

The Use of Identity Politics in Election Campaigns In Indonesia Perspektives on Election Law and Islamic Law

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ABSTRACT

The increasing use of identity politics in electoral campaigns in Indonesia has become a significant issue in contemporary democratic practices, particularly due to its potential to trigger social polarization and undermine democratic quality. This study aims to analyze the forms and patterns of identity politics in campaigns, examine them from the perspectives of Indonesian electoral law and Islamic law, and conduct a comparative analysis between the two legal systems. This research employs a normative legal method with a qualitative approach, utilizing statutory, conceptual, and comparative approaches. Data were collected through library research and analyzed using descriptive qualitative analysis. The findings indicate that identity politics manifests in religious, ethnic, and social group narratives, with patterns ranging from affirmative to exclusive and provocative forms. From the perspective of Indonesian electoral law, such practices are restricted due to their potential to incite conflict and violate legal norms. Meanwhile, Islamic law also prohibits divisive identity-based practices as they contradict principles of unity, justice, and public welfare. The comparative analysis reveals that both legal systems share similar normative values in rejecting harmful identity politics, although they differ in their sources and enforcement mechanisms. This study concludes that integrating legal and ethical approaches is essential to promote inclusive, ethical, and high-quality democratic practices.

Keywords: identity politics, electoral law, Islamic law, political ethics

ABSTRAK

Meningkatnya penggunaan politik identitas dalam kampanye pemilu di Indonesia menjadi isu penting dalam praktik demokrasi kontemporer, terutama karena berpotensi menimbulkan polarisasi sosial dan menurunkan kualitas demokrasi. Penelitian ini bertujuan untuk menganalisis bentuk dan pola penggunaan politik identitas dalam kampanye, mengkaji perspektif hukum pemilu Indonesia dan hukum Islam, serta melakukan analisis komparatif antara kedua sistem hukum tersebut. Data menurut penelitian ini penulis menggunakan jenis penelitian hukum normatif dengan pendekatan statute approach, konseptual approach, dan comparative approach. Teknik pengumpulan data dilakukan melalui studi kepustakaan dan dianalisis menggunakan metode deskriptif kualitatif. Hasil penelitian menunjukkan bahwa politik identitas muncul dalam bentuk narasi keagamaan, etnis, dan kelompok sosial, dengan pola afirmatif, eksklusif, dan provokatif. Dalam perspektif hukum pemilu Indonesia, praktik tersebut dibatasi karena berpotensi menimbulkan konflik dan melanggar ketentuan hukum. Sementara itu, dalam hukum Islam, praktik politik identitas yang bersifat memecah belah juga dilarang karena

bertentangan dengan prinsip persatuan, keadilan, dan kemaslahatan. Analisis komparatif menunjukkan bahwa kedua sistem hukum memiliki kesamaan nilai dalam menolak politik identitas yang merusak, meskipun berbeda dalam sumber dan mekanisme sanksi. Penelitian ini menyimpulkan bahwa integrasi pendekatan hukum dan etika sangat penting dalam mewujudkan demokrasi yang inklusif, berkeadaban, dan berkualitas.

Kata Kunci: politik identitas, hukum pemilu, hukum Islam, etika politik

INTRODUCTION

Elections are the primary mechanism in a democratic system for realizing direct popular sovereignty (Marzuki 2017). As a democratic country with popular sovereignty, Indonesia utilizes elections as an instrument for selecting leaders and government officials. In accordance with the provisions of Article 1 of Law Number 7 of 2017 concerning elections, paragraph (1) states that: Elections are a means of popular sovereignty to elect members of the House of Representatives (DPR), members of the Regional Representative Council (DPD), the President and Vice President, members of the Provincial DPRD, and members of the Regency/City DPRD, which are carried out directly, publicly, freely, secretly, honestly, and fairly within the unitary state of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. In addition to elections, Indonesia also implements a form of local democracy known as regional head elections in accordance with the provisions of Law Number 11 of 2015, as amended by Law Number 10 of 2016 concerning the election of governors, district heads, and mayors. Regional head elections are held throughout the territory of the unitary state of the Republic of Indonesia. Since the 2015 Regional Election Law was implemented, regional elections have often become a platform for electoral competition among regional political elites, striving to win regional elections. Both models of electoral democracy above utilize the election campaign stage as a means to convey the candidates' vision, mission, and programs to convince voters. This communication often leads to friction between candidates and their supporters due to the use of identity politics as campaign material.

In this process, political campaigns become a crucial instrument in shaping voter preferences and the direction of people's political choices (Political Identity and Social Media in Indonesian Elections 2023). However, in contemporary developments, the use of identity politics in campaigns has become increasingly prominent in Indonesia, particularly through the exploitation of religious, ethnic, and social group issues (Politeia: Jurnal Ilmu Politik, 2024). This phenomenon not only serves as a political mobilization strategy but also has the potential to cause social polarization and weaken national integration (Identity Politics and Social Fragmentation in Contemporary Elections 2025). Therefore, this practice is restricted in Law Number 7 of 2017 concerning General Elections as part of an effort to maintain order and the quality of democracy.

This historical portrait of identity-based political conflict serves as a valuable lesson for the Indonesian nation: national unity can be shattered when identity politics is not effectively managed, analyzed, and even prevented. The reform period has been underway for almost two decades, bringing both procedural and substantive changes to the quality of democracy. However, the 2017 Jakarta gubernatorial election left several important notes about the emergence of identity politics, which poses fundamental problems in the democratic system under development. In 2019, Indonesia held simultaneous elections, which, for the first time in history, will elect the president and

vice president simultaneously with the election of representatives to the House of Representatives (DPR RI), the Regional People's Representative Council (DPRD), and the Regional Representative Council (DPD). The national political upheaval has been marked by the rise of various particularistic issues concerning indigenous and non-indigenous people, Islam and non-Islam, China versus anti-China, the Islamic Caliphate versus Pancasila, and the rise of the Pancasila ideology, which have become commonplace and frequently discussed, initiated, and promoted in regional and national power contests under the guise of democracy. State and national politics, based on the Pancasila ideology, a national consensus, have been neglected in favor of electoral interests in an effort to garner voter sentiment. Yet, numerous other substantive issues that should be "Central Themes" for improving welfare and social justice remain unresolved and are more appropriate and elegantly debated as a critique of the political realities of the state and nation, which urgently need to be on the agenda of future political officials (Al-Farisi, Politics and Social 1998).

State-of-the-art research shows that identity politics has become a dominant phenomenon in Indonesian elections in recent years (Jurnal Studi Ilmu Politik, 2024). Research shows that identity politics reinforces social polarization through claims of superiority of certain groups (Strategies of Identity Politics in Election Campaigns in Indonesia 2024). Furthermore, social media plays a significant role in accelerating the spread of identity politics narratives in election campaigns (Political Identity and Social Media in Indonesian Elections 2023). Recent studies also show that identity politics shifts political competition from program-based to group-based sentiment (Identity Politics and Social Fragmentation in Contemporary Elections 2025).

Despite this, previous research has tended to focus on the political and communication aspects, as well as the social impacts of identity politics (Political Identity and Social Media in Indonesian Elections 2023). Studies integrating Indonesian electoral law perspectives with Islamic law are still relatively limited (Jurnal Studi Ilmu Politik, 2024). Yet, an Islamic legal approach holds significant relevance in building political ethics in Indonesia's religious society (Strategies of Identity Politics in Election Campaigns in Indonesia 2024).

Based on this, there is a research gap in the form of a suboptimal comparative study between election law and Islamic law in examining the practice of identity politics (Identity Politics and Social Fragmentation in Contemporary Elections 2025). Therefore, this study presents a novel approach in examining identity politics through a comparative approach between positive law and Islamic law (Identity Politics Strategies in Election Campaigns in Indonesia 2024). This research is expected to contribute to the development of legal and political studies, particularly in formulating more inclusive and civilized campaign ethical standards.

The aim of this research is to analyze the forms and patterns of the use of identity politics in campaigns, examine the perspectives of Indonesian election law and Islamic law, and conduct a comparative analysis between the two.

METHODS

This study uses normative legal research with a qualitative approach. Normative legal research focuses on the analysis of legal norms contained in relevant laws, doctrines, and decisions (Marzuki 2017). A qualitative approach is used to understand the phenomenon of identity politics in campaigns in depth through interpretation of data and legal sources (Creswell 2018).

The approaches used in this research include a statutory approach, a conceptual approach, and a comparative approach. The statutory approach is conducted by analyzing the provisions of Law Number 7 of 2017 concerning General Elections relating to the prohibition of identity politics in campaigning. The conceptual approach is used to examine the concept of identity politics from the perspective of political science and Islamic law, while the comparative approach is used to compare Indonesian election law with Islamic law (Denzin 2017; Marzuki 2017).

The data sources in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations, such as Law Number 7 of 2017. Secondary legal materials include books, scientific journals, and previous research relevant to the topic of identity politics (Sugiyono 2019). Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources that help explain the terms and concepts used (Soekanto 2014).

The data collection technique was conducted through library research, namely collecting and analyzing various literature relevant to this research. This technique was used to obtain comprehensive data related to identity politics in campaigns as well as perspectives on election law and Islamic law (Zed 2014). The data obtained was then analyzed using descriptive qualitative analysis techniques, namely by grouping, interpreting, and drawing conclusions from the collected data (Miles, Huberman, and Saldaña 2014).

RESULTS AND DISCUSSION

In legal studies, both from the perspective of Indonesian election law and Islamic law, the use of identity politics is viewed not only from the perspective of its effectiveness in gaining political support, but also from the perspective of ethics, justice, and compliance with applicable legal norms. Therefore, a comprehensive analysis is required to assess the extent to which this practice aligns with or contradicts the legal principles that govern it.

Based on this framework, the following discussion will focus on three main aspects:

A. Forms and Patterns of Using Identity Politics in Campaigns.

Research shows that the use of identity politics in election campaigns in Indonesia occurs in various systematic and recurring forms, primarily through the exploitation of issues of religion, ethnicity, race, and intergroup relations (SARA) as an instrument of political mobilization. In practice, these identity narratives are conveyed through campaign rhetoric, social media, and religious and cultural symbols, which are utilized to build emotional connection with voters (Aspinall and Mietzner 2019).

Empirically, the use of identity politics in campaigns can be seen in the exploitation of religious, ethnic, racial, and intergroup identities. In the context of religious identity, political actors often use religious symbols, narratives, and sentiments to garner support, such as the use of religious verses, calls to elect leaders of "the same faith," and the politicization of places of worship. This phenomenon was evident in the 2017 Jakarta gubernatorial election, where religious issues were widely used in the contest between Basuki Tjahaja Purnama and Anies Baswedan.

Mass mobilization based on religious identity, such as the 212 Action, demonstrates that religious sentiment can significantly influence voter preferences (Hadiz 2017; Muhtadi 2019).

Furthermore, ethnic and tribal identities are also important instruments in political mobilization, particularly in regions with high social homogeneity. Campaigns often emphasize cultural ties through the narrative of "son of the region" or tribal solidarity. In several regional elections in Eastern Indonesia, such as Sulawesi and Papua, candidates leveraged kinship and ethnic networks to gain political support. This phenomenon aligns with the theory of political ethnicity proposed by Chandra (2004), which states that ethnic identity is a strong basis for electoral mobilization because it can foster strong group loyalty. This was also evident in the 2020 regional elections in Central Kalimantan and Central Sulawesi.

In the 2020 Central Kalimantan regional elections, the competition between two distinct ethnicities and religions was clearly visible: Javanese and Dayak, as well as Islam and Christianity. This occurred because each candidate pair had distinct ethnic and religious backgrounds: Javanese and Dayak, as well as Islam and Christianity. This distinction was then used as a political tool in the 2020 Central Kalimantan regional election strategy. This study focuses on the 2020 Central Kalimantan regional elections contested by candidate pairs Ben Ibrahim S. Bahat and Ujang Iskandar and candidate pair Sugianto Sabran and Edy Pratowo to examine the influence of identity politics in determining the victories of these two candidate pairs (Triana and Liska 2020).

In the context of the general election for regional head candidates in Central Sulawesi, the campaign teams of the Hidayat-Bartholomeus and Rusdy-Ma'mun extensively utilized social media as a means to convey their vision, mission, and programs, while simultaneously launching smear campaigns against their political opponents. Voter preferences for each pair were clearly based on religious affiliation. The Hidayat-Bartholomeus pair were perceived as representing Muslims and Christians, while Rusdy-Ma'mun represented Islam. The religion of each contestant was also used as campaign material by each candidate. According to data from the Model D form of the KWK Province for the Central Sulawesi Gubernatorial and Vice Gubernatorial Election, the Hidayat-Bartholomeus pair won by a significant margin in two predominantly Christian regencies: Poso and North Morowali. Thus, voter preferences for their candidates were still influenced by religious considerations, given that only one candidate had a Christian background. (Sahran Raden:

Furthermore, the use of racial and intergroup identities also appears in more implicit forms through social stereotypes and the formation of dichotomies between majority and minority groups. In practice, this is evident in the framing of candidates as "not part of us" or as a "threat" to certain groups. Anti-minority discourse in several local campaigns demonstrates that racial issues are still used as a political strategy, despite being legally prohibited by Law Number 7 of 2017 concerning General Elections.

In addition to its form, this research also found certain patterns in the use of identity politics. One pattern that emerged was the affirmative approach, which involves using identity to strengthen internal solidarity without attacking other groups. This approach is generally demonstrated through campaigns that emphasize religious values such as honesty, trustworthiness, and justice. Therefore, it tends to be constructive and ethically and normatively acceptable because it does not trigger social conflict (Al-Qaradawi 1997).

On the other hand, there is an exclusive pattern characterized by attempts to clearly distinguish between "us" and "them." In this pattern, identity is used to construct strong social boundaries, giving rise to claims that only certain groups are worthy of leading or representing the interests of society. In some legislative campaigns, candidates

often present themselves as authentic representatives of a particular group, indirectly discrediting other candidates (Hutchinson and Smith 1996).

The riskiest pattern is provocative, namely the use of identity along with hate speech, the spread of hoaxes, or the delegitimization of other groups. This pattern has developed significantly along with the increasing use of digital media in political campaigns. In the 2019 Indonesian elections, for example, the spread of identity-based hoaxes increased significantly through platforms like Facebook and WhatsApp, ultimately strengthening political polarization in society (Aspinall and Mietzner 2019).

These findings reinforce the view in political science that identity politics is ambivalent: on the one hand, it is effective as a tool for political mobilization, but on the other, it has the potential to trigger social conflict (Horowitz 1985). In the context of Indonesia, a pluralistic nation, the uncontrolled use of identity politics can weaken social cohesion and threaten national integration (Latif 2019). Furthermore, according to Cas Mudde and Cristóbal Rovira Kaltwasser (2017), the combination of identity politics and populism can shift political competition from program-based to group-based emotional sentiment, thus reducing the quality of democracy and voter rationality.

However, identity does not always have to be viewed negatively or as a threat to democracy. To a certain extent, identity can function constructively if directed toward strengthening the values of inclusivity, nationality, and unity. In this context, identity can be a means of building healthy social solidarity, strengthening group political representation, and encouraging broader political participation without necessarily leading to the exclusion of other groups. Therefore, based on the findings of this study, it is crucial to strike a proportional balance between freedom of expression in campaigns and clear and firm normative restrictions. This balance is necessary to ensure that the use of identity politics remains within the bounds of ethics, law, and democratic values, preventing it from becoming a source of social conflict. Instead, it can serve as an instrument for strengthening a civilized, inclusive, and nationally united democracy.

B. Analysis of the Perspective of Indonesian Election Law and Islamic Law.

Indonesian Election Law

Identity politics is the political exploitation of individuals, prioritizing the interests of a group based on shared identities, including race, ethnicity, gender, or religion. From the perspective of Indonesian election law, the use of identity politics in campaigns is expressly regulated by Law Number 7 of 2017 concerning General Elections, as a primary instrument for maintaining democratic integrity. This law limits campaign practices that have the potential to cause social conflict, particularly those related to the exploitation of issues of religion, ethnicity, race, and intergroup relations (SARA) (Law No. 7 of 2017).

Legally, the prohibition on the use of discriminatory and provocative identity politics can be found in several key provisions. Article 280 paragraph (1) letter c states that campaign implementers, participants, and teams are prohibited from insulting individuals, religions, ethnicities, races, groups, candidates, and/or other election participants. While Article 280 paragraph (1) letter d prohibits acts of incitement and inciting conflict between the public. These provisions aim to protect the dignity of individuals and groups and maintain social stability in the democratic process (Anggraini 2020; Santoso 2019). Furthermore, the basic principles of campaigning are also regulated

in Article 267, which emphasizes that campaigns must be conducted honestly, openly, dialogically, and responsibly. This demonstrates that campaigns serve not only as a means of political mobilization but also as an instrument of political education that reflects substantive democratic values.

This view aligns with Jimly Asshiddiqie's thinking, which states that democracy is not merely procedural but must also uphold ethics and quality in the political process (Asshiddiqie 2011). In the context of election law, as stipulated in Law Number 7 of 2017 concerning Elections and regulatory policies through the General Elections Commission (KPU) Regulation on election campaigns, the principle is that campaigns are conducted with the aim of providing political education to the public and are carried out responsibly. Election law also stipulates that election campaign materials must be conducted politely, courteously, orderly, educationally, wisely, and civilized, avoiding attacks on individuals or groups, and must not be provocative. The content of campaign materials in election law, as stipulated in the Election Law, directs election participants to uphold the implementation of Pancasila and the 1945 Constitution, maintain and enhance morality and religious values, as well as national identity. Furthermore, differences in ethnicity, religion, race, and social class are respected.

Furthermore, restrictions on the use of identity politics also have a constitutional basis in the 1945 Constitution of the Republic of Indonesia, specifically Article 28J paragraph (2), which states that everyone is obliged to comply with restrictions established by law to guarantee respect for the rights of others and to maintain morals, religious values, security, and public order.

This provision legitimizes the fact that freedom of expression in political campaigns is not absolute (Budiardjo 2008). In terms of regulatory objectives, the prohibition on identity politics in Indonesian election law has several primary orientations: maintaining national integration in a pluralistic society, creating healthy, program-based political competition, protecting society from discrimination, and improving the quality of democracy. This aligns with Yudi Latif's view, who emphasizes the importance of national ethics in maintaining unity within a democratic system (Latif 2019).

In terms of law enforcement, violations of identity-based campaign provisions are subject to criminal sanctions as stipulated in Article 521 of Law Number 7 of 2017 concerning General Elections, namely a maximum imprisonment of 2 (two) years and a maximum fine of IDR 24,000,000. This sanction demonstrates the state's use of a repressive approach to deter campaign practices containing elements of discrimination and provocation (Santoso 2019).

Furthermore, the oversight mechanism is carried out by the General Elections Supervisory Agency (Bawaslu), which has the authority to monitor, prosecute, and resolve campaign violations. However, the effectiveness of this oversight still faces challenges, particularly in the context of the development of digital technology. A study by Edward Aspinall and Marcus Mietzner shows that digital campaigns have expanded the space for the massive and difficult-to-control spread of identity politics (Aspinall and Mietzner 2019).

Furthermore, this phenomenon is reinforced by Burhanuddin Muhtadi's findings, which state that identity politics is an effective mobilization strategy in electoral contests, despite its potential to undermine the quality of democracy (Muhtadi 2019). Vedi R. Hadiz expressed a similar view, highlighting that identity-based populism can strengthen social polarization in society (Hadiz 2017).

Therefore, it can be concluded that Indonesian election law has a strong legal basis for limiting the use of identity politics through clear regulations, normative objectives, and firm sanctions. However, its effectiveness depends heavily on law enforcement and public political awareness. Therefore, it is necessary to strengthen regulations, increase the capacity of supervisory institutions, and increase public political literacy so that democratic practices do not become trapped in destructive identity exploitation, but instead develop towards a substantive, inclusive, and civilized democracy.

Islamic Law

From an Islamic legal perspective, the use of identity politics in campaigns must be placed within the framework of basic sharia values, which emphasize justice (al-'adl), unity (ukhuwwah), and the common good (maṣlaḥah). Islam does not reject the diversity of identities, but it prohibits the discriminatory and provocative exploitation of identity. This is based on the Quranic verse in Surah Al-Hujurat, verse 13:

“يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا”

"O people! Indeed, We created you from a man and a woman, and made you into nations and tribes so that you may know each other..."

This verse emphasizes that identity is not to be exclusively politicized, but rather as a means of building harmonious social relations (Al-Tabari 2001; Shihab 2002). Therefore, campaign practices that exploit identity differences for discriminatory purposes contradict this fundamental principle. In this context, the above verse demonstrates that identity diversity is not a cause for conflict, but for ta'aruf (conversation), cooperation, and dignity based on piety. The Islamic legal perspective on identity politics is that it is permissible if it serves the public interest. In Islamic law, the use of religious or group identity is justified if it aims to maintain morality and justice, fight for community rights, and protect the community from injustice. Furthermore, the prohibition on insulting and delegitimizing other groups is emphasized in Surah Al-Hujurat, verse 11:

“...يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرُ قَوْمٌ مِنْ قَوْمٍ”

"O you who believe! Let not one people despise another people..."

This verse contains a firm prohibition against all forms of hate speech, stereotypes and insults, which in the context of identity politics can take the form of negative campaigns based on religion, ethnicity or race (Al-Qurtubi 2006).

Apart from that, the Qur'an also emphasizes the importance of maintaining unity as in the QS. Ali Imran verse 103:

“وَاَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا”

"And hold fast, all of you, to the rope (religion) of Allah, and do not become divided..."

This verse indicates that all forms of social and political activity, including campaigns, should be directed toward unity, not division. Therefore, identity politics, which fuels polarization, clearly contradicts this principle.

From the perspective of the hadith, the Prophet Muhammad (peace be upon him) also forbade group fanaticism ('aṣabiyyah), which is the root of exclusive identity politics. A hadith narrated by Sahih Muslim states:

“مَنْ دَعَا إِلَى عَصِيَّةٍ فَلَيْسَ مِنَّا”

"Whoever calls for group fanaticism, then he is not from our group.

This hadith emphasizes that mobilization based on narrow identity is not permitted in Islam (Al-Nawawi 1999). Similarly, in a hadith narrated by Sahih Bukhari:

"A Muslim is a brother to another Muslim; he does not oppress him or allow him to be harmed."

This hadith reinforces the principle that social relations should be based on justice and brotherhood, not hostility due to differences in identity.

Within the framework of qawā'id fiqhiyah (Islamic jurisprudence), the destructive practice of identity politics can be analyzed through several key principles. First, the principle:

“الضَّرَرُ يُزَالُ”

"The harm must be eliminated."

This principle shows that all forms of campaigns that cause social conflict must be prevented (Al-Suyuthi 1998). Second, the principle:

“دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ”

"Resisting damage takes precedence over attracting benefit."

This means that while identity politics can provide political advantages, if it has the potential to cause division, it should be avoided. Third, the rule:

“النَّصْرُفُ عَلَى الرَّعِيَّةِ مَنُوطٌ بِالْمَصْلَحَةِ”

“Policies towards the people must be based on public welfare.”

This rule emphasizes that political activities must be oriented towards the public interest, not the interests of narrow groups.

From the perspective of the *maqāṣid al-syarī'ah* (the principles of Islamic law), the prohibition against provocative identity politics aims to safeguard the five main aspects of human life: religion, life, reason, lineage, and property (Al-Shatibi 1997). Identity politics that trigger conflict can threaten the safety of the soul (*ḥifẓ al-nafs*) and undermine social stability, thus contradicting the primary objectives of sharia. Regarding sanctions, Islamic law categorizes these violations as *ta'zīr*, which is a punishment imposed by the authorities based on the severity of the offense. This concept is explained by Al-Mawardi in *Al-Ahkam al-Sultaniyyah*, stating that the ruler has the authority to impose sanctions to maintain order and the public good.

These sanctions can range from warnings, restrictions on political activity, to social punishment, depending on the impact. Thus, it can be concluded that, from an Islamic legal perspective, discriminatory, exclusive, and provocative identity politics contradicts the Quran, Hadith, and Islamic jurisprudence, as it is inconsistent with the principles of justice, unity, and the common good. In general, both Indonesian election law and Islamic law share a similar view in rejecting the practice of identity politics that divides society. Election law emphasizes this through legal regulations and sanctions, while Islamic law emphasizes it through ethical and moral values. Both agree in limiting destructive identity politics, while still allowing for its constructive use as long as it does not violate justice, does not cause conflict, and is oriented toward the public interest.

Identity politics, according to Islamic law, is a political practice that uses Islamic identities such as religion, sect, ethnicity, or religious group as a basis for gaining support, power, or advancing certain interests, while still considering the principles of sharia. From an Islamic legal perspective, identity politics is not always considered absolutely right or wrong. The assessment depends on its goals, methods, and impact on society.

C. Comparative Analysis of Election Law with Islamic Law.

A comparative analysis of Indonesian election law and Islamic law demonstrates a normative common ground in limiting the use of identity politics in campaigns, particularly in maintaining social integration and political ethics. In Indonesian positive law, the prohibition on exploiting identity is expressly stipulated in Law Number 7 of 2017 concerning General Elections, particularly Article 280 paragraph (1) letters c and d, which prohibits insults based on ethnicity, religion, race, and intergroup relations (SARA), as well as acts of incitement and divisiveness. This provision is not only formal legal but also reflects the principle of protecting human rights and public order as

guaranteed by Article 28J paragraph (2) of the 1945 Constitution of the Republic of Indonesia (Asshiddiqie 2011; Santoso 2019).

In practice, this regulation aims to ensure that political campaigns are conducted rationally and program-based, rather than mobilizing primordial sentiments. This aligns with Burhanuddin Muhtadi's findings, which show that identity politics is often used as an effective electoral strategy, but has the potential to undermine the quality of democracy (Muhtadi 2019). Furthermore, Edward Aspinall and Marcus Mietzner emphasized that in the context of Indonesian democracy, the use of identity in politics often correlates with increasing social polarization (Aspinall and Mietzner 2019).

Another study by Marcus Mietzner (2020) also highlighted that identity-based populism can shift political competition from programmatic to emotional. Meanwhile, from an Islamic legal perspective, restrictions on identity politics are not regulated by written laws, but are derived from normative evidence in the Quran and Hadith. The Quran emphasizes that differences in identity are a means of mutual recognition, as stated in Surah Al-Hujurat verse 13, and prohibits insults in Surah Al-Hujurat verse 11. The principle of unity is also emphasized in Surah Ali Imran verse 103. In a hadith narrated by Sahih Muslim, the Prophet Muhammad (peace be upon him) forbade group fanaticism ('ashabiyyah), which is the root of exclusive identity politics. These principles show that Islam places social ethics as the main foundation in political activities (Al-Qaradawi 1997; Al-Shatibi 1997).

A closer analysis reveals fundamental similarities between the two legal systems. Both reject the practice of identity politics, which can lead to social conflict and threaten societal unity. In electoral law, this prohibition is embodied in positive legal norms and criminal sanctions, while in Islamic law, it is embodied in moral norms, ethics, and the principle of public welfare. This view is further reinforced by Yudi Latif, who emphasizes that Indonesian democracy must be rooted in ethical and national values to maintain social cohesion (Latif 2019). This can be seen in the following table:

Table : Identity Politics in Comparative Islamic Law and Election Law

Aspect	Election Law	Islamic Law
Basis of Assessment	Law No. 7/2017 concerning Elections regulates the Prohibition of SARA in Campaigns	Al-Qur'an and Sunnah for justice and society
Approach	Campaign Ban (SARA)	Ethics, Political Morality and Togetherness
Main Focus	National Stability & Procedural Democracy	Justice and Common Good
View	Negative if it is divisive	It is forbidden if it is Ashabiyah (Fanaticism)
Objective	Honest and Fair Elections	Trustworthy Leader and Safe People

Election Law and Islamic Law share fundamental similarities: they reject identity politics, which is destructive, divisive, and threatens national unity. Election Law prohibits it on the basis of ethnicity, religion, race, and intergroup relations (SARA) and

national stability. Islamic Law prohibits it on the basis of Ashabiyah (Islamic Unity) and the destruction of Ukhuwah (brotherhood). Both seek to prevent the use of religious and ethnic symbols that incite horizontal conflict (SARA) in order to achieve the goal of a healthy and just democracy.

However, there are significant differences. Indonesian election law is formal, written, and has a clear enforcement mechanism through institutions such as the General Elections Supervisory Agency (Bawaslu), as well as criminal sanctions as stipulated in Article 521 of the Election Law. In contrast, Islamic law is more normative and flexible, with sanctions that fall into the category of *ta'zir*, namely punishments determined by the discretion of the authorities according to the level of harm (Al-Mawardi 1996). This approach demonstrates that Islamic law allows room for adaptation to dynamic socio-political contexts.

In terms of objectives, the two legal systems have a similar orientation. Electoral law aims to maintain political stability and the quality of democracy, while Islamic law is oriented toward achieving the public good (*maṣlaḥah*) and protecting the five main objectives of sharia (*maqāṣid al-syarī'ah*): religion, life, intellect, lineage, and property (Al-Shatibi 1997).

In this context, provocative identity politics clearly contradicts both systems, as it has the potential to undermine social harmony and societal stability. Furthermore, contemporary studies show that the phenomenon of identity politics is not only a local issue, but also a global one. Cas Mudde and Cristóbal Rovira Kaltwasser (2017) explain that identity politics is often linked to populism, exploiting the dichotomy of "us" and "them," thereby reinforcing polarization in society.

This perspective enriches the analysis, demonstrating that both electoral law and Islamic law are relevant in responding to the increasingly complex challenges of modern politics. Thus, it can be concluded that Indonesian election law and Islamic law share similar substantive values in limiting the destructive use of identity politics, despite differences in their sources, regulatory forms, and sanction mechanisms. The integration of formal legal approaches and moral-ethical approaches is crucial in creating a campaign system that is not only legal but also civilized. This approach is expected to strengthen the quality of democracy while maintaining societal harmony in the context of a pluralistic nation.

CONCLUSIONS

This study concludes that the use of identity politics in election campaigns in Indonesia is a growing phenomenon and has a significant impact on the quality of democracy. Identity politics can essentially be used positively as a means of representing and strengthening the aspirations of certain groups. However, if used in a discriminatory, exclusive, and provocative manner, it can trigger social polarization and threaten societal unity. From the perspective of Indonesian election law, this practice is strictly limited through regulations aimed at maintaining order, justice, and the integrity of the democratic process.

Meanwhile, from the perspective of Islamic law, identity politics is assessed based on the principles of justice, unity, and public welfare, and therefore can only be justified

if used for the public interest and does not cause division. A comparative analysis shows that both legal systems share similarities in rejecting destructive identity politics, despite differences in legal sources and regulatory mechanisms. Election law emphasizes the formal-legal aspect through rules and sanctions, while Islamic law emphasizes the moral and ethical dimensions.

Therefore, the integration of firm law enforcement and the strengthening of political ethics is essential to realizing an inclusive, healthy, and civilized Indonesian democracy.

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