Khuluqiyya
Jurnal Kajian Hukum dan Studi Islam
Vol 07. No 2. 2025
Sekolah Tinggi Agama Islam Al-Hikmah 2
p-ISSN 2655-8882
e-ISSN 2723-195X

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Published by Sekolah Tinggi Agama Islam Al-Hikmah 2

Requirements for Presidential and Vice Presidential Candidates Based on Law Number 7 of 2017 Concerning Elections from a Fiqh Siyasah Perspective

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Data:
Submitted: 03-09-2025;
Revision: 04-11-2025;
Accepted : 27-12-2025;
Published: 30-12-2025

DOI:
https://doi.org/10.56593/khuluqiyya.v6i2.194

Keywords:
elections, presidential candidates, Law Number 7 of 2017, political jurisprudence, Islamic constitutional law

Abstract

This study examines the requirements for presidential and vice-presidential candidates as stipulated in Law No. 7 of 2017 on General Elections using the perspective of Fikih Siyasah. This study is motivated by the dynamics of election law in Indonesia, particularly regarding the formulation of national leadership qualifications that are not only administrative in nature but also rich in moral and ethical dimensions of leadership. This research is a normative legal study with a conceptual and legislative approach, using a literature review method of primary, secondary, and tertiary legal sources. The results of the study show that the provisions on the requirements for presidential and vice-presidential candidates in Article 169 of Law No. 7 of 2017 basically reflect the basic principles of Fikih Siyasah, especially those related to integrity, capability (kifāyah), physical and mental health, and commitment to the values of justice and public interest. However, there are several leadership criteria in Fikih Siyasah such as certain aspects of religiosity and more substantive moral-spiritual qualities that are not explicitly regulated in positive law. Therefore, this study emphasizes that national election law and Fikih Siyasah have a complementary relationship, in which Islamic values can serve as an ethical foundation for the improvement of democratic leadership regulations in Indonesia.

Introduction

General elections are a fundamental instrument in modern democratic systems, serving as a means of realizing the sovereignty of the people.[1] In the context of a democratic state based on the rule of law such as Indonesia, elections are not only understood as a mechanism for the circulation of power, but also as a constitutional means of determining the direction of national leadership.[2]

[1] Ade Kosasih et al., "Strengthening the Indonesian Bicameral Parliament: Siyasah Dusturiyah Perspective," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 30, 2024): 335, https://doi.org/10.29240/jhi.v9i1.10047.Regional Representative Council (DPD

[2] Abdul Kadir Jaelani, Anila Rabbani, and Muhammad Jihadul Hayat, "Land Reform Policy in Determining Abandoned Land for Halal Tourism Destination Management Based on Fiqh Siyasah," *El-Mashlahah* 14, no. 1 (June 2024): 211–36, https://doi.org/10.23971/el-mashlahah.v14i1.8051.

Therefore, regulations regarding elections, including the requirements for presidential and vice-presidential candidates, are strategically important in maintaining the legitimacy and quality of democracy.[3]

Indonesia has a presidential system of government, in which the president is both the head of state and the head of government.[4] The consequence of this system is the considerable authority vested in the President and Vice President in determining political, legal, and national development policies. Thus, the determination of the requirements for presidential and vice presidential candidates is a crucial aspect to ensure that the elected leaders have the capacity, integrity, and legal and moral legitimacy.

The regulations governing the election of the President and Vice President in Indonesia have undergone significant developments in line with the dynamics of the state administration. After the reform era, the President is elected directly by the people as a form of strengthening the principles of democracy. In line with this, election regulations have also been continuously refined, resulting in the enactment of Law Number 7 of 2017 concerning General Elections, which comprehensively regulates all stages of the election, including the requirements for candidacy for President and Vice President.

Law Number 7 of 2017 explicitly formulates various administrative, political, and moral requirements for presidential and vice presidential candidates as stipulated in Article 169. These provisions cover aspects of citizenship, age, physical and mental health, moral integrity, legal track record, and political support through a presidential threshold. This regulation is intended to screen candidates for leadership so that they meet the standards of eligibility to lead the country.

However, the provisions on the requirements for presidential and vice-presidential candidates are not without legal and political debate. One of the crucial issues that has emerged is the Constitutional Court's decision regarding age limits and work experience as alternative candidacy requirements. This decision shows that the requirements for presidential and vice-presidential candidates are dynamic and greatly influenced by political needs and developments in society.

On the other hand, as a country with a Muslim majority, the discourse on national leadership in Indonesia cannot be separated from the perspective of Islamic law. In Islamic law[5], particularly Fikih Siyasah, leadership is viewed as a great mandate aimed at realizing justice, benefit, and welfare for the people. Therefore, the requirements for leadership in Islam are not only administrative in nature, but also emphasize the moral, spiritual, and capability dimensions of a leader.

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3 Efa Rodiah Nur et al., "Reinforcing the Role of the Gakkumdu Center in Electoral Law Enforcement: A Contemporary Analysis from the Perspective of Fiqh Siyasah Dusturiyah," *MILRev: Metro Islamic Law Review* 4, no. 2 (November 1, 2025): 1281–96, https://doi.org/10.32332/milrev.v4i2.11108.

4 Hariyanto Hariyanto, Ahmad Rezy Meidina, and Mabarroh Azizah, "Decentralization and the Fulfilments of Children's Rights: Challenges and Opportunities for Local Government in Indonesia," *Lex Scientia Law Review* 8, no. 2 (November 30, 2024): 677–706, https://doi.org/10.15294/lslr.v8i2.14373.

5 Muhammad Aziz Zakiruddin, Kamsi Kamsi, and Ahmad Bahiej, "Siyasah Syar'iyah Paradigm of Hajj Financial Management Regulation in Indonesia," *Al-Istinbath : Jurnal Hukum Islam* 7, no. 2 (December 1, 2022): 547, https://doi.org/10.29240/jhi.v7i2.5310.

Fikih Siyasah places principles such as justice ('adalah), trustworthiness, capability (kifāyah), and wisdom as the main requirements for a leader.[6] These principles have strong relevance to the objectives of regulating the requirements for presidential and vice-presidential candidates in positive law. However, there is a difference in orientation between positive law, which is formal-normative, and Fikih Siyasah, which emphasizes ethical and substantive aspects.

In this context, it is important to examine the extent to which the requirements for presidential and vice-presidential candidates stipulated in Law Number 7 of 2017 are in accordance with the principles of Fikih Siyasah.[7] This study is necessary to see whether national election regulations reflect the values of justice and benefit as emphasized in Islamic constitutional law, or whether they still leave room for problems.[8]

In addition, this study is also important to identify aspects of leadership in Fikih Siyasah that have not been accommodated in legislation. Several views of scholars, such as the requirement that leaders be Muslim, have adequate scientific capacity, and possess certain moral and spiritual qualities, are not explicitly regulated in Indonesian positive law.[9] This raises a discourse on the relationship between state law and religious values in a pluralistic democratic system.

Based on this background, this study focuses on analyzing the requirements for presidential and vice-presidential candidates based on Law Number 7 of 2017 concerning General Elections from the perspective of Fikih Siyasah. This study is expected to contribute academically to the development of Islamic constitutional law, as well as serve as a normative reference in strengthening the quality of national leadership based on the principles of justice, democracy, and the welfare of the people.

Method

This study is a normative legal study with a qualitative approach that focuses on library research.[10] Normative legal studies are used to examine the norms, principles, and legal provisions governing the requirements for presidential and vice-presidential candidates as stipulated in Law No. 7 of 2017 on General Elections. The approaches used include a statute approach to examine the positive legal provisions related to the candidacy of the President and Vice President, as well as a conceptual approach to analyze the concept of leadership in Fikih Siyasah as the theoretical framework in this study. The data sources in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 2017 concerning General Elections, and Constitutional Court decisions relevant to the requirements for the nomination of the President and Vice President. Secondary legal

6 Mutiara Fahmi et al., "Punishment for Zina Muḥṣān Offenders in Aceh Qanun No. 6 of 2014 in the Perspective of Fiqh Al-Siyāsah," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (June 27, 2022): 346, https://doi.org/10.22373/sjhk.v6i1.13363.

7 Abdul Syatar et al., "Examining Call for the Dissolution of Indonesian Ulema Council: Siyāsah Syar'íyyah Perspective," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 5, 2023): 199, https://doi.org/10.31958/juris.v22i2.6678.

8 Muhammad Mutawalli Mukhlis et al., "Regional Autonomy System: Delegation of Authority and Power of Regional Government in Indonesia in the Study of Fiqh Siyasah," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (September 30, 2024): 505–26, https://doi.org/10.29240/jhi.v9i2.9709.

9 Zainnuddin et al., "Siyāsah Shar'iyyah and the Politicization of Religion in the 2019 Indonesian Presidential Election," *Ahkam: Jurnal Ilmu Syariah* 22, no. 2 (2022): 357–84, https://doi.org/10.15408/ajis.v22i2.28165.

10 John W Creswell and J David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage publications, 2017).

materials include books on Fikih Siyasah, classical and contemporary texts, scientific journals, theses, and other scientific works related to constitutional law and leadership in Islam. All data were analyzed descriptively and analytically using inductive methods, namely by systematically describing positive legal provisions and the principles of Fikih Siyasah, then drawing conclusions to assess their suitability and relevance in the context of the electoral system in Indonesia.

Result and Discussion

Requirements for Presidential Candidates and Their Running Mates Based on Law Number 7 of 2017 Concerning Elections

Law Number 7 of 2017 concerning Elections regulates in detail the requirements for presidential and vice-presidential candidates in the context of modern democracy. From the perspective of Siyasah fiqh[11], these rules can be analyzed based on Islamic principles that emphasize shura (consultation), justice (`adl), maslahat (public interest), and amanah (trust). This analysis aims to evaluate the harmony between positive law and the principles of leadership in Islam.

Law No. 7 of 2017 requires that presidential and vice-presidential candidates must have been Indonesian citizens since birth. In Siyasah jurisprudence, citizenship is not only interpreted as an administrative status, but also as a manifestation of `wala' (loyalty) to the state and the people.[12] This ensures that leaders are fully dedicated to the nation without external influences that could threaten the integrity of the state.

The minimum age requirement of 40 years, as stated in Article 169 letter d, is in line with the concept of maturity (rushd) in Siyasah jurisprudence. In Islam, the age of 40 is often associated with the peak of intellectual, emotional, and spiritual maturity, as the Prophet Muhammad SAW received his first revelation at that age. This requirement ensures that candidates have the maturity to lead.

This law stipulates that presidential candidates must never have been involved in serious criminal offenses. In Siyasah jurisprudence, trustworthiness and moral integrity are the main requirements for a leader, as emphasized in QS. Al-Baqarah (2:247) regarding the virtues of leaders who possess knowledge (ilm) and strength (quwwah). A leader with integrity will be able to maintain the trust of the people and uphold justice.

Physical and mental health, which are requirements for presidential candidates in this law, are relevant to the principles of Siyasah fiqh, which emphasize a leader's ability (qudrah) to carry out their duties. A healthy leader is able to face complex challenges and make decisions that are in the interests of the people.[13]

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[11] Bani Syarif Maula, "Post-Islamism and the Rise of Sharia Laws in Contemporary Indonesia: Aspirations of Implementing Islamic Laws in a Democratic Era," *International Journal of Social Science and Religion (IJSSR)*, June 8, 2023, 163–84, https://doi.org/10.53639/ijssr.v4i2.137.

[12] Hamzah Hamzah et al., "Sustainable Development of Mangrove Ecosystem Policy in South Sulawesi from the Perspectives of Siyāsah and Fiqh Al-Bi'ah," *JURIS (Jurnal Ilmiah Syariah) 22* 22, no. 2 (2023): 367–80, https://doi.org/10.31958/juris.v22i2.10559.

[13] Sulastri Caniago et al., "Gender Integration in Islamic Politics: Fiqh Siyasah on Women's Political Rights since Classical to Contemporary Interpretations," *MILRev: Metro Islamic Law Review* 3, no. 2 (December 30, 2024): 411–31, https://doi.org/10.32332/milrev.v3i2.9962.

The application of the principle of shura in Siyasah fiqh is reflected in the criteria for candidacy through political parties or coalitions of political parties in accordance with the nomination threshold. Political parties serve as a forum for discussion to identify and nominate the most qualified candidates. However, from an Islamic perspective, this procedure must prioritize the welfare of the people, not just certain interests.

The requirement of not being declared bankrupt by a court of law demonstrates the importance of istighna' (independence) for a leader in Siyasah fiqh. A financially independent leader will be less susceptible to external pressures that could threaten their fairness and decisions.

Although this law does not explicitly mention the spiritual responsibility of a prospective leader, Siyasah jurisprudence emphasizes that a leader is responsible not only for worldly affairs, but also for the morals and spirituality of his people. Therefore, the ideal presidential candidate should have a vision to uphold Islamic values in public policy.

In practice, the requirements stipulated in this law must be applied fairly without discrimination. The perspective of Siyasah jurisprudence demands that the leader selection process be based on justice (`adl) and free from political manipulation. This is in accordance with Islamic principles which emphasize that leaders are a trust from the people and must be selected through a transparent process.[14]

The requirements for presidential and vice-presidential candidates in Law Number 7 of 2017 are largely in line with the principles of Siyasah fiqh, such as shura, `adl, amanah, and maslahat. However, their implementation requires oversight to ensure that the election process truly reflects justice and the interests of the people. By upholding these values, Indonesia can produce leaders who are not only competent in worldly matters, but also bring blessings to their people.

Law Number 7 of 2017 concerning General Elections (Election Law) is the main legal basis for the implementation of general elections in Indonesia, including the election of the president and vice president. One important aspect regulated in this law is the requirements that must be met by presidential candidates (Capres) and vice presidential candidates (Cawapres). In legal studies, the statute approach is used to analyze the normative provisions in the regulation in order to understand, interpret, and evaluate the requirements that have been set.

Article 169 of the Election Law comprehensively regulates the requirements that must be fulfilled by a presidential candidate and their running mate. These provisions aim to ensure that candidates possess the capacity, credibility, and loyalty to the state. One of the primary requirements stipulated in this article is devotion to the One Almighty God, which reflects the principles of Pancasila, particularly its first precept. Normatively, this requirement does not have clear quantitative indicators, making its assessment largely subjective. However, devotion may be evaluated through a candidate's moral track record and conduct that does not contradict religious and legal norms.[15]

Another requirement is Indonesian citizenship since birth and the absence of any other citizenship acquired by one's own will. This provision seeks to ensure that presidential candidates

[14] Zainuddin Zainuddin et al., "Siyāsah Shar'iyyah and the Politicization of Religion in the 2019 Indonesian Presidential Election," *AHKAM : Jurnal Ilmu Syariah* 22, no. 2 (December 31, 2022), https://doi.org/10.15408/ajis.v22i2.28165.

[15] Habib Ismail, Dani Amran Hakim, and Muhammad Lutfi Hakim, "The Protection of Indonesian Migrant Workers under Fiqh Siyasah Dusturiyah," *Lentera Hukum* 8, no. 1 (April 24, 2021): 151, https://doi.org/10.19184/ejlh.v8i1.18725.

demonstrate full loyalty to the Unitary State of the Republic of Indonesia (NKRI). In international law, dual citizenship may give rise to conflicts of interest; therefore, this rule functions as a safeguard against foreign intervention in national leadership.[16] In addition, presidential candidates must be physically and mentally fit, as evidenced by a medical examination conducted by a medical team appointed by the General Election Commission (KPU).[17]

Another crucial requirement is that candidates must never have been sentenced to imprisonment based on a final and binding court decision for committing a criminal offense punishable by imprisonment of five years or more. This provision aims to ensure that presidential candidates have a clean legal record and to prevent individuals with serious criminal backgrounds from holding the highest office in the state. Furthermore, presidential candidates must be at least 40 years old, based on the assumption that at this age an individual has attained intellectual maturity, leadership experience, and emotional stability necessary to govern the country.

An equally important requirement is that presidential candidates and their running mates must possess a vision, mission, and work program for governing. This requirement represents a form of political accountability of presidential candidates to the public. Legally, there is no specific standard regarding the substance of the vision and mission; however, the KPU may verify the clarity and feasibility of the programs proposed by the candidates.

In addition to individual requirements for presidential candidates, the Election Law also regulates nomination requirements through the presidential threshold mechanism, as stipulated in Article 222. This provision states that only political parties or coalitions of political parties that have obtained at least 20% of the seats in the House of Representatives (DPR) or 25% of the valid national votes in the previous general election are entitled to nominate a presidential and vice-presidential ticket. This requirement limits political participation by narrowing opportunities for candidates from smaller parties or independent candidates to compete in presidential elections. Moreover, the presidential threshold potentially strengthens political party oligarchy, as presidential nominations become highly dependent on agreements among major parties.

The presidential threshold provision has frequently been the subject of judicial review before the Constitutional Court (MK), with arguments asserting that it contradicts the principle of popular sovereignty because it restricts citizens' political rights to nominate and be nominated. From a democratic perspective, this rule is criticized for failing to provide equal opportunities for all potential candidates, particularly those from non-dominant parties or independent backgrounds.[18]

Overall, the requirements for presidential candidates and their running mates under the Election Law have both strengths and weaknesses. Its strengths lie in ensuring high-quality leadership through standards of health, morality, and legal integrity, as well as in preventing

[16] Hamzah et al., "Sustainable Development of Mangrove Ecosystem Policy in South Sulawesi from the Perspectives of Siyāsah and Fiqh Al-Bi'ah."

[17] Syarifuddin Syarifuddin et al., "Legal Politics of Restricting Access to Online Gambling in Fiqh Siyasah and Saddu Adz-Dzariah Perspectives," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (June 23, 2025): 219–43, https://doi.org/10.19109/nurani.v25i1.25361.

[18] Sugeng Dwiono, A. Kumedi Ja'far, and Slamet Haryadi, "An Analysis on the Omnibus Law and Its Challenges in Indonesia: The Perspectives of the Constitutional and the Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 11, 2024): 706, https://doi.org/10.22373/sjhk.v8i2.22720.

foreign intervention through the single citizenship requirement.[19] In addition, the obligation to present a vision and mission may enhance the political accountability of presidential candidates. However, the regulations also have shortcomings, such as the rigidity of the age requirement and the presidential threshold, which may limit the emergence of younger leaders or candidates from smaller parties. Furthermore, several requirements remain subjective in nature, such as devotion to the One Almighty God, which is difficult to measure objectively within the framework of positive law.

Based on an analysis using a statutory approach, it can be concluded that the requirements for presidential candidates and their running mates under Article 169 of the Election Law are intended to safeguard the credibility of national leadership. Nevertheless, certain provisions—particularly the presidential threshold under Article 222—remain contentious, as they are considered to restrict democracy and political participation. Therefore, several measures may be taken to improve this regulation, including revising or abolishing the presidential threshold to provide broader opportunities for potential candidates outside major political parties, strengthening candidate selection mechanisms through more objective systems for assessing integrity, vision, and mission, and enhancing transparency in the nomination process so that the public can more openly evaluate candidates' track records and credibility.[20]

With appropriate reforms, Indonesia's electoral system can become more inclusive, democratic, and oriented toward the public interest. This is essential to ensure that elected leaders possess strong legitimacy and are genuinely capable of carrying out national leadership responsibilities in accordance with democratic principles and the rule of law.

Presidential and Vice-Presidential Candidacy Requirements under Law Number 7 of 2017 on General Elections: A Fiqh Siyasah Perspective

Fiqh Siyasah is a branch of Islamic scholarship that examines governance and state administration based on the principles of Islamic law.[21] In the modern context, Fiqh Siyasah theory can be used to analyze the requirements for presidential candidates and their running mates. These requirements do not merely reflect technical administrative needs, but also embody leadership principles rooted in the values of justice ('adl), public welfare (maslahah), and trust (amanah).[22]

In Fiqh Siyasah, leadership is considered a trust (amanah) that must be entrusted to individuals who meet specific criteria, such as justice ('adl), competence (kifayah), and capability

[19] Muhammad Taufiq et al., "Tengka, Identity Politics, and the Fiqh of Civilization: The Authority of Madura's Kiai in the Post-Truth Era," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 1 (July 26, 2024): 139–65, https://doi.org/10.18326/ijtihad.v24i1.139-165.

[20] Haris Maiza Putra et al., "Reconstruction of the Practice of Siyasa Syar'iyyah During the Islamic Empire's Relevance to the Practice of Sharia Financing CWLS Retail in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 November (November 9, 2023): 347, https://doi.org/10.29240/jhi.v8i2.8057.

[21] Jafar Ahmad and Nisaul Fadillah, "An Analysis of the Failures and Successes of the Presidential Decree in the Parliament Dissolution (A Comparative of the Presidential Decree in Tunisia and Indonesia During Soekarno and Abdurrahman Wahid)," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 2 (December 25, 2021): 163–81, https://doi.org/10.30631/alrisalah.v21i2.897.

[22] Hariyanto Hariyanto, Muhammad Mutawalli Mukhlis, and Daud Rismana, "The Role and Authority of the Deputy Regional Head According to Islamic Principles within the Framework of Regional Government Law," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (February 7, 2025): 13, https://doi.org/10.31958/juris.v24i1.12678.

(qudrah).[23] The requirements for presidential candidates and their running mates as regulated under Law Number 7 of 2017 on General Elections can be analyzed through these principles to assess the extent to which the regulation aligns with Islamic teachings.[24]

The citizenship requirement for presidential candidates under the law reflects the concept of wala' in Fiqh Siyasah. Loyalty to the state and the community is a fundamental requirement for a leader, as they must prioritize national interests above all else. In Islamic political thought, a leader with strong wala' is regarded as capable of safeguarding governmental integrity.

The minimum age requirement of 40 years stipulated in the Election Law reflects the concept of rushd (maturity) in Fiqh Siyasah. Islam teaches that a leader must possess emotional, intellectual, and spiritual maturity, which is generally attained in adulthood. This is also consistent with Islamic tradition, as the Prophet Muhammad (peace be upon him) received revelation at the age of 40, symbolizing readiness for leadership.[25]

The requirement of physical and mental health under the Election Law is consistent with the principle of kifayah in Fiqh Siyasah, which obliges leaders to have the capacity to perform their duties effectively.[26] A leader who is physically and mentally healthy is better equipped to face the significant challenges of governance.[27]

The Election Law requires that presidential candidates have not been involved in serious criminal offenses, which corresponds to the principle of amanah in Fiqh Siyasah. A leader must possess a sound moral reputation to earn public trust. In Qur'an Surah al-Baqarah (2:247), Allah emphasizes the importance of combining knowledge ('ilm) and integrity (amanah) in the selection of leaders.

The requirement that presidential candidates and their running mates be nominated by political parties reflects the application of the principle of shura (consultation) in Fiqh Siyasah.[28] In Islam, shura serves as a deliberative mechanism for selecting the most suitable leader for the community. However, in practice, this mechanism must be protected from pragmatic political interests that may undermine public welfare.

Fiqh Siyasah also emphasizes the importance of istighna' (independence) in leadership. The requirement that candidates must not be declared bankrupt by a court aims to ensure financial independence and to prevent undue influence on government policies.

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23 Djayadi Hanan, Tri Sulistianing Astuti, and Luthfi Widagdo Eddyono, "Electoral Reform Through the Indonesian Constitutional Court: Constitutionality of Presidential Candidacy Threshold in Indonesia," *Jurnal Konstitusi* 22, no. 2 (June 2025): 260–92, https://doi.org/10.31078/jk2223.

24 Ahmad Zayyadi et al., "Understanding of Legal Reform on Sociology of Islamic Law: Its Relevance to Islamic Family Law in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam*, November 20, 2023, 249–62, https://doi.org/10.24090/mnh.v17i2.7584.

25 Jayus Jayus and Muhammad Bahrul Ulum, "Presidential Power's Limitation to Emergency Provisions in Indonesia," *Jurnal Cita Hukum* 8, no. 2 (2020): 343–62.

26 Muhammad Solikhudin et al., "Political-Legal Strategies in Regulating Interfaith Marriage: An Analysis of Supreme Court Circular Letter in Indonesia," *Jurnal Ilmiah Al-Syir'ah* 22, no. 2 (December 31, 2024): 262, https://doi.org/10.30984/jis.v22i2.3237.

27 Seno Wibowo Gumbira, I Gusti Ayu Ketut Rachmi Handayani, and Kukuh Tejomurti Tedjomurti, "The Urgency of Presidential Policy to Revitalize and Maintain the Existence of Cooperatives Based on Pancasila," *Sriwijaya Law Review* 3, no. 2 (2019): 199–224.

28 Tomas Lindgren et al., "The Appropriation of Religiousity in the 2024 Indonesian Presidential," *IAS Journal of Localities* 2, no. 2 (August 2024): 96–108, https://doi.org/10.62033/iasjol.v2i2.78.

In Fiqh Siyasah, all regulations governing leadership selection must be oriented toward the public interest (maslahah al-ummah). Although Law Number 7 of 2017 regulates presidential candidacy requirements in detail, its implementation must be closely monitored to prevent deviation from its primary objective: selecting leaders capable of promoting societal welfare.[29]

The application of Fiqh Siyasah theory to the requirements for presidential candidates and their running mates demonstrates that many provisions of the law are aligned with Islamic values. However, the main challenge lies in implementation. By ensuring integrity and transparency in the electoral process, Fiqh Siyasah principles can be applied more effectively to realize leadership that is just, trustworthy, and beneficial to society.

Law Number 7 of 2017 on General Elections serves as the legal foundation for presidential and vice-presidential elections in Indonesia. From a Fiqh Siyasah perspective, the requirements stipulated in Article 169 of the Election Law can be examined through the principles of siyasah shar'iyyah, which regulate Islamic governance. Fiqh Siyasah emphasizes leadership that is just, oriented toward public welfare, and grounded in Islamic values. Therefore, it is essential to assess whether the requirements set forth in the Election Law are consistent with Islamic leadership principles.[30]

In Fiqh Siyasah, the head of state whether an imam or caliph must meet specific criteria derived from textual evidence (nass) and scholarly consensus (ijma'). Classical scholars such as al-Mawardi in al-Ahkam al-Sultaniyyah[31] and Ibn Khaldun identified essential requirements including justice (al-'adalah), knowledge (al-'ilm), leadership capacity (al-kifayah), and physical and mental soundness (salamat al-jism wa al-'aql). These principles closely correspond to the provisions of Article 169 of the Election Law, which likewise emphasize morality, intellectual capacity, and health.[32]

The requirement of devotion to the One Almighty God under the Election Law can be associated with the principle of al-'adalah in Fiqh Siyasah. An Islamic leader must possess strong faith and consistently uphold justice in governance. Justice in this context extends beyond personal piety to include public policies that serve the people. In a democratic state such as Indonesia, measuring devotion presents challenges due to the absence of objective standards; therefore, Fiqh Siyasah places greater emphasis on legal compliance and commitment to public welfare.[33]

The requirement of Indonesian citizenship since birth reflects the principle of loyalty to the state (al-wala' lil-ummah wa al-dawlah). In Islamic governance, a leader should emerge from within the community and possess a deep understanding of its social values. Although classical Islamic governance did not explicitly regulate citizenship by birth, this requirement aligns with

[29] Y Sonafist and Henny Yuningsih, "Islamic Law, the State, and Human Rights: The Contestation of Interfaith Marriage Discourse on Social Media in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 28, 2023): 381, https://doi.org/10.31958/juris.v22i2.10934.

[30] Faizal Hamzah Lubis, Faiz Albar Nasution, and Rahma Hayati Harahap, "The Commodification of Religious Rituals: Representations of Political Actors in Indonesian Elections," *Pharos Journal of Theology* 105, no. 2 (March 2024): 1–11, https://doi.org/10.46222/pharosjot.105.214.

[31] Abu al-Hasan `Ali bin Muhammad bin Habīb Al-Māwardi, *Al-Hawī Al-Kabīr* (Beirut: Dar al-Fikr, 1994).

[32] Kartika Winkar Setya, Abdul Aziz Nasihuddin, and Izawati Wook, "Fulfilling Communal Rights through the Implementation of the Second Principle of Pancasila towards the Regulation on Agrarian Reform," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, June 30, 2023, 89–102, https://doi.org/10.24090/volksgeist.v6i1.7867.

[33] Muhammad Solikhudin et al., "Pemilihan Umum Serentak, Pemilih Muda Dan Fikih Good Governance," *Minhaj: Jurnal Ilmu Syariah* 5, no. 2 (July 1, 2024): 176–98, https://doi.org/10.52431/minhaj.v5i2.2506.

the concept of ahliyyah (eligibility), ensuring full loyalty and preventing divided allegiances that may threaten political stability.

The requirement of physical and mental health under Article 169 of the Election Law also aligns with Fiqh Siyasah. Classical Islamic legal texts emphasize that a leader must be physically and mentally capable of fulfilling leadership duties. Leaders whose health conditions significantly hinder their responsibilities may be deemed unfit to govern. Thus, this provision reflects a core principle of Islamic governance.

The requirement that candidates have never been sentenced to imprisonment of five years or more is directly related to the principle of al-'adalah. Islamic history demonstrates that leaders or judges with serious moral deficiencies could be removed from office. This provision seeks to preserve the moral legitimacy of leadership.

From the perspective of leadership competence (al-kifayah), the minimum age requirement of 40 years reflects the principle of maturity. The Prophet Muhammad (peace be upon him) was appointed as a messenger at the age of 40, symbolizing intellectual and moral maturity. Many scholars argue that leadership requires sufficient experience, making this age requirement consistent with Islamic political thought.

However, one provision of the Election Law is controversial from a Fiqh Siyasah perspective, namely the presidential threshold stipulated in Article 222. This rule restricts nominations to political parties or coalitions holding at least 20% of parliamentary seats or 25% of the national vote. In Fiqh Siyasah, the principle of shura emphasizes openness and broad participation in leadership selection. Such restrictions may undermine political justice by prioritizing party interests over competence and integrity.

The author argues that the primary requirements for presidential candidates citizenship since birth, absence of dual nationality, and residency within Indonesian territory are designed to ensure loyalty to the nation-state. These requirements are constitutionally relevant, as they prevent conflicts of interest, particularly in foreign policy.[34]

The minimum age requirement aims to ensure emotional maturity, experience, and political stability. While reasonable given the complexity of presidential duties, it may limit opportunities for younger leaders, suggesting the need for reassessment in light of leadership regeneration.

The absence of explicit educational requirements in the Constitution or Election Law also merits attention. Although no formal educational threshold exists, intellectual competence remains essential for effective governance. Indonesia may consider introducing minimum educational standards in response to globalization and increasing policy complexity.

The criminal record requirement enhances public trust but has generated controversy when candidates face unresolved legal accusations. Clearer legal standards are needed to regulate candidate status prior to final court decisions.

The physical and mental health requirement is indispensable, given the immense responsibilities of the presidency. Transparent and objective medical assessments, aligned with international standards, are necessary to prevent discrimination.

[34] Nur Faizah et al., "The Role of Indonesian Women Ulama Congress (KUPI) in the Search for Gender Equality-Based Islamic Law," *Al-'Adalah* 21, no. 2 (December 25, 2024): 323, https://doi.org/10.24042/adalah.v21i2.23698.

The presidential threshold has been widely debated for limiting political inclusivity and favoring dominant parties. From a constitutional law perspective, this mechanism undermines fair political competition and reduces electoral diversity.

Loyalty to Pancasila and the 1945 Constitution is a fundamental requirement, as the president symbolizes national unity. However, assessing loyalty remains largely normative, necessitating clearer evaluative mechanisms such as policy records and public statements.

Overall, the current legal framework adequately safeguards leadership quality, but evolving democratic demands necessitate regulatory reform to promote political regeneration and broader participation.

In conclusion, the requirements for presidential candidates under the Election Law reflect several core principles of Fiqh Siyasah, including justice, loyalty, competence, and physical and mental fitness. Nevertheless, greater inclusivity in nomination mechanisms is needed to align with the Islamic principle of shura. Incorporating Fiqh Siyasah perspectives can enhance national leadership policies to better serve public welfare.

Accordingly, electoral reform in Indonesia should integrate Fiqh Siyasah values to ensure leaders possess competence, integrity, and commitment to public welfare. Reassessing the presidential threshold would provide broader opportunities for capable leaders beyond dominant political parties, fostering a more democratic, inclusive, and Islamically grounded electoral system.[35]

Conlusion

Based on the findings of this study, it can be concluded that the requirements for presidential and vice-presidential candidates as regulated in Law Number 7 of 2017 on General Elections are, in principle, designed to ensure the quality of national leadership by regulating aspects such as citizenship, age, physical and mental health, moral integrity, legal track record, and political support. From the perspective of Fiqh Siyasah, most of these provisions are consistent with the fundamental principles of Islamic leadership, including justice (‘adalah), trust (amanah), competence (kifāyah), and the pursuit of public welfare (maslahah al-ummah). This indicates that Indonesian electoral law is not entirely incompatible with Islamic legal values; rather, it adopts universal principles that are also recognized in Fiqh Siyasah, albeit framed within a formal and constitutional positive law system. Nevertheless, this study also identifies differences in orientation between positive law and Fiqh Siyasah in conceptualizing leadership qualifications. Fiqh Siyasah places greater emphasis on moral-spiritual dimensions and substantive responsibility toward the community, aspects that have not been fully accommodated in Law Number 7 of 2017. Therefore, efforts are needed to strengthen Islamic ethical leadership values as a normative foundation in the formulation and enforcement of electoral regulations in Indonesia. Academically, this study is expected to contribute to the development of Islamic constitutional law and electoral law scholarship. Practically, its findings may serve as a reference for legislators and election administrators in formulating leadership nomination policies that are not only procedurally democratic but also oriented toward justice and the public welfare.

[35] Yusi Amdani, “Ruler of Interests, Political Interests, or Law Enforcement: Case Study of Amnesty Plan for Din Minimi Group in East Aceh,” *Al-Ahkam* 18, no. 2 (March 4, 2019): 239, https://doi.org/10.21580/ahkam.2018.18.2.2420.

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