non-nature Corona Virus Disease 2019 Disaster Conditions (COVID-19):

- (1) Every Election Organizer, Candidate Pair, Campaign Team, Candidate Spouse Liaison, and parties involved in The Simultaneous Election Continued must carry out health protocols to prevent and control Corona Virus Disease 2019

(COVID-19). That is referred to in Article 5 to Article 9, at least in masks that cover the nose and mouth to the chin.

- (2) If there are parties who violate the obligations referred to in paragraph (1), the Provincial KPU, KPU Regency / City, PPK, or PPS give a reprimand to the parties concerned to follow the provisions of the health protocol for prevention and control of Corona Virus Disease 2019 (COVID19).
- (3) If the parties concerned have been given a reprimand as referred to in paragraph (2), still do not implement the health protocol of health protocol prevention and control of Corona Virus Disease 2019 (COVID19), Provincial KPU, KPU Regency/City, PPK, or PPS in coordination with Bawaslu Province, Bawaslu Regency/City, Panwaslu Subdistrict, or Panwaslu Kelurahan/Village to impose sanctions following the provisions of the laws and regulations [46].

#### b. Maintaining integrity in the election

Integrity is a virtue and a character that generates the impetus for the owner to realize decisions and actions for the common good [47, p. 131]. Integrity is instrumental in directing competence to produce excellent and quality performance. In the implementation of elections, integrity can be seen from all sides of the subject. From the side of the election organizers, it can be seen how consistent it is in implementing the laws and rules of regional head elections. In terms of election participants, it can be seen from how the implementation of the law of organizing elections and whether to find loopholes to commit violations and after winning votes in the election will keep their promises and implement their programs and policies or not. From the voter side, it can supervise the implementation of elections before and after and see how voters do not participate in the election violations.

#### c. There must be a commitment for both election participants and implementers

The enforcement of health protocol discipline takes precedence, considering that election activity, especially campaigns, is a stage involving the masses. That is a big challenge to carry out simultaneous elections in 2020 during the COVID-19 pandemic. Because some violations regarding the enforcement of health protocol disciplines are still widely occurring, it should be realized that the implementation of this simultaneous election concerns political competition between candidates and concerns between politics and health.

#### d. Community discipline

The implementation of elections should not ignore the health and safety of the community. We must not risk the health and safety of the people in the name of democracy. Democracy itself is for the good and well-being of society. Democracy means the government of the people, by the people, and for the people. Any policy is for the good and benefit of the community. The

implementation of democracy is essential, but public health and safety are also important [39, p. 14].

The Indonesian Election Supervisory Agency has been vociferously reminding the health protocol of Covid-19 prevention in the 2020 election. If there are parties involved in the election, do not comply with health protocols and get ready to get a reprimand until sanctions. Cooperation is needed between the government and the community in the simultaneous election in 2020 [39, p. 200]. The challenge must be working together with the election organizers, the government, the political parties of candidates, the community how. We have a solid intention to hold elections in the Covid-19 situation well and remain safe.

### 3.4. Positive Impact and Negative Impact Continue to Be Held Simultaneously in 2020

Implementing simultaneous elections in 2020 during the Covid-19 pandemic has advantages and disadvantages. The benefits of implementing simultaneous elections in 2020 include:

#### a. The applicable regulatory mandate remains in place

The implementation of simultaneous elections in 2020 is the implementation of the mandate contained in Law No. 10 of 2016 Article 201 paragraph 6, which reads, "Simultaneous voting of governors and deputy governors, regents, and deputy regents, as well as mayors and deputy mayors of the results of the 2015 election held in September 2020". Because of the covid-19 pandemic, the election was simultaneously postponed with the issuance of PERPU No. 2 of 2020 concerning the Election of Governors, Regents, and Mayors into Law, which is contained in Article 201A paragraph (2) which is "Simultaneous voting postponed as referred to in paragraph (1) is held in December 2020". The postponement of this simultaneous election is still carried out in the same year, namely December 2020.

Simultaneous elections are carried out by implementing strict health protocols. The election is still carried out for a role and duties from the local head in synergizing and collaborating with the central government to mobilize the handling of Covid-19 and speed up the recovery process after Covid-19.

#### b. Constitutional Rights of Election Participants and The Public Remain Fulfilled

This simultaneous election is one way of distributing the human rights of every principal citizen. Therefore, the government must ensure the implementation of simultaneous elections in 2020. The government must guarantee that the implementation of simultaneous elections should not be delayed any longer. The holding of elections in the NRI Constitution of 1945 is one of the foundations of the Indonesian constitution. Elections realize citizens' constitutional rights, both as candidates for election or anyone who wants to channel their political right to vote and be elected.

#### c. Avoiding the practice of interim official leadership

Temporary officials have limited authority. That makes it impossible for them to take strategic policy because the leadership of temporary officials cannot have the power to make rules that are very important to be enforced in solving problems or problems in the Covid-19 pandemic. That is considered less effective because of temporary officials' limited authority, resulting in a slowdown in performance.

Regional heads and deputy heads of regions are not only a symbol of government. Governors, mayors, or regents have more substantial authority, for example, in structuring bureaucratic organizations, human resources, or staffing and budget allocation to carry out their campaign promises to the people who have elected them.

#### d. Avoiding Budget Swelling

The implementation of simultaneous elections in 2020, if postponed, has an impact on cost overruns. The point is that the government and the candidate pairs of regional heads have spent many operational costs from socialization and other preparations used for election purposes. So if the simultaneous election in 2020 is postponed, it will cost even more. The budget that has been disbursed in 2020 will be wasted because it passes the budget year.

Some of the above advantages will certainly be realized when the implementation of simultaneous elections in 2020 is carried out following the implementation of health protocols strictly and well. In addition to the implementation of simultaneous elections having advantages, then certainly there is a deficiency that makes concerns so that there is the potential to cause negative impacts, among others:

#### a. The risk of COVID-19 transmission is getting higher

With the continued implementation of simultaneous elections in 2020, it cannot be denied that it can cause mass crowds where the chance of transmission is very high. Elections in pandemic times have considerable risk. As reflected on September 4, the first day of registration of candidate couples, many candidate couples in various areas provoked crowds by conducting convoys that mostly did not pay attention to the Covid-19 Health protocol. In addition, some prospective candidates also contracted the coronavirus. What indeed makes more restless is the explosion of the surge in Covid-19 cases.

#### b. Potentially the existence of increasingly vulnerable cheating practices

Continuing to conduct simultaneous elections in 2020 certainly raises concerns about the potential for fraudulent practices. For example, the potential for money politics is increasingly becoming during pandemic conditions. A weakened economy results in many citizens who have difficulty meeting the needs of life. It is feared that voters choose a candidate without good quality because it is influenced and wooed by money even though the amount is not as high.

In addition, the potential violations on the day of the implementation of simultaneous elections in 2020 can

potentially occur at three stages of elections, namely at the stage of voting, counting, and recapitulation. Especially at the recapitulation stage is the opening of the ballot box outside the provisions. Vote during the Covid-19 pandemic is using new things in the use of technology feared abuse in the use of the technology.

**c. Election Rejection Has The Potential to Increase Golput Numbers**

The government's decision regarding the implementation of the election received protests from some communities. The holding of simultaneous elections in 2020 is predicted to give rise to people who do not use their voting wisely or are commonly referred to as Golput (White Class) for reasons of health and safety of citizens. Being Golput may be the most logical choice considering that the health and safety of the community are threatened during the Covid-19 outbreak situation. The implementation of simultaneous elections can risk decreasing public confidence in the government [22, p. 91].

**3.5. Qawaid Fiqhiyyah Siyasiyyah Analysis of the Implementation of KPU Regulation No. 20 of 2020**

The spread of the Covid-19 pandemic caused many problems. The Indonesian government is guided by Law No. 6 of 2018 on Quarantine in its prevention. This law regulates the responsibilities of the central government and local government, rights and obligations, public health emergencies, the implementation of health emergencies at the entrance, the implementation of the interest in the region, health quarantine documents, coaching, and supervision, investigations, and criminal provisions—[48, p. 864].

In article 4, the law states: "The central government and local governments are responsible for protecting public health from diseases and/or risk factors of public health through the implementation of health quarantine." Article 10 of the health quarantine act explains that the central government determines and revocation of public health emergencies. Authority to establish the lifting or establishment of entrances and/or areas in the country infected with public health emergencies. Before doing so, the central government must first determine the type of disease and risk factors that can cause public health emergencies. Furthermore, it determines further the procedures for determination and revocation as referred to in paragraphs (1) and paragraph (2) regulated by government regulations.

In this case, the local government and the central government are responsible for the availability of resources needed by the general public. Such as the availability of adequate health facilities along with qualified medical personnel. Local governments are also burdened with responsibility for supervising activities conducted in connection with Covid-19. The central government that provides guidelines and implementation management and its implementation is in the hands of regional heads.

The regional head and his team realized the provision of health facilities and SOPs regarding the handling of Covid-19 patients. He also educates people in their respective regions about the dangers of Covid-19. In addition, regional heads mobilize stakeholders to be active in dealing with covid-19 and provide a social safety net. It must also address the economic impact caused by Covid-19 [48, p. 865].

Thus the head of the regional area is essential in handling Covid-19. The head of the region becomes a bridge between the central government's policies and the community directly. Each part has its character. Being controlled by local governments accountable to the central government can be more effective and efficient in taking a policy.

Elections are a form of implementation of democracy. Democracy is a way of defending people's aspirations for the state of law. Indonesia is a democratic legal state, as stated in Article 1 paragraph (2) and paragraph (3) of the 1945 NRI Constitution. Democracy is from the people, by the people, and for the people. It is more easily interpreted that sovereignty lies in the people's hands and is implemented according to the Basic Law. Democracy, the state of law, and the welfare state became the philosophical basis of elections [49]. According to Satjipto Rahardjo, a democratic election is the existence of an institution that gives birth to a new social contract between the people and the government [50]. According to Jimly Asshiddiqie, elections, other than as an embodiment of democracy and human rights, also aim to fill and implement leadership succession in an orderly manner [51, p. 17]. Democratic elections can be conducted directly or indirectly [52].

Simultaneous elections 2020 is the fourth wave simultaneous election conducted for regional heads of election results in December 2015. The 270 regions hold simultaneous elections in 2020 consist of 9 provinces, 224 districts, and 37 cities. Initially, simultaneous elections during the Covid-19 pandemic will be held on September 23, 2020, but postponed to December 9, 2020. That is a government strategy that has been considered to create mutual benefit. The implementation of elections is regulated in KPU Regulation number 20 of 2020. In realizing KPU Regulation number 20 of 2020, it turned out to be going well even though there were 2.2% violations of health protocols.

The government's reasons for continuing to carry out elections simultaneously in the covid-19 pandemic period are: first, the government wants to guarantee the people's constitutional right to be elected and vote following the constitution. Second, the government cannot be sure when this pandemic will end, and it is unlikely that the government will allow nine provinces, 37 cities, and 224 districts to be led by plt (temporary officials) while waiting for the pandemic to end for elections to be held [53]

The government's policy to hold elections simultaneously during the pandemic follows Islamic

teachings. Islam is a religion derived from realizing human beings who have a noble morality of humanity and uphold justice [54, p. 760]. The Qur'an and hadith are the primary sources of law in Islam [55, p. 7]. Ulama ushul fiqh berijtihad untuk menemukan hukum yang baru berdasarkan sumber Islam dengan berbagai metode. Ulama berijtihad untuk memahami pedoman dan tujuan diturunkannya syariah [55, p. 8]. Ulama succeeded in giving birth to the formulation of the rules of fiqh (*al-qawa'id al-fiqhiyyah*). *Qawaid Fiqhiyyah* there are 3 kinds, namely: first, 5 basic rules (*al-qawa'id al-asasiyah*). Second, the rules of the branch agreed by jumhur ulama, and third, the rules of the branches disputed by the ulama [55, p. 41].

Allah has a good law for His servants both in this world and in the Hereafter [54, p. 841]. These benefits are contained in maqashid al-sharia, namely: first, Islam guarantees the fundamental human right of life (*hifzh al-nafs*). Second, *hifzh aql* where human freedom to argue, free opinion, and expression. Third, Islam guarantees freedom of religion (*hifzh din*). Fourth, *hifzh Nasl*, where Islam guarantees the rights and health of reproductive organs for the survival of good offspring. Fifth, Islam maintains property rights or known as *hifzh mal*. The teachings of Islam are contrary to the maintenance of the five fundamental rights mentioned above [54].

The implementation of elections gives people the right to freedom of opinion. That is in line with maintaining reason (*hifz al-aql*). The government is obliged to support public health in close relation to the principle of keeping the soul (*hifzh al-nafs*). In this case, the government held elections obliged to implement health protocols. So that it can maintain the mind and soul can be done well.

In *qawaid fiqhiyyah* there is the rule of "*al-dharar yuzal*" (danger must be eliminated). This rule has a branch rule that reads "*al-dharar yuzal bi qadr al-imkan*" (danger must be rejected as much as possible). The study of government in Islam is associated with *siyasah* jurisprudent. In this case, the government should make policies based on *maslahah*. The government is also obliged to prevent its people from harm.

With the end of the regional chief's term in 2020, some regions are experiencing leadership vacancies. Although there are temporary replacement officials, the authority is not as broad as the authority obtained by official officials. With the covid-19 pandemic, it takes regional heads who have the authority to make their regions able to cope with the covid19 pandemic outbreak to the maximum. Therefore, elections during the pandemic, although there are concerns that it could cause the spread of covid 19 more widely, it is also important to do so that the region has a definite leader.

In this case, simultaneous elections in fiqh terminology fall into the category of *al-hājah* (needs). The mean *al-hājah* is that a person is at the limit that if he does not get something forbidden, he will get

difficulty and objections. Simultaneous elections are included in this category because if simultaneous elections are not carried out, the region will experience problems and complaints. For example, suppose Covid-19 increases in the area, and there is no official regional head. It is feared that it will cause the government difficulty overcoming and controlling the virus that infects the place.

With the *hajah* category, simultaneous elections can be positioned into an emergency such as the rules of fiqh "*al-hājah tanzil manzilah al-dharurah ammatan kanat aw khassatan*" (a need both common and special sometimes set such as *darurat*). In this rule, there is a meeting between *al-hājah* and *ad-darurat*, which are two different things. But meeting at the same time and covered one problematics. In this position, the origin of prohibited matters becomes permissible. In this case, because the covid19 pandemic should be eliminated, the election can be done because there are *al-hajah* and *al-dharurah*.

Another rule mentions that "*Iza ta'aradha al-mafsadatani ru'ya a'zhamuha dhararan bi irtikab akhaffihima*" (If there is a conflict between two kinds of mufsadat, then it must be considered which is greater danger by doing the lighter). Here when the election is simultaneously held, it is feared that there is a new covid-19 spread cluster. But if there is a leader vacancy in the area, it also gives rise to *mafsadat*. Suppose no leader can expressly enforce the rules and carry out the strategic role of their regional policies, causing the community to become non-compliant with the applicable rules and violate the rules made, among others, violate health protocols. That is dangerous and can cause clusters between regions. That raises a greater *mafsadat* than concerns about the emergence of new clusters of covid-19 due to holding elections.

In Islam, the presence of a leader is significant. That is evidenced when the Prophet Muhammad (peace be upon him) died, which is more done by some friends is to choose a leader among them to lead. So from the meeting held in Saqifah Bani Sa'diyah was chosen Abu Bakr as the leader. It was only after the election of the Prophet Muhammad's funeral procession leader. During his lifetime, the Prophet Muhammad also appointed Badzan bin Sassan ra to Yemen as governor, Muhajir bin Abu Umayyah al Mahzumiyah became governor of Kandah and Shadaf, Abu Musa Al-Asy'ari became governor of Zubaid, Aden, Zama' and As-Sahil, and Abu Sufyan Shakhr became Governor of Yemen [56].

In the election of regional heads during the Covid-19 period, various parties have pros and cons. The counter camp rejects the implementation of simultaneous elections during the Covid-19 pandemic has the consideration that if the election continues, it will cause the risk of Covid-19 transmission is higher with the emergence of new clusters. Furthermore, there is the potential for increasingly vulnerable cheating practices. The last is a rejection movement from the

community in rejection of elections by choosing to go to the polls. But it turns out that what is feared is not proven. Election runs smoothly following health protocols. There are no charts or official reports on cases of new spikes or clusters caused by the 2020 election based on election data. Although the Covid-19 transmission graph increases nationally until the end of 2020, it is generally not caused by the Pilkada cluster, but other factors such as year-end holidays and so on [57].

Thus, the implementation of elections during the pandemic follows *qawaid fiqhiyyah siyasiyyah*. The government is trying to implement the rule of “*al-dharar yuzal*” (eliminating danger) in the elections. The government postponed several elections until the election was held on December 20, 2020, because of *al-hajah* and *al-dharurah*. To maintain public health, the government makes strict regulations to implement this election. That is following the rules of “*al-dharar yuzal bi qadr al-imkan*” (danger must be rejected as much as possible).

#### 4. CONCLUSION

Based on the results of the author's analysis of the perspective of *qawaid fiqhiyyah siyasiyyah* on the simultaneous regional head elections during the Covid-19 pandemic, this study concluded that the implementation of simultaneous elections during the Covid-19 pandemic was carried out based on KPU regulation No. 20 of 2020. The election was held on December 20, 2020, because the handling of Covid-19 in the area was more effective when carried out by authorized regional officials. The implementation of the election is carried out by implementing health protocols, including washing hands, wearing masks, and maintaining distance.

In its implementation, the election has been following *qawaid fiqhiyyah siyasiyyah* “*al-dharar yuzal*” (the danger must be eliminated). Here the danger posed by the election is the emergence of a new cluster of covid-19 has been reduced by the possibility of KPU regulation No. 20 of 2020. If the election is postponed on the grounds of a pandemic, it is irrelevant because the government has not determined when the pandemic will end. The role of local governments is significant and strategic in preventing the emergence of new clusters of Covid-19 and other policies related to the authority of local governments in dealing with Covid-19. Therefore, elections need to be done to get regional heads who officially can regulate their area to the maximum.

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#### REFERENCES

- [1] S. Sampe, “Why Political Parties don’t and do Matter in Local Government Elections in Indonesia: A Manado Case,” *Rev. Sociol. e Política*, vol. 29, no. 77, pp. 1–19, 2021, doi: 10.1590/1678-987321297703.
- [2] D. Darmastuti and D. Setyaningrum, “The Effect of Discretionary Spending on Incumbent Victories in Elections,” *Humanit. Soc. Sci. Rev.*, vol. 7, no. 4, pp. 685–693, 2019, doi: 10.18510/hssr.2019.7488.
- [3] N. L. Musyafa’ah, “Pemilihan Umum Kepala Daerah Serentak perspektif Maqâshid Al-Syari’ah,” *OKTOBER*, vol. 6, no. 2, pp. 369–395, 2016, doi: <https://doi.org/10.15642/ad.2016.6.2.369-395>.
- [4] Q. Zhan *et al.*, “The Overview of Global Development and Control of COVID-19,” *ICSES Trans. Evol. Metaheuristic Algorithms*, vol. X, no. May 2019, pp. 1–10, 2020.
- [5] D. Cucinotta and M. Vanelli, “WHO declares COVID-19 a pandemic,” *Acta Biomed.*, vol. 91, no. 1, pp. 157–160, 2020, doi: 10.23750/abm.v91i1.9397.
- [6] D. Ayuningtyas, H. U. Haq, and R. R. M. Utami, “Initiating Global Civil Society as a Strategy for Handling the Covid-19 Public Health Threat: A Policy Review,” *Kesmas*, vol. 15, no. 2, pp. 1–5, 2020, doi: 10.21109/KESMAS.V15I2.3931.
- [7] T. K. Yuda, J. Damanik, and Nurhadi, “Examining Emerging Social Policy during COVID-19 in Indonesia and the Case for a Community-Based Support System,” *Asia Pacific J. Soc. Work Dev.*, vol. 31, no. 1–2, pp. 13–22, 2021, doi: 10.1080/02185385.2020.1829499.
- [8] R. Sparrow, T. Dartanto, and R. Hartwig, “Indonesia Under the New Normal: Challenges and the Way Ahead,” *Bull. Indones. Econ. Stud.*, vol. 56, no. 3, pp. 269–299, 2020, doi: 10.1080/00074918.2020.1854079.
- [9] A. Jeydel, “Pandemic Politics – How Covid Has Altered the Local Election Landscape,” *Calif. J. Polit. Policy*, vol. 13, no. 1, pp. 1–4, 2021, doi: 10.5070/p2cjpp13154576.
- [10] M. Buheji *et al.*, “The Extent of COVID-19 Pandemic Socio-Economic Impact on Global Poverty. A Global Integrative Multidisciplinary Review,” *Am. J. Econ.*, vol. 10, no. 4, pp. 213–



- 224, 2020, doi: 10.5923/j.economics.20201004.02.
- [11] S. A. Sufian, N. A. Nordin, S. S. N. Tauji, and M. K. M. Nasir, "The Impacts of Covid-19 to the Situation of Malaysian Education," *Int. J. Acad. Res. Progress. Educ. Dev.*, vol. 9, no. 2, 2020, doi: 10.6007/ijarped/v9-i2/7659.
- [12] B. Mulyanti, W. Purnama, and R. E. Pawinanto, "Distance Learning in Vocational High Schools during the Covid-19 Pandemic in West Java Province, Indonesia," *Indones. J. Sci. Technol.*, vol. 5, no. 2, pp. 271–282, 2020, doi: 10.17509/ijost.v5i2.24640.
- [13] Hermanto, N. G. M. Rai, and A. Fahmi, "Students' Opinions about Studying from Home during the COVID-19 Pandemic in Indonesia," *Cypriot J. Educ. Sci.*, vol. 16, no. 2, pp. 499–510, 2021, doi: 10.18844/CJES.V16I2.5627.
- [14] O. Haroon and S. A. R. Rizvi, "Flatten the Curve and Stock Market Liquidity—An Inquiry into Emerging Economies," *Emerg. Mark. Financ. Trade*, vol. 56, no. 10, pp. 2151–2161, 2020, doi: 10.1080/1540496X.2020.1784716.
- [15] Y. Shang *et al.*, "Management of Critically Ill Patients with COVID-19 in ICU: Statement from front-line Intensive Care Experts in Wuhan, China," *Ann. Intensive Care*, vol. 10, no. 73, pp. 1–24, 2020, doi: 10.1186/s13613-020-00689-1.
- [16] M. Karpman, S. Zuckerman, and G. Peterson, "Adults in Families Losing Jobs During the Pandemic Also Lost Employer-sponsored Health Insurance," *Br. (Urban Institute)*, 2020, [Online]. Available: <https://search.bvsalud.org/global-literature-on-novel-coronavirus-2019-ncov/resource/en/grc-740395>.
- [17] L. A. Post *et al.*, "SARS-CoV-2 Wave Two Surveillance in East Asia and the Pacific: Longitudinal Trend Analysis," *J. Med. Internet Res.*, vol. 23, no. 2, pp. 1–15, 2021, doi: 10.2196/25454.
- [18] H. A. Rothan and S. N. Byrareddy, "The epidemiology and pathogenesis of coronavirus disease ( COVID-19 ) outbreak," *J. Autoimmun.*, vol. 109, no. February, p. 102433, 2020, doi: 10.1016/j.jaut.2020.102433.
- [19] I. K. Sakharina, "Hak Atas Pangan di Masa Pandemi Coronavirus Disease Covid-19," *LEGISLATIF*, vol. 3, no. 2, pp. 367–384, 2020.
- [20] K. Morris and P. Miller, "Voting in a Pandemic: COVID-19 and Primary Turnout in Milwaukee, Wisconsin," *Urban Aff. Rev.*, pp. 1–17, 2021, doi: 10.1177/10780874211005016.
- [21] R. Rosanti, "Pandemic At the Polls: How To Prepare the Elections Post Covid-19 (Towards Indonesia Local Elections in 2020)," *J. Acad. Praja*, vol. 3, no. 2, pp. 147–167, 2020, doi: 10.36859/jap.v3i2.181.
- [22] A. Ristyawati, "Efektivitas Pelaksanaan Pilkada Serentak 2020 Pada Masa Pandemi Darurat Covid-19 Di Indonesia," *Crepido*, vol. 2, no. 2, pp. 85–96, 2020, doi: 10.14710/crepido.2.2.85-96.
- [23] Presiden Republik Indonesia, "Instruksi Presiden Republik Indonesia Nomor 4 Tahun 2020 tentang Tentang Refocussing Kegiatan, Realokasi Anggaran serta Pengadaan Barang dan Jasa dalam Rangka Percepatan Penanganan Covid-19," Jakarta, 2020.
- [24] Presiden Republik Indonesia, *Keputusan Presiden (Keppres) Nomor 11 Tahun 2020 tentang Penetapan Kedaruratan Kesehatan Masyarakat Covid-19*. Indonesia, 2020, pp. 1–2.
- [25] Presiden Republik Indonesia, "Keputusan Presiden Republik Indonesia Nomor 12 Tahun 2020 tentang Penetapan Bencana non Alam Penyebaran Corona Virus Disease 2019 (Covid\_19) sebagai Bencana Nasional," 2020.
- [26] Presiden Republik Indonesia, "Peraturan Pemerintah Nomor 21 Tahun 2020 tentang Pembatasan Sosial Berskala Besar Dalam Rangka Percepatan Penanganan Coronavirus Disease 2019/COVID-19," vol. 2019, no. 022868, p. 8, 2020.
- [27] Presiden Republik Indonesia, *Keputusan Presiden Republik Indonesia Nomor 7 Tahun 2020 Tentang Gugus Tugas Percepatan Penanganan Corona Virus Disease 2019 (COVID-19)*. Indonesia, 2020, pp. 1–8.
- [28] Presiden Republik Indonesia, *Keputusan Presiden Republik Indonesia Nomor 9 Tahun 2020 Tentang Perubahan Atas Keputusan Presiden No. 7 Tahun 2020 Tentang Gugus Tugas Pecepatan Penanganan Covid-19*. 2020, p. 9.
- [29] Presiden Republik Indonesia, *Undang Undang Nomor 6 tahun 2018 tentang Keekarantinaan Wilayah*. Indonesia, 2018, pp. 1–72.
- [30] Menteri Kesehatan RI, "Peraturan Menteri

- Kesehatan Republik Indonesia Nomor 9 Tahun 2020 Tentang Pedoman Pembatasan Sosial Berskala Besar Dalam Rangka Percepatan Penanganan Corona Virus Disease 2019 (Covid-19)," 2020. [Online]. Available: [http://hukor.kemkes.go.id/uploads/produk\\_hukum/PMK\\_No\\_9\\_Th\\_2020\\_ttg\\_Pedoman\\_Pembatasan\\_Sosial\\_Berskala\\_Besar\\_Dalam\\_Penanganan\\_COVID-19.pdf](http://hukor.kemkes.go.id/uploads/produk_hukum/PMK_No_9_Th_2020_ttg_Pedoman_Pembatasan_Sosial_Berskala_Besar_Dalam_Penanganan_COVID-19.pdf).
- [31] A. M. Effendi, *Dinamika Hak Asasi Manusia dalam Hukum Nasional dan Internasional*. Jakarta: Ghalia Indonesia, 1994.
- [32] D. L. Selian and C. Melina, "Kebebasan Berekspresi Di Era Demokrasi: Catatan Penegakan Hak Asasi Manusia," *Lex Sci. Law Rev.*, vol. 2, no. 2, pp. 189–198, 2018, doi: 10.15294/lesrev.v2i2.27589.
- [33] R. Rabi'ah, *Lebih Dekat dengan Pemilu di Indonesia*. Jakarta: Rajawali, 2007.
- [34] F. Polli, "Penyelesaian Pelanggaran Pemilihan Kepala Daerah Dan Wakil Kepala Daerah (Pemilukada) Oleh Komisi Pemilihan Umum Daerah (KPUD)," *Lex Soc.*, vol. 2, no. 6, pp. 113–123, 2014.
- [35] M. Haboddin, "Politik Keluarga dalam Pilkada Serentak," *J. Transform.*, vol. 3, no. 2, pp. 1–15, 2017, [Online]. Available: <https://transformative.ub.ac.id/index.php/jtr/article/view/110>.
- [36] M. Ichsan Kabullah and M. N. Fajri, "Neo-Ibuisim in Indonesian Politics: Election Campaigns of Wives of Regional Heads in West Sumatra in 2019," *J. Curr. Southeast Asian Aff.*, vol. 40, no. 1, pp. 136–155, 2021, doi: 10.1177/1868103421989069.
- [37] S. B. E. Wardani and V. S. Subekti, "Political Dynasties and Women Candidates in Indonesia's 2019 Election," *J. Curr. Southeast Asian Aff.*, vol. 40, no. 1, pp. 28–49, 2021, doi: 10.1177/1868103421991144.
- [38] E. N. Kristiyanto, "Rekonstruksi Sistem Pemilihan Gubernur Dan Pemilihan Bupati / Walikota Di Indonesia," *Penelit. Polit.*, vol. 12, no. 2, pp. 21–31, 2015.
- [39] M. W. Akbar and A. Benedict, "Kampanye di Tengah New Normal Era: Mampukah Kita Berdamai dengan Pandemi?," *Ampera*, no. May, pp. 1–15, 2020, [Online]. Available: [https://www.jhsph.edu/covid-%0Ahttps://www.researchgate.net/publication/341713037\\_Kampanye\\_di\\_Tengah\\_New\\_Norma](https://www.jhsph.edu/covid-%0Ahttps://www.researchgate.net/publication/341713037_Kampanye_di_Tengah_New_Norma)
- I\_Era\_Mampukah\_Kita\_Berdamai\_dengan\_Pandemi.
- [40] T. Sudrajat, U. Rahmawati, T. Irawati, and F. P. Upa, "Collaboration of Local Election Supervisors with Neighbourhood Association (Rukun Tetangga) to Make an Antimoney Politic Community Movement During the Pandemic Covid 19," in *Proceedings of the 2nd International Conference on Administration Science 2020 (ICAS 2020)*, 2021, vol. 564, no. Icas 2020, pp. 83–87, doi: 10.2991/assehr.k.210629.016.
- [41] R. de Archellie, M. Holil, and A. Waworuntu, "Indonesian local politics and the marriage of elite interests: Case study of elite democracy in Gorontalo," *Cogent Arts Humanit.*, vol. 7, no. 1, pp. 1–18, 2020, doi: 10.1080/23311983.2020.1838090.
- [42] M. Masan and Rachmat, *Pendidikan Kewarganegaraan*. Jakarta: Raja Grafindo Persada, 2011.
- [43] Estivani, "Strategi komunikasi komisi pemilihan umum (KPU) kota surabaya dalam mengelola Pemilihan Kepala Daerah di Masa Pandemi Covid-19," UIN Sunan Ampel Surabaya, 2021.
- [44] R. P. P. M. Hasibuan, "Urgensitas Perppu Pilkada di Kala Wabah Pandemi Covid-19," *Adalah*, vol. 4, no. 1, pp. 121–128, 2020.
- [45] A. Widiyana, "Kampanye di Masa Pandemi Covid-19 dalam kontestasi pemilihan Wali Kota Surabaya Tahun 2020: analisis pasangan calon Eri Cahyadi dan Armuji," UIN Sunan Ampel, 2021.
- [46] Komisi Pemilihan Umum Republik Indonesia, *Peraturan Komisi Pemilihan Umum Republik Indonesia Nomor 6 Tahun 2020*. Indonesia, 2020, pp. 1–87.
- [47] G. Endro, "Menyelisik Makna Integritas dan Pertentangannya," *Integritas*, vol. 3, no. 1, pp. 131–152, 2017.
- [48] S. Chadijah, "Harmonisasi Kewenangan Penanganan Pandemi Covid-19 Antara Pemerintah Pusat Dan Daerah," *J. Kertha Semaya*, vol. 8, no. 6, pp. 858–866, 2020.
- [49] H. S. Nugraha, "Gagasan Amandemen Ulang Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *J. Lex Renaiss.*, vol. 3, no. 1, pp. 61–85, 2018, doi: 10.20885/jlr.vol3.iss1.art11.

- [50] I. Budhiati, “Quo Vadis Demokrasi Prosedural dan Pemilu: Sebuah Refleksi Teoritis,” *Masal. Huk.*, vol. 42, no. 2, pp. 268–273, 2013, doi: 10.14710/mmh.42.2.2013.268-273.
- [51] J. Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*. Jakarta: Rajawali Press, 2014.
- [52] W. Melfa, “Penataan Hukum Menuju Hukum Ideal Dalam Pengaturan Pemilu,” *Masal. Huk.*, vol. 42, no. 2, pp. 211–217, 2013, doi: 10.14710/mmh.42.2.2013.211-217.
- [53] B. Septianto, “Daftar 270 Daerah Penyelenggara Pilkada Serentak pada 2020,” <https://tirto.id/ecZT>, Jun. 2019.
- [54] Siti Musdah Mulia, “Ensiklopedia Muslimah Reformis Pokok-Pokok Pemikiran Untuk Reinterpretasi dan Aksi,” *Ensiklopedia Muslimah Reformis*. Baca, 2020.
- [55] D. Ibrahim, *Al-Qawa'id Al-Fiqhiyah (Kaidah-Kaidah Fiqih)*. Palembang: Noer Fikri, 2019.
- [56] Z. Ridlo, “Para Utusan dan Gubernur Rasulullah SAW,” <https://tebuireng.online/>, 2019. .
- [57] S. Al-fatih, “Urgensi Sosialisasi Pilkada Sehat di Tengah Pandemi Covid-19 di Wilayah Malang Raya,” *Dedik. Huk. J. Pengabd. Kpd. Masy.*, vol. 1, no. 1, pp. 45–57, 2021.