



The Election Of Regional Heads By The Regional People's Representative Council Is Reviewed From Fiqh Siyasah

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ABSTRACT

The discourse on restoring the mechanism of regional head elections through the Regional People's Representative Council (DPRD) has generated significant constitutional and democratic debate in Indonesia. While proponents argue that indirect elections may reduce political costs and minimize electoral conflicts, opponents contend that such a system risks weakening public participation and democratic accountability. In this context, the election of regional heads through the DPRD raises important questions regarding its compatibility with democratic principles and the values of fiqh siyasah within the Indonesian constitutional framework. The purpose of writing this article is to analyze the practice of electing regional heads by the Regional People's Representative Council (DPRD) in the perspective of *Siyasah Dusturiyah*, which is a branch of Islamic political science related to governance based on Islamic law. This research uses a normative method with a literature and legislation approach that includes positive legal analysis, democratic principles, and the concept of *Siyasah Dusturiyah*. The results of this study indicate that the election of regional heads by the Regional People's Representative Council (DPRD) possesses constitutional legitimacy within Indonesia's positive legal system, as reflected in Article 18 paragraph (4) of the 1945 Constitution, which allows regional heads to be elected democratically through either direct or representative mechanisms. From the perspective of fiqh siyasah, the DPRD-based election system may be considered permissible insofar as it upholds the principles of deliberation (*shura*), justice (*'adl*), public welfare (*maslahah*), and accountability in governance. Accordingly, the legitimacy of this mechanism depends not merely on its procedural form, but on the extent to which the election process reflects the aspirations and interests of the people in accordance with the values of Islamic governance. This article recommends strengthening transparency and accountability in the election process, as well as optimizing the role of the DPRD as the people's representative to ensure that the election of regional heads is truly oriented towards the interests of the wider community.

Keywords: Regional Elections; DPRD; Fiqh Siyasah.

Introduction

The election of regional heads constitutes a fundamental democratic process within Indonesia's system of governance. Since the introduction of regional autonomy in 1999, regional head elections have served as a manifestation of decentralization, granting local governments greater authority to manage their own administrative affairs. Nevertheless, the mechanism for selecting regional heads has undergone several transformations over time, including ongoing debates concerning the relative effectiveness and efficiency of direct popular elections compared to indirect elections conducted through the Regional House of Representatives (DPRD). (Ulum, 2021)

Prior to the Reform era, regional heads in Indonesia were elected by the Regional House of Representatives (DPRD), a mechanism considered efficient in terms of both cost and time. Nevertheless, the model was widely criticized due to its vulnerability to corruption, collusion, and nepotism (KKN), thereby raising concerns regarding the integrity of the electoral process and the quality of democratic representation. In response, the Reform era introduced direct elections as an instrument to strengthen popular sovereignty and enhance the democratic legitimacy of regional leadership. However, direct elections have likewise generated legal and practical concerns, including excessive political financing, the escalation of horizontal conflicts, and the persistence of vote-buying practices. (Noor et al., 2021)

Recently, proposals to restore the DPRD-based election mechanism have re-emerged and triggered substantial constitutional and political debate among scholars, practitioners, and the public. Proponents contend that indirect elections may promote governmental stability and reduce political costs, whereas opponents argue that such a system risks diminishing public control over the selection of leaders and undermining democratic accountability.

These developments raise a fundamental constitutional question concerning the legitimacy and democratic orientation of DPRD-based regional head elections within Indonesia's constitutional system. In addition to constitutional considerations, the discourse also requires examination from the perspective of Islamic political jurisprudence, particularly *fiqh siyasah*, because Indonesia is a society whose political and legal values are closely connected with religious norms and ethical governance.

Research by (Noor et al., 2021) examines the relationship between direct local elections and the persistence of money politics in Indonesia. The study finds that the practice of money politics tends to increase in environments where regulatory frameworks are weak and political party engagement is limited. This indicates that the effectiveness of direct elections is highly dependent on institutional quality rather than merely the electoral mechanism itself.

Research by (Irawan, 2022) explores the relationship between electoral supervision and money politics in regional elections. The research concludes that weak supervision and legal loopholes contribute significantly to the persistence of money politics, indicating the need for stronger institutional control mechanisms.

Research by (Micze Ridua, 2025) also examined the constitutional and democratic implications of indirect regional head elections through the Regional House of Representatives (DPRD). These studies argue that the DPRD-based election mechanism possesses constitutional legitimacy based on Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which states that regional heads shall be "elected democratically." This provision provides a

broad interpretative framework that accommodates both direct elections and indirect elections through representative institutions. However, the implementation of such a system would fundamentally reshape the structure of regional power by positioning the DPRD not only as a legislative and supervisory body but also as a *kingmaker* in determining executive leadership. Consequently, this mechanism transforms popular sovereignty from a direct into an indirect form exercised through representation. Although still consistent with democratic principles, this model may exhibit a different level of responsiveness to public aspirations, particularly in terms of political accountability and citizen participation. Therefore, the adoption of DPRD-based elections requires careful and comprehensive assessment, particularly with regard to democratic principles, the balance of power, and the extent of public participation in regional governance, in order to ensure that it continues to reflect the broader interests of society and maintain the quality of local democracy in Indonesia.

Fiqh siyasah, as a branch of Islamic jurisprudence concerned with governance, leadership, and the relationship between rulers and the governed, provides an ethical and normative foundation for mechanisms of leadership selection. Within this framework, the election of regional heads by the Regional House of Representatives (DPRD) warrants deeper examination in order to assess its conformity with the principles of siyasah shar'iyah, which emphasize public welfare (maslahah), justice, public participation, and governmental accountability.

Several previous studies have discussed regional elections from constitutional and democratic perspectives, particularly regarding the legitimacy of direct and indirect election mechanisms, electoral supervision, and the persistence of money politics in local democracy. Other studies have examined the concept of leadership and governance in fiqh siyasah by emphasizing the importance of justice, deliberation, and public participation in political decision-making. However, these studies generally discuss constitutional issues and Islamic political thought separately. Therefore, research specifically analyzing the practice of DPRD-based regional head elections through the integrated perspective of Indonesian constitutional law and fiqh siyasah remains limited. Accordingly, this study seeks to fill that gap by examining whether the DPRD-based election mechanism is consistent not only with constitutional principles but also with the normative values of Islamic governance. Within this framework, the election of regional heads by the Regional House of Representatives (DPRD) warrants deeper examination in order to assess its conformity with the principles of siyasah shar'iyah, which emphasize public welfare (maslahah), justice, public participation, and governmental accountability.

This article aims to analyze the concept and practice of DPRD-based regional head elections within the Indonesian legal system from the perspective of fiqh

siyasah. Employing a normative juridical and descriptive-analytical approach, this study examines how the principles of fiqh siyasah may function as an evaluative framework for contemporary regulatory design and political practice, particularly within the context of decentralization and local democracy. This research is expected to contribute to the development of constitutional law that is responsive to Islamic normative values while remaining compatible with modern political dynamics.

Based on the description above, the author formulates 2 (two) problem formulations, 1) What is the Concept of Regional Head Election in Indonesia? 2) How is the Election of Regional Heads by the DPRD from the Fiqh Siyasah Perspective?

Research Methods

This study employs normative legal research, which conceptualizes law as a system of norms consisting of legal principles, statutory regulations, judicial decisions, legal doctrines, and scholarly opinions. Normative legal research focuses on examining legal norms from an internal legal perspective in order to analyze the consistency, coherence, and applicability of legal rules within a particular legal issue. The approaches used in this research include: (1) the statutory approach, by examining legislation related to regional head elections and constitutional provisions governing democratic governance; and (2) the conceptual approach, by analyzing doctrines and concepts concerning democracy, regional elections, and fiqh siyasah. (Peter Mahmud Marzuki, 2021)

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 10 of 2016 concerning Regional Elections, Constitutional Court decisions, and other relevant statutory regulations. Secondary legal materials comprise books, scientific journal articles, legal commentaries, and previous research discussing regional elections, constitutional law, democracy, and fiqh siyasah. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other supporting references.

The technique for collecting legal materials was conducted through library research and document studies by systematically identifying, classifying, and reviewing relevant legal sources related to the research topic. The collected legal materials were subsequently analyzed using qualitative legal analysis through descriptive-analytical and prescriptive methods. The descriptive-analytical method was employed to explain the legal framework and the practice of DPRD-based regional head elections, while the prescriptive method was used to evaluate the conformity of such mechanisms with constitutional principles and the values of fiqh siyasah, particularly the principles of deliberation (*shura*), justice (*'adl*),

accountability, and public welfare (*maslahah*). The interpretation of legal materials was carried out using grammatical and systematic interpretation methods to obtain comprehensive legal conclusions.

Results and discussion

1.1 The Practice of Regional Head Elections by the Regional People's Representative Council (DPRD) in Indonesia

Regional elections (Pilkada), or elections for regional heads, constitute a democratic mechanism for selecting leaders at the provincial, regency, and municipal levels in Indonesia. As an integral component of the national political and governmental system, these elections play a significant role in determining regional policy direction and the continuity of local development. The institution of regional elections represents the exercise of popular sovereignty as stipulated in Article 1(2) of the 1945 Constitution, which affirms that sovereignty resides in the people and is exercised in accordance with the Constitution. Through this mechanism, citizens directly elect regional heads who administer local government. The implementation of regional elections reflects fundamental democratic principles, including public participation, accountability, transparency, and fair competition. Accordingly, regional elections form part of the broader process of establishing democratic governance, with electoral participation serving as an important indicator of democratic quality. (Ramadhanti, 2022)

Regional elections provide a democratic mechanism through which citizens elect regional heads and their deputies, whose candidacies may be proposed by political parties, coalitions of political parties, or independent candidates meeting the statutory requirements. In the context of regional autonomy, democratic procedures for the appointment of public officials particularly political offices constitute an institutional necessity. (Lumbantoruan, 2024) Local elections therefore serve as an important indicator of the functioning of regional governance. From a theoretical perspective, Schumpeter argues that the essence of democracy lies in the opportunity afforded to citizens to accept or reject those who govern them. (Purba, 2023) Accordingly, broad and effective public participation becomes a determining factor in the quality of electoral participation in regional elections. (Sunarso et al., 2022)

Regional elections in Indonesia were initially conducted during the Dutch colonial period under various mechanisms. Some regions applied an appointment system, election through the DPRD, or direct election by the community. After independence, regulatory arrangements continued to evolve, and in 1955 a mechanism resembling self-appointment was implemented in certain (Mirasudin, 2023).

The amendments to the 1945 Constitution introduced fundamental changes to the Indonesian constitutional system. One of the substantive changes concerns the mechanism for filling the office of regional head, as stipulated in Article 18(4) of the 1945 Constitution of the Republic of Indonesia, which provides that: “The Governor, Regent, and Mayor, respectively as heads of provincial, regency, and municipal governments, shall be democratically elected.” This provision does not explicitly mandate direct elections. Prior to subsequent statutory developments, regional heads were appointed by the President or elected by the Regional House of Representatives (DPRD) pursuant to Law No. 22 of 1948 and Law No. 1 of 1957. (Wardhani et al., 2020)

The reforms initiated in 1998 brought significant changes to the mechanism for electing regional heads. Law No. 22 of 1999 introduced decentralization; however, regional heads continued to be elected by the Regional House of Representatives (DPRD). This system was frequently regarded as lacking transparency due to the potential for political intervention and the absence of direct public participation. (Insiyah et al., 2019) Subsequently, Law No. 32 of 2004 on Regional Government established the legal basis for direct elections, affirming that regional heads and their deputies are elected directly by the people through a voting process.

The first direct regional head election in Indonesia was held in Kutai Kartanegara Regency, East Kalimantan, on 1 June 2005. Subsequently, the system was gradually implemented across other regions in Indonesia. Direct elections provide citizens with the opportunity to participate actively in determining their leaders. However, their implementation has also encountered various challenges, including high political costs, the potential for horizontal conflict, and practices detrimental to democracy, such as vote buying and black campaigns. Moreover, Indonesia’s cultural, social, and geographical diversity has added further complexity to the conduct of regional elections.

In 2014, a proposal emerged to return the mechanism of regional head elections to the DPRD on the grounds that direct elections had failed to reduce, and in some instances had intensified, money politics. This proposal was embodied in Law No. 22 of 2014, but it faced widespread public opposition as it was perceived as a regression in democratic development. Consequently, the President issued Government Regulation in Lieu of Law (Perppu) No. 1 of 2014 to maintain direct elections. The regulation was subsequently enacted as Law No. 1 of 2015, later amended by Law No. 10 of 2016. Nevertheless, the debate between direct elections and DPRD-based elections has persisted.

Constitutional Court Decisions No. 72-73/PUU-II/2004 and No. 97/PUU-XI/2013 affirm that both mechanisms may be considered democratic as matters of open legal policy, leaving the legislature to determine the most appropriate

arrangement for Indonesian society. These regulatory developments also marked the introduction of simultaneous regional elections, replacing the previous practice in which elections were held within the same year but on different dates. A third amendment was introduced through Perppu No. 2 of 2020 concerning the Third Amendment to Law No. 1 of 2015, signed by President Joko Widodo on 4 May 2020, which regulated the postponement of simultaneous regional elections during the pandemic. Subsequently, a fourth amendment was enacted through Law No. 6 of 2020 concerning the stipulation of Perppu No. 2 of 2020 into law.

Table 1

Development of legislation in Indonesia regarding Regional Head Elections

No.	Year	Regulations/Laws	Main Contents/Changes	Information
1.	1999	Law No. 22 of 1999 concerning Regional Government	Regional head elections are carried out by the DPRD	The beginning of post-Reformation decentralization
2.	2004	Law No. 32 of 2004 concerning Regional Government	Direct elections by the people began to be enforced	Known as the era of direct regional elections
3.	2014	Law No. 22 of 2014 concerning the Election of Governors, Regents, and Mayors	Regional elections returned to the DPRD (indirect)	Reaping controversy and public rejection
4	2014	Perppu No. 1 of 2014 (later ratified into Law No. 1 of 2015)	Repealing Law No. 22/2014, restoring direct elections	Published by President SBY towards the end of his term
5	2015	Law No. 8 of 2015 concerning Amendments to Law No. 1 of 2015	Simultaneous Election Technical Arrangements	It became the basis for the implementation of simultaneous regional elections starting in 2015
6	2016	Law No. 10 of 2016 concerning the Second Amendment to Law No. 1 of 2015	Improvement of the simultaneous Regional Election system, including campaign issues, disputes, and single candidates	Used in the Simultaneous Regional Elections
7	2020	Law No. 6 of 2020 concerning the Stipulation of Perppu No. 2 of 2020	Postponement of the 2020 Regional Elections due to the COVID-19 pandemic	Regional Elections to be held in December 2020

Source: kawula17.id

The development of regional head elections in Indonesia demonstrates significant institutional dynamics from the early period of independence to the present. Following independence in 1945, the mechanism for selecting regional heads was regulated through successive statutory frameworks. Currently, regional head elections are governed by Law No. 6 of 2020 concerning the Stipulation of Government Regulation in Lieu of Law No. 2 of 2020 on the Third Amendment to Law No. 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law No. 1 of 2014 on the Election of Governors, Regents, and Mayors into law.

In 2024 Indonesia conducted simultaneous regional elections involving all regions, consisting of 37 provinces and 508 regencies/municipalities. Previously, the first simultaneous regional elections were held on 9 December 2015 pursuant to Law No. 8 of 2015, amending Law No. 1 of 2015, involving 269 regions (9 provinces, 36 municipalities, and 224 regencies) (Fahri Zulfikar, 2024). Subsequently, in 2020 simultaneous elections were conducted in 9 provinces and 261 regencies/municipalities. The legal basis for simultaneous elections is provided in Article 201(8) of Law No. 10 of 2016, which stipulates that nationwide simultaneous voting for the election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors shall be conducted in November 2024 (Luthfiah, 2023). The implementation of simultaneous regional elections forms part of political reform aimed at improving efficiency, effectiveness, and the quality of democracy at the local level. Accordingly, the evolution of regional head elections reflects a continuing interaction between democratic institutional design and competing political interests within Indonesian constitutional practice.

Previous studies from (Zaini, 2024) have also examined law enforcement within the regime of simultaneous regional elections in Indonesia, particularly under Law Number 10 of 2016 and its implementing regulations. These studies highlight that the legal framework governing regional elections has been comprehensively regulated, both at the statutory and technical levels, and is implemented by electoral supervisory institutions such as the Election Supervisory Body (Bawaslu) and the Integrated Law Enforcement Center (Sentra Gakkumdu). The findings emphasize that ensuring the quality, integrity, and legitimacy of election outcomes requires a robust law enforcement process encompassing supervision, prevention, enforcement, and dispute resolution. Furthermore, law enforcement functions are carried out through mechanisms addressing administrative violations, electoral crimes, ethical violations, and disputes in the electoral process. These studies also identify a wide range of legal subjects potentially involved in violations, including election organizers, state civil apparatus, security forces, political parties, campaign teams, and other stakeholders. Overall, this body of research underscores that effective law enforcement is a fundamental prerequisite for maintaining democratic integrity in

simultaneous regional elections, although it primarily focuses on the institutional and procedural dimensions without examining the issue from a constitutional or fiqh siyasah perspective.

Following the 2024 simultaneous regional elections, a discourse emerged regarding the reintroduction of regional head elections through the Regional House of Representatives (DPRD) in Indonesia. The proposal was advanced by President Prabowo Subianto, who argued that direct elections require substantial public expenditure that could otherwise be allocated to priority sectors such as education and health. Article 18(4) of the 1945 Constitution provides that “The Governor, Regent, and Mayor, respectively as heads of provincial, regency, and municipal governments, shall be democratically elected.” The term “democratically” refers to a method, mechanism, or process rather than to a specific electoral forum. Accordingly, any mechanism that fulfills democratic standards may be regarded as constitutionally valid irrespective of the institutional form employed. The notion of democracy in this context is associated with elements of selection or election, competition, participation, openness, and adherence to the rule of law. As the authoritative interpreter of the Constitution, the Constitutional Court has elaborated the meaning of “democratically” in Article 18(4) of the 1945 Constitution in Constitutional Court Decision No. 97/PUU-XI/2013. (Riqiey, 2023)

In its judgment, the Constitutional Court held that the phrase “democratically elected” may be interpreted to encompass either direct elections by the people or indirect elections through the Regional House of Representatives (DPRD). This interpretation accords with the original intent of the constitutional amendment and is consistent with the Court’s earlier jurisprudence. During the amendment process of the 1945 Constitution, the use of the term “democratic” in Article 18(4) reflected two competing views. The first maintained that regional heads could be elected either directly by the people or through the DPRD, while the second held that the Constitution did not require direct popular elections. Subsequently, Constitutional Court Decision No. 85/PUU-XX/2022, concerning the Court’s authority to adjudicate disputes over regional election results, further clarified the constitutional framework, the essential substance of which is as follows:

- a. The Constitutional Court (MK) stated that the provisions in Article 157 paragraphs (1) and (2) of Law Number 10 of 2016 concerning the Election of Governors, Regents, and Mayors which regulate the establishment of a special judicial body to resolve disputes over the results of the Regional Elections, are contrary to the 1945 Constitution. The Constitutional Court emphasized that the Constitutional Court has the right to adjudicate disputes over the results of the Regional Elections;
- b. The Constitutional Court ruled that there were no more distinctions in the electoral regime;

- c. 3. Elections under the authority of the Constitutional Court include the election of the President and Vice President, members of the House of Representatives, DPD, and DPRD at the provincial, district, and city levels. In addition, elections to elect regional heads at the provincial, district, and city levels are also included in the scope;
- d. 4. The Constitutional Court's authority to handle and decide disputes over the results of the Regional Elections is now permanent and is no longer limited by the provision "until the establishment of a special judicial body".

Based on the Constitutional Court Decision Number 85/PUU-XX/2022, it can be concluded that the election regime and the regional election regime are two things that cannot be separated and become one in the election regime. So that the scope of the election includes the election of the President and Vice President, the DPR, DPD, DPRD both provincial, regency, and city, as well as electing provincial, regency, and city regional heads. In other words, the election of the Regional Head must be carried out directly by the people, not by the DPRD. This is in accordance with Article 22E paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

In the implementation of the Regional Head Election, carried out directly by the community, by considering the Principles of Direct, General, Free, Honest, and Fair or known as "luberjurdil", then the values of Democracy are the parameters of the success of the implementation of the activity process.

1.2 Election Of Regional Heads By The DPRD Reviewed From Fiqh Siyasah

Fiqh siyasah is a branch of jurisprudence that specifically discusses aspects of state and government from the perspective of Islamic law. Etymologically, the term siyasah comes from the Arabic word which means "to regulate" or "manage", while in Islamic terminology, fiqh siyasah is interpreted as knowledge of sharia laws related to governance, the exercise of power, and the relationship between the state and the people, in accordance with Islamic principles. (Dewi, 2024) Classical scholars define siyasah syar'iyah as any form of public policy issued by the ruler (imam or wali al-amr) for the benefit of the people, as long as the policy does not contradict the shari'a nash-nash. (Agussalam et al., 2024) One of the central figures in the development of this concept was Ibn Taymiyyah (d. 728 H), who in his work *As-Siyasah Ash-Syar'iyah fi Ishlah ar-Ra'i wa ar-Ra'iyah* emphasized the importance of a just leader and a good-oriented government. Fiqh siyasah covers various dimensions of political and state life, including: the government system, the form of election and appointment of leaders, the authority and responsibilities of leaders, the principle of justice in government, the relationship between the people and the rulers, and the management of state resources. (Taymiyyah, 1998) Thus, fiqh siyasah is not only limited to formal state rules, but also includes ethics and moral values that must be upheld by state administrators (Kadri & Tumadi, 2022).

The election of regional heads (Pilkada) by the DPRD is a mechanism in which regional heads, such as governors, regents, or mayors, are elected by members of the Regional House of Representatives (DPRD) rather than through direct voting by the people. This system was implemented in Indonesia before the change in the system of regional head elections in 2005, which adopted direct elections. The election of regional heads is one of the important mechanisms in the democratic system of government to elect leaders who are authorized to manage certain regions. In Indonesia, the election of regional heads has experienced various dynamics, both in terms of processes, systems, and implementation mechanisms. One of the mechanisms that has been implemented is the election of regional heads by the Regional People's Representative Council (DPRD). This system gives the authority to the DPRD as the people's representative at the regional level to elect regional heads, replacing the direct election mechanism by the people.

The election of regional heads is one of the implementations of the principle of people's sovereignty. The involvement of community members in deciding matters that concern their interests, including who to be elected/appointed as their representative/leader. Meanwhile, regarding the method/procedure, whether the name is determined through direct appointment by someone or several prominent people and then the public agrees as happened in the era of Khulafaur Rasyidin or through voting as it applies today is a technical matter that can be handled by human reason. From the perspective of *siyasah dusturiyah* (Islamic constitutional politics), the concept of leadership in Islam emphasizes not only the democratic process, but also the principles of justice, benefit, and accountability to the people. In *siyasah dusturiyah*, regional heads or leaders have a great responsibility as *ulil amri* who manages the affairs of the *ummah* and upholds justice based on the law. Therefore, it is important to understand whether the election system through the DPRD is in accordance with the principles of *siyasah dusturiyah* or is contrary to its main purpose.

The meaning of a leader has been explained in various words of Allah which are often interpreted as leaders or rulers. One of them is the term *Ulil 'Amr*, as mentioned in Surah An-Nisa verse 59. Linguistically, the word "uli" is the plural form of "wali," which means owner, administrator, or ruler. The plural suggests that the term refers to many people, while "al-'amr" means order or affair. Thus, *uli al-'amr* means those who have the authority to take care of the affairs of the Muslims. (Darna, 2021) In addition, the word *Auliya'*, the plural form of the word *waliy*, is also used in the Qur'an, as in Surah Al-Maidah verse 51. In the translation of the Qur'an by the Ministry of Religious Affairs (now the Ministry of Religious Affairs), the word *Auliya'* is translated as "leaders."

The term Caliph also means a powerful leader, as stated in Surah Shad verse 26. According to the explanation of Al-Qurthubi, this verse conveys a message to

the Prophet David that Allah gave him the power to command good and forbid evil. Linguistically, the word Khalifah means substitute or deputy. After the death of the Prophet Muhammad PBUH, this term was used to refer to the four Khulafaur-Rashids. The word Caliph can also be interpreted as Amir or ruler. In the context of the Indonesian language, this term can be translated as "leader," which formally refers to a figure who is in charge not only of religious affairs and community life, but also in the government and management of the life of the nation and state.(Luthfiah, 2023)

The appointment of officials to handle the affairs of Muslims is very important and must be done selectively. Therefore, a very strict selection process is needed for individuals who will assume the position. This includes important officials at the regional level such as governors, heads of courts, heads of security ranging from the commander-in-chief to the commander-in-chief, as well as in the financial sector such as the financial supervisory agency, the minister of finance, and the management of taxes and zakat owned by Muslims (Mirasudin, 2023).

In Islam, there are basic values in the implementation of the election of a leader, including:

a. Deliberation

The principle of deliberation (*shura*) constitutes one of the fundamental principles of governance in fiqh siyasah. The Qur'an emphasizes the importance of consultation in public affairs, as reflected in Surah Ash-Shura verse 38, which explains that the affairs of believers are decided through mutual consultation. Classical Islamic scholars such as Al-Mawardi in *Al-Ahkam al-Sulthaniyyah* also explain that leadership selection should involve representatives who possess competence, integrity, and the trust of the community. In Islamic political thought, this representative body is commonly referred to as *ahl al-hall wa al-'aqd*, namely individuals entrusted with representing public aspirations in determining leadership and state policies.

In the context of regional head elections through the Regional People's Representative Council (DPRD), the mechanism may theoretically reflect the principle of *shura* because regional heads are elected through deliberation by representatives of the people. The DPRD, as a representative institution, acts on behalf of society in determining regional leadership. However, in practice, DPRD-based elections in Indonesia have often been criticized for being dominated by political party interests, elite bargaining, and closed political negotiations that are not fully transparent to the public. Such conditions may weaken the substantive meaning of deliberation because decision-making tends to prioritize political compromise rather than the genuine aspirations of society. Therefore, from the perspective of fiqh siyasah, the implementation of deliberation in DPRD-based elections requires transparency, accountability,

and genuine representation of public interests in order to fulfill the values of *shura* in Islamic governance.

b. Justice

Justice (*'adl*) is a central principle in *fiqh siyasah* and serves as the primary foundation of political authority in Islam. The Qur'an repeatedly commands Muslims to uphold justice in all aspects of life, including governance and leadership selection. Ibn Taymiyyah in *As-Siyasah al-Shar'iyah fi Ishlah al-Ra'i wa al-Ra'iyah* states that the purpose of government is to realize justice and public welfare, because justice represents the essence of Islamic governance. Accordingly, the selection of leaders must be conducted fairly, honestly, transparently, and free from corruption or manipulation.

In the practice of regional head elections through the DPRD, the principle of justice becomes an important parameter in evaluating the legitimacy of the electoral process. Historically, DPRD-based regional head elections in Indonesia were frequently criticized due to the vulnerability of the process to transactional politics, corruption, collusion, nepotism, and political lobbying among legislative elites. Such practices may result in leaders being selected based on political compromise or financial influence rather than competence, integrity, and public interest. Consequently, the implementation of DPRD-based elections may deviate from the principle of justice in *fiqh siyasah* when the electoral process prioritizes elite interests over public welfare (*maslahah*). Therefore, from the perspective of *fiqh siyasah*, the legitimacy of DPRD-based elections depends not only on constitutional legality but also on the extent to which the process upholds justice, integrity, and accountability in representing the interests of society.

c. Equation

Islam has taught the principles of a political system based on deliberation and upholding the value of equality long before the Western world recognized it and adopted it in law, more than 14 centuries ago. Islamic sharia has a characteristic that distinguishes it from other systems, because it provides absolute equality of rights, which can only be limited based on the principle of justice. In this context, no discrimination or exclusion is imposed. Equality of rights in Islam is equality that is comprehensive and applies to every individual in society. (Fatona & Rohmah, 2023)

The principle of equality (*musawah*) in Islam emphasizes that every individual possesses equal dignity and rights before the law and government. Islamic teachings reject discrimination based on social status, ethnicity, wealth, or political power. In the context of governance, equality requires that all members of society have equal opportunities to participate in political processes, including the selection of leaders. Al-Ghazali explains that political

authority must be exercised for the benefit of all members of society without privileging certain groups or elites.

In relation to regional head elections through the DPRD, the principle of equality raises important concerns regarding the extent of public participation in determining regional leadership. Under the DPRD-based election mechanism, the public does not directly vote for regional heads because the authority to elect leaders is delegated to legislative representatives. Although this representative system may still be considered democratic, it potentially creates a wider gap between political elites and ordinary citizens. In practice, political parties and legislative coalitions often possess greater influence over the outcome of regional head elections, while broader public participation becomes limited. Such conditions may weaken the principle of equality in *fiqh siyasah* because not all members of society have equal influence in determining political leadership. Therefore, the implementation of DPRD-based elections must ensure that legislative representatives genuinely act on behalf of public interests and do not merely represent elite political interests.

The election of regional heads by the DPRD can be considered inconsistent with the principles of deliberation, justice, and equality in *fiqh siyasah*, especially if the process does not reflect the aspirations of the community at large, is prone to deviations, and limits the direct participation of the community. To approach the ideals of *fiqh siyasah*, the process requires reforms to be more inclusive, transparent, and just, so that it can reflect Islamic values in the political system.

Conclusion

In the practice of regional head elections through the Regional People's Representative Council (DPRD), the authority to determine regional leadership is delegated to legislative representatives rather than exercised directly by the public. This mechanism constitutionally reflects a representative democratic system because DPRD members are elected by the people and act on behalf of public interests. However, from the perspective of *fiqh siyasah*, the implementation of DPRD-based elections raises important concerns regarding the principle of equality (*musawah*), particularly in relation to equal political participation in leadership selection. In practice, the determination of regional heads is often dominated by political party coalitions and elite negotiations within the DPRD, resulting in limited direct influence from the broader community. Consequently, political access and influence tend to be concentrated among certain political groups and legislative elites.

Based on the analysis of *fiqh siyasah*, the DPRD-based election mechanism may be considered acceptable as a form of representative deliberation (*shura*) as

long as legislative representatives genuinely represent public aspirations and prioritize public welfare (*maslahah*). Nevertheless, when the electoral process is dominated by elite interests and reduces substantive public participation, the principle of equality in Islamic governance is not fully realized. Therefore, the legitimacy of DPRD-based regional head elections in *fiqh siyasah* depends not merely on constitutional legality, but also on the extent to which the mechanism ensures equal representation, accountability, transparency, and orientation toward the interests of society as a whole.

Suggestion

1. Legislators are advised to carefully reconsider any discourse concerning the re-implementation of regional head elections through the Regional People's Representative Council (DPRD). If such a mechanism is adopted, it must be accompanied by strict transparency standards, open voting procedures, public oversight mechanisms, and clear accountability instruments in order to prevent elite capture and transactional politics.
2. The DPRD as the representative institution of the people should strengthen ethical standards and institutional integrity in the leadership selection process. The recruitment and selection of regional heads must prioritize competence, integrity, and public welfare rather than political compromise. Institutional reforms such as public hearings, candidate track-record disclosure, and participatory consultation with civil society should be institutionalized.
3. The government and election organizers should develop a hybrid democratic model that preserves public participation while maintaining efficiency. This may include participatory deliberation forums, public approval mechanisms, or strengthened electoral supervision systems so that democratic legitimacy and administrative effectiveness can coexist.
4. Future researchers are encouraged to conduct empirical and comparative studies examining the effectiveness of direct and indirect election systems in practice, particularly in relation to corruption levels, governance performance, and public trust. Such studies will enrich constitutional policy formulation and contribute to the development of democratic governance consistent with the principles of *fiqh siyasah*.

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