



Article Information			
Received:	2 March 2024	Accepted:	30 April 2024
Revised:	17 May 2024	Published:	30 May 2024
Volume & Pages:	2 (1) & 59-68		

Money Politics from the Perspective of Ahmad Bahauddin Nursalim

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Abstract

This article aims to understand more about the phenomenon of money politics from the perspective of Ahmad Baharuddin Nursalim. He is one of the contemporary fiqh scholars. This type of research is qualitative-descriptive. In an effort to collect data, researcher used the literature study method on data related to the topics discussed in this article. The results of the research show that money politics is an activity that basically violates the rules of state law, violates religious propositions and is contrary to human nature. However, contemporary scholars such as Ahmad Bahauddin Nursalim consider that money politics is no longer categorised as “risywah” (something cursed by Allah and His messenger). The reason is that in this era there is a collective benefit that still needs to be fought using money politics, without money politics it is feared that this benefit will not be achieved and it is feared that it will cause a loss. For him, money politics is not only an activity that can be done by a good Muslim, but for the sake of the benefit of the people, money politics is an obligation for Muslims who are able to do it.

Keywords: Classical, Contemporary, Fikih Siyasa, Money Politics

INTRODUCTION

Indonesia is both a state of law and a democracy. Among the characteristics of a democratic state is that sovereignty is in the hands of the people. It is said that democracy is that all state policies come from the people, by the people and for the people. Because it adheres to a democratic system, the Indonesian people determine their leaders through direct elections/voting, both for executive and legislative officials. The system is often called the open proportional direct election system. This system was chosen to directly ensure that all

Indonesians have equal rights in determining their leaders. At the same time, the election of leaders in Indonesia can be carried out with the values of honesty and justice.

Over time, the system above has been tested by various problems, one of which is a problem that is quite troubling, namely money politics or most people consider and call it a bribe. Money politics is an attempt to influence others (the public) by using material rewards or it can also be interpreted as buying and selling votes in the political process and power and the act of distributing money, either personal or party property to influence voters (Begovic & Cuan, 2021). Meanwhile, Ibrahim Z. Fahmy Badoh and Abdullah Dahlan define money politics as a practice in every stage of an election that can be influenced by money so that it results in the favour of one political party or candidate or the disadvantage of another political party or candidate (Badoh, 2010).

Money politics is a fraudulent act in General Elections (Pemilu) which is essentially the same as corruption (Bidin A, 2017). Money politics as the mother of corruption is the main and most frequent problem in Indonesia. (Abdurrohman, 2021) Money politics in elections is intertwined with political corruption, forming a symbiotic relationship that is dangerous for the future of democracy and governance. From upstream to downstream, money politics is considered a frightening specter while threatening the noble values in the sustainability of Indonesia as a democratic country.

The country's constitution also regulates the case of money politics and not to forget sharia law or Islamic fiqh also has arguments about the practice of money politics. In general, we know that money politics is an illegal activity, violating state regulations and sharia. But is it true that money politics as we know it is a *muamalah* practice that is forbidden in the view of fiqh? Or has there been such a change that money politics has indeed become a necessity that can be done or even mandatory? So in this study the author tries to explore the perspective of Ahmad Bahauddin Nursalim's money politics and compares it with other opinions

RESEARCH METHODS

In this research, researchers conducted a literature study as a data collection technique on Ahmad Bahauddin Nursalim's perspective on money politics. In this case, researchers used a qualitative descriptive method where researchers conducted a study of Bahauddin's thoughts on money politics. Researchers took secondary data related to the opinions of other fiqh scholars regarding money politics. Then the researcher studies the data that has been collected and compiles it into a narrative, descriptive and chronological report. The author

collects various references that contain treasures and discourses related to this study both regarding the definition of money politics, the definition of *rywah* (bribery) and the opinions of experts. In the final stage, the author presents the results in a simple and straightforward manner so that it is easy to read and understand.

ANALYSIS AND DISCUSSION

Money Politics

The term money politics refers to using money to influence a particular decision, in this case money is used as a tool to influence someone to decide (Ebin, Danius, Universitas Halmahera, 1999). Money politics, also known as electoral politics, tends to violate state regulations. Elections as a representation of democracy are important events that connect candidates with voters. Competition in winning the hearts of the community in elections is carried out in various ways. The democratic way is done by selling the vision, mission, programmes and activities of regional head candidates or legislative candidates to voters. Another way is to use the candidates' good track records that can be seen and felt by the voters as a wise choice in choosing in the elections. However, there are many candidates who use dirty methods with black campaigns and vote buying by giving money or goods to prospective voters.

After the elections of the Orba era, namely in the reform era, the elections were spiced up by the phenomenon of money politics. It is not uncommon for the practice to be carried out massively during society. As a result, money politics has become a cheap spectacle that damages the quality of democracy. In this context, elections have lost their orientation to create a democratic, just, and prosperous country. Lately, it is not only elections that are peppered with money politics. Simultaneous regional head elections and village head elections are also not immune from the pungent aroma of money politics. Money politics always comes to the fore over the vision and mission or programmes of candidates and political parties (Satria, 2019). This can be proven from the results of the Kompas Daily Research and Development poll, which found that most of the public did not reject money-sharing activities carried out by legislative candidates or political parties (Fitriyah, 2012). Even many members of the public consider money politics as a seasonal fortune that is unfortunately rejected. The practice of money politics in the 2014 elections, for example, is believed to have been more massive, brutal and vulgar than in previous elections. It involved not only voters and election participants, but also election organisers. Based on monitoring reports in the field,

transactional politics involved parties, candidates, party witnesses, the Voting Organizing Group and the Voting Committee. This is done with the intention of winning certain candidates or parties.

History records that the best election only happened once in this country, namely in 1955. It is said so, because at that time the elections were held in a very democratic, honest and fair atmosphere and did not recognize money politics. At that time, the parties participating in the elections fought fairly and objectively by not relying on money and power alone, but rather risking the idea of Indonesian's (The International IDEA, 2016). During the New Order era (Orba) there was a paradigm shift, the phenomenon of money politics was rarely heard and recorded because elections were always decorated with the use of power to win the government party. All forces were united in favour of the Golongan Karya Party. So that elections seemed to be a mere democratic ceremony. Elections were held, but campaigns were severely restricted, many candidates were disqualified, and various regulations were disproportionately enforced against the government's political opponents (The International IDEA, 2016).

If examined more deeply, in essence money politics is not in accordance and in line with the 3 objectives of organising elections, namely as follows: First, to strengthen the democratic state system. Second, to realise elections that are fair and have integrity. Third, to realise elections that are effective and efficient. The main criticism of money politics is the impact it has on sovereignty in decision-making. Where it should be in accordance with the assessment in the criteria, it becomes mortgaged due to the reward of money or other materials. For example, money politics in the form of vote buying can make voters use their voting rights no longer because of their judgement and beliefs, but because their votes have been bought. Another problem is that money politics can make election contestation an unequal, unfair and no longer objective competition. The practice of bribery must be high-cost and must be run with a very large capital. Meanwhile, not everyone has this capital. This issue is related to the next issue, which is to make the cost of electoral contestation more expensive. It is at this point that money politics and political corruption find their common thread.

A. Risywah

Risywah or in Indonesian means bribery has various meanings according to scholars. Etymologically, risywah is derived from the Arabic **رشا - يرشو** which masdar **رشوة** (the letter ra is read kasrah, fathah or dhammah) means **الجعل**, namely wages, gifts, commissions or bribes. (

Munawir, Ahmad warson) Ibn Manzhur also suggests the meaning of risywah, he suggests that the word risywah is formed from the phrase **رشا الفرخ** the young bird whines when it lifts its head to the mother to be fed (Ii, 2007) While in Mu'jam al-Wasith found rasya al-farakhu, meaning that the quail is sticking its head to its mother.

As for terminology, the fuqaha (jurists) vary in giving definitions of risywah, including:

- a. Al-'Asqalani is of the opinion that risywah is : **الرِّشْوَةُ كُلُّ مَالٍ دُفِعَ لِيُبْتَاعَ بِهِ مِنْ ذِي جَاهٍ عَوْنًا عَلَى مَا لَا يَحِلُّ** 'any money given to an official as compensation for a false favour.' (Ahmad bin 'Ali Ibn Hajar al-'Asqalani, Fath al-Bari syarh Şahih al-Bukhari, 2001 M/ 1421 H)
- b. Yusuf al-Qardhawi said that riba is 'money given to a ruler or official, so that the ruler or official will impose a punishment in his favour' (Yusuf al-Qarḍawī,1980).
- c. Abdullah Bin abd. Muhsin said that risywah is something that is given to someone on the condition that the person who is given it can refuse the person who gives it (Abdullah Bin Ab. Muhsin, 2001).
- d. Sayyid Abu Bakr defines risywah as 'Giving something so that the law is decided incorrectly/unfairly, or to prevent a correct or fair decision.' (Sayyid Abu Bakr, 2000)
- e. Bribery according to Abd al-Azhim Sham al-Haq is 'An intermediary to facilitate a matter by giving something or giving something to nullify what is right or to justify what is wrong.' Bribery is done in the hope of victory in a matter that one wants, or to make it easier for someone to control the rights to something (Tim Penulis Depdikbud RI, 1980).
- f. While Ahmad Mukhtar in Mu'jam al-Lughah al-'Arabiyah al Mu'aşirah, risywah is 'Giving improperly for a certain interest, or to justify the wrong (**الباطل**) and blame the right (**الحق**).. (Ahmad Mukhtar Umar, 2008)
- g. Al-Gharyani argues that risywah is an attempt to obtain something by fabrication and paying a certain amount of money. (Al-Shadiq Abdurrahman al-Gharyani, 2004)
- h. Nurul Irfan states that risywah is something that is given in order to realise a benefit or something that is given in order to justify what is wrong or to blame what is right.

Classical Jurisprudence

Abu Hurairah (may Allah be pleased with him) reported: 'The Messenger of Allah (blessings and peace of Allah be upon him) cursed the one who bribes and the one who is bribed in legal matters.' (Amir Alauddin Ali Ibn Balba al-Farisiy, Shahih Ibnu Hibbân, 2007) The word 'curse' comes from the Arabic language as stated in al-Munjid Fi al-Lughah Wa al-A'lām dictionary which means 'something that is the furthest from good'. So it can be said that

'to curse' means 'to assign a value to an action that is furthest from good'. The word 'cursing' is bad, despicable and a curse. Thus, the word 'curse' is a curse. Therefore, an act that is cursed is despicable and cursed.

Based on all this, the scholars have agreed by consensus on the prohibition of bribery in general. As Ibn Qudāmah, Ibn al-'Atsir, and al-Shan'anī, may Allah have mercy on them all, stated. (Ibn Qudāmah, 2007) Imam al-Qurthubi (may Allah have mercy on him) said in his tafseer that the scholars have agreed on its prohibition. (Abī 'Abdullah Muhammad Ibn Ahmad al-Ansariy alQurtubiy, 2005) Imam al-Shan'anī said: 'And bribery is forbidden according to consensus, whether it is for a qādhi (judge), for workers who handle alms or otherwise. As Allah Almighty says. Q.s al-Baqarah [2]: 188 which reads:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبُطْلِ وَتُدْءُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيفًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

Meaning, 'And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful].' (Ibn Hajar Asqalany, 1977)

Ibn Abidin, quoting from the book of al-Fath, suggests four kinds of riywah, namely: (1) Risywah, which is haraam for both the one who takes it and the one who gives it, namely risywah to gain an advantage in the judiciary and government. (2) Risywah for the judge to decide a case, even if the decision is correct, because he must do so. (3) Risywah to rectify a matter by asking the ruler to ward off harm and benefit. This kind of bribery is haraam only for the one who takes it. The reason for this kind of bribery is that it can be regarded as a reward for a person who deals with the government. The gift is used for someone's business, then distributed. This is permissible from both sides, such as a gift to please people. But from one side it is haram, because its substance is injustice. Hence it is haraam only for the one who takes it, as a gift to prevent injustice and as a reward for settling a case if it is stipulated. But if it is not stipulated, and one is certain that it is a gift given to the ruler, then according to the Hanafis there is nothing wrong with it (la ba'sa). If a person performs his duties without any conditions, and not because of his piety, then giving him a gift is permissible, but makrooh (may), as narrated from Ibn Mas'ud. (4) Risywah to ward off threats to oneself or one's wealth is permissible for the giver and haraam for the taker. This is permissible because it is obligatory to ward off harm from Muslims, but it is not permissible to take wealth to do what is obligatory (Karim, A., Fazzan, F., & Zulqarnain, 2018).

Contemporary Fikih and Ahmad Bahaiddin Nursalim's Perspective

As explained earlier, money politics today has become a deep-rooted, systematic, and massive political culture. In short, people believe that it is impossible for someone to run for political contestation without money politics. This is considered to be an open secret, on the one hand, positive law prohibits money politics, while on the other hand, the community has tolerated it. Even the Lesmana Study which examined direct gubernatorial elections in West Sumatra and Riau Islands concluded that the practice of money politics is believed to exist but is very difficult to prove. (Karim et al., 2018) This means that the gap to judge money politics seems to have been closed tightly because all elements have understood each other how money politics should be done properly to avoid punishment.

After the author has conveyed various facts and definitions about rishwah, the author will try to interpret one of the thoughts of contemporary fiqh scholars, Ahmad Bahaiddin Nursalim or known as Gus Baha'. He delivered a lengthy narrative in one of his lectures on the definition of rishwah and its difference with money politics. 'Every haq (good) thing becomes haq, it is called charity or jihad. And what is called bribery is haq becoming batil (bad) or batil becoming haq.' (Gayengco, 2020) He further said, 'Nowadays, many Muslims who are pious are stupid. If there is an election of candidates, anyone who gives money is called a bribe. In the end, the one who does not pray and the wicked wins. The case between pious people is divided. So if Musthofa or Rukhin (these two people are good friends of Bahaiddin who are known to be good and pious) run as candidates, then you must support them. You must fund them. This kind of pious person must be financed. It is not that I am condoning bribery! You are only wrong if you define bribery. Bribery is still a sin until the Day of Judgement. But you are defining 'bribe' wrongly! It is called bribery if you pay to change haq into batil or change batil into haq' (Schulte Nordholt & van Klinken, 2014)

He then gave another analogy, 'Suppose your wife is stolen or your land is seized through a judge, if you don't pay him and you don't win then your practice of paying is not a bribe, but buying the truth. However, it is still haram for the judge to accept money. Because the truth must be upheld even without payment. But still the one who pays is not sinful, while the judge is sinful, because deciding the truth must be paid for. Such things happened a lot in the era of the Companions. Otherwise, Abu Bakr buying Umayyah's slave was a sin. Bilal was beaten at that time, Bilal's master was asked: 'why did you beat him? Abu Bakr answered: 'Because this is my slave, yes, whatever I want'. 'Yes, I bought this slave', said Abu Bakr. Wow,

Abu Bakr bribed Umayyah. What a hassle. This means Abu Bakr 'bought the truth'. Because Umayyah could not have freed Bilal without being paid."(Schulte Nordholt & van Klinken, 2014).

Bahauddin's opinion above represents the views of contemporary fiqh scholars, so the author embodies it in the law of money politics through the perspective of contemporary fiqh ala Ahmad Bahauddin Nursalim. That the law of money politics depends on the illat / characteristics that follow. If the illat is the fact that the practice changes the haq into batil or vice versa, then the money politics includes risywah/bribery. Meanwhile, if the money politics has the intention of buying goodness, fighting for the haq or maintaining the haq to remain haq and the batil to remain batil, then money politics does not fall into the risywah category but falls into the corridor of alms or jihad. Which then the law becomes mandatory because in it there are noble values of maqoshid al-syar'iyah.

CONCLUSION

Money politics has become a culture that is considered normal and accepted by the majority of Indonesian people. In the past few decades, money politics has always contributed to being one of the illegal instruments in every moment of a democratic party, both legislative elections, regional elections and presidential elections. In the perspective of state law, money politics or also called electoral politics is a political offence and can even fall into the category of political crime. Such actions for the majority of people are considered a common secret. Both givers, intermediaries and recipients consider money politics as part of the efforts to undergo the democratic party process. In fact, this behaviour has various adverse effects on the benefit of society and the sustainability of Indonesia as a democratic country.

The viewpoint of fiqh, especially fiqh siyasah has various forms of opinion regarding money politics which is then associated with muamalah which is forbidden according to sharia, namely risywah or bribery. The difference in opinion arises because some experts consider that money politics is part of risywah while other experts consider that the illah of risywah itself has disappeared from money politics in this era because the existing system tends to be rooted. Likewise, Ahmad Bahauddin Nursalim considers that money politics is no longer included in the category of risywah as cursed by Allah and His messenger. In this era there is a collective benefit that cannot but be fought for using money politics, without money politics it is feared that the benefit will not be achieved and instead cause a harm. Therefore, for Ahmad Bahauddin Nursalim, money politics is not only an activity that may be carried out

by a good Muslim, but for the sake of the ongoing benefit of the people, money politics is an obligation for Muslims who are able to do so.

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