

## **LEGAL RECONSTRUCTION OF VOTER ABSTENTION IN INDONESIA: COMPARATIVE INSIGHTS FROM MUI FATWA AND ELECTORAL LAW**

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### **Abstract**

This study aims to examine the phenomenon of voter abstention, known as voter abstention (*Golongan Putih* or Golput), from the perspectives of Islamic law and Indonesian electoral legislation. The research utilizes a qualitative approach, relying on literature reviews and primary governmental documents to analyze how these two legal frameworks address and regulate voter abstention. The study explores the intersection of Islamic jurisprudence, particularly the 2009 fatwa by the Indonesian Ulama Council (*Majelis Ulama Indonesia* or MUI) that declared Golput haram (forbidden), and Indonesia's electoral law, specifically Law No. 7 of 2017, which encourages voter participation without penalizing abstention. The findings reveal that while Golput is not prohibited by electoral law, it is framed as a violation of religious duty within Islamic legal thought. Additionally, the study highlights Golput as a form of civil resistance and political expression in Indonesia's democratic system. The analysis of these dual legal systems provides insights into the complexities of voter behavior and presents recommendations for strengthening democratic engagement. The implications of this research

suggest that integrating religious principles with legal norms could enhance voter turnout and foster more inclusive electoral participation in Indonesia.

**Keywords:** *Voter Abstention, Islamic Law, Indonesian Election Law, Civil Resistance.*

## A. INTRODUCTION

Voter abstention (*Golongan Putih* or Golput) refers to abstaining from voting in general elections. In Indonesia's Islamic and electoral law context, Golput can be viewed from two different yet interconnected perspectives. Firstly, from the standpoint of Islamic law, participation in general elections is linked to the obligation to participate in public affairs as regulated in Islamic law. Islamic legal thought emphasizes the individual's responsibility to participate in the electoral process as part of enjoining good and forbidding wrong.<sup>1</sup> Abstention refers to the deliberate act of refusing to vote. Understanding the patterns, preferences, and topics associated with abstention discourse can provide valuable knowledge for political analysis.<sup>2</sup>

Indonesia's voter abstention phenomenon can be better understood by its historical, religious, and legal context. Moreover, Indonesia's government system reflects a combination of presidential and parliamentary models, with a fragile coalition system that impacts government stability. The system reveals a dynamic interaction between Islamic law and positive law. Since the country's move to democracy in 1998, Golput has become a form of protest used by voters dissatisfied with the political system or candidates. Religion, particularly Islam, plays a key role in shaping views on civic participation. The Indonesian Ulama Council (*Majelis Ulama Indonesia* or MUI) issued a fatwa in 2009 declaring Golput haram (forbidden), urging Muslims to take part in elections as a civic and religious duty. On the legal side, Indonesia's electoral law, Law No. 7 of 2017, encourages voter participation to strengthen democracy but does not punish those who abstain. Public debates, often amplified by the media, focus on the ethical and legal aspects of Golput. Despite extensive discussions on this issue, there is a gap in research comparing Golput from religious and legal perspectives. This study aims to fill that gap and offer insights into how these frameworks influence voter behavior, with recommendations to boost democratic engagement in Indonesia.

Conversely, in the context of Indonesian electoral law, Golput is an intriguing phenomenon, particularly when considering the diverse backgrounds of participants.<sup>3</sup> They revealed that individuals' social, economic, and cultural backgrounds significantly influence their national identity and attitudes towards participating in general elections. These factors are crucial

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<sup>1</sup> Ismail Suny., *Hukum Islam Dalam Hukum Nasional, Jurnal Hukum & Pembangunan*, Vol.17, no. 4, 2017, page. 351, <https://doi.org/10.21143/jhp.vol17.no4.1348>.

<sup>2</sup> Jayadi Butar Butar, Sofian Lusa, Sutia Handayani, and Andi Akram Yusuf., *Analyzing Abstention Discourse in Presidential Elections: Knowledge Discovery in X Using ML, LDA and SNA, International Journal on Advanced Science, Engineering & Information Technology*, Vol.14, no. 3, 2024, <https://doi.org/10.18517/ijaseit.14.3.19402>.

<sup>3</sup> Augustinus Supratiknya., *National Identity in the Indonesian Youth [Identitas Nasional Di Kalangan Orang Muda Indonesia]*, *ANIMA Indonesian Psychological Journal*, Vol.36, no. 2, 2021, page. 231–73, <https://doi.org/10.24123/aipj.v36i2.3137>.

in shaping voters' decisions to abstain from voting. During Indonesia's highly polarised 2019 presidential election campaign, calls for not voting for either of the two candidates were and more substantial than in previous elections. A fictional presidential and vice-presidential duo, which reached hundreds of thousands of Indonesians on social media, offered a new Golput campaign style that ran counter to the political language of the ruling social bloc.<sup>4</sup>

Indonesia has a dynamic interaction between Islamic law and positive law.<sup>5</sup> Highlights the flexibility and adaptability of Islamic law within the modern legal system, suggesting that it can fill gaps not covered by national law.<sup>6</sup> Discusses the relevance of integrating Islamic law into the state's legal products, noting the complexities arising from the political influences of ruling authorities. Another significant factor is the historical influence of Dutch colonial legal politics on Islamic and customary law in Indonesia.<sup>7</sup> Demonstrate how these colonial policies have impacted the development of current legal frameworks. As Imran Ali emphasizes, comparative legal research provides valuable insights into the complexities of different legal systems, fostering a nuanced understanding of governance and law-making principles.<sup>8</sup>

The issue of voter abstention in Indonesia involves both religious and legal perspectives. Since Indonesia's move to democracy in 1998, many voters have used Golput to protest against political candidates or the system. The Indonesian Ulama Council declared Golput haram (forbidden) in a 2009 fatwa, urging Muslims to vote as part of their religious duty. Meanwhile, Indonesian electoral law, like Law No. 7 of 2017, encourages voter participation to strengthen democracy but does not punish abstention. Public debates often highlight the tension between personal choice and societal expectations. Despite these discussions, little research compares how Islamic and Indonesian laws influence voter behavior. This study fills that gap by exploring how these two frameworks shape decisions to abstain from voting, offering insights to boost voter participation and strengthen democracy in Indonesia.

Extensive research has explored Golput, yet there still needs to be a gap in comparative studies examining the phenomenon from legal and religious perspectives. Djuyandi and Herdiansah's study has explored political participation, youth engagement, and Islamic legal thought.<sup>9</sup> However, a comprehensive comparative analysis of Islamic law and Indonesian electoral

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<sup>4</sup> Timo Duile., Challenging Hegemony: Nurhadi-Aldo and the 2019 Election in Indonesia, *Journal of Contemporary Asia*, Vol.51, no. 4, 2021, page. 537–63, <https://doi.org/10.1080/00472336.2020.1748896>.

<sup>5</sup> Murdan., Hukum Islam Dalam Kerangka Sistem Hukum Masyarakat Modern, *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, Vol.1, no. 1, 2016, <https://doi.org/10.22373/petita.v1i1.76>.

<sup>6</sup> Abd. Halim Musthafa., Relevansi Hukum Positif Dan Hukum Islam, *Jurnal Pemikiran Keislaman*, Vol.25, no. 2, 2014, page. 274–87, <https://doi.org/10.33367/tribakti.v25i2.184>.

<sup>7</sup> Rahmad Alamsyah, Imadah Thooyibah, and Tri Novianti., Pengaruh Teori Receptie Dalam Politik Hukum Kolonial Belanda Terhadap Hukum Islam Dan Hukum Adat Dalam Sejarah Hukum Indonesia, *Petita*, Vol.3, no. 2, 2021, page. 343–62, <https://doi.org/10.33373/pta.v3i2.3875>.

<sup>8</sup> Muhammad Imran Ali., Comparative Legal Research-Building a Legal Attitude for a Transnational World, *Journal of Legal Studies*, Vol.26, no. 40, 2020, page. 66–80, <https://doi.org/10.2478/jles-2020-0012>.

<sup>9</sup> Yusa Djuyandi and Ari Ganjar Herdiansah., Political Participation of Youth in the West Java Regional Election (Pilkada) in 2018, *Jurnal Bina Praja*, Vol.10, no. 2, 2018, Page. 195–207, <https://doi.org/10.21787/jbp.10.2018.195-207>.

law regarding Golput is still lacking. This study aims to address this gap by providing an in-depth comparative analysis.

The introduction effectively outlines the study's purpose, but emphasizing the potential implications of the findings for both theory and practice would enhance its significance. Theoretically, the research could deepen our understanding of how religious obligations and civic duties influence voter behavior, especially in pluralistic societies like Indonesia. Practically, the findings could help inform policies to boost voter turnout by addressing the influence of Islamic and legal norms on abstention. This could lead to more targeted voter education programs, collaboration with religious leaders, and policies that align religious values with democratic engagement, ultimately strengthening Indonesia's democratic processes.

## **B. RESEARCH METHODS**

This study employs a qualitative research methodology to analyze the phenomenon of voter abstention (*Golongan Putih* or Golput) within the context of Islamic law and Indonesian electoral law. The research design is focused on a comparative analysis of religious and legal perspectives on voter abstention, using primary legal frameworks as the main research objects. These include Law No. 7 of 2017 on General Elections, which encourages public participation but does not explicitly penalize abstention, although it criminalizes efforts to influence others not to vote (Article 515). MUI Fatwa No. 7 of 2009, which declares Golput haram (forbidden) in Islam, is also a key research Object, urging Muslims to fulfill their religious duty by voting for the best or least harmful candidate. By analyzing these legal and religious frameworks, this study comprehensively explains how civic duties and spiritual responsibilities shape electoral involvement in Indonesia. The findings identify how legal obligations and religious decrees intersect to inform attitudes toward Golput and voter participation.

## **C. RESULTS AND DISCUSSION**

### **1. Legal and Religious Influences on Voter Abstention in Indonesia**

The findings section of the study effectively showcases the rich and nuanced data gathered through qualitative methods, offering a comprehensive understanding of voter abstention (*Golongan Putih* or Golput) in Indonesia. Drawing on religious and legal perspectives, the findings highlight voter behavior's complexities. The qualitative approach, which includes literature reviews and primary Government documentation, allows for an in-depth exploration of how Islamic jurisprudence, particularly the MUI fatwa and Indonesian electoral law, intersect in shaping voter abstention. The section delves into the reasons behind Golput, revealing it as not merely a passive act but often a form of civil resistance and political expression. Additionally, the findings underscore the significant influence of religious norms and public debates, especially during national elections, on the decision to abstain from voting. This rich data enables readers to fully appreciate the layered factors contributing to Golput, thoroughly examining its role within Indonesia's democratic and religious landscape. Voter abstention is a term used in Indonesian politics

to abstain from voting during elections. In the context of Islamic law, particularly in Indonesia, the Indonesian Ulama Council (*Majelis Ulama Indonesia* or MUI) has issued a fatwa declaring the act of Golput as forbidden (haram) during general elections.<sup>10</sup>

The Fatwa MUI (Forum Ijtima Ulama) Number 7 of 2009, issued from 24 January to 26, 2009, in Padang Panjang, West Sumatra, emphasizes Muslims' civic duty to engage in the democratic process and exercise their right to vote. This fatwa aligns with Islamic principles of social responsibility and community involvement, highlighting the importance of active participation in societal affairs.<sup>11</sup> The fatwa aims to guide Muslims in fulfilling their civic duties by Islamic values and promoting justice and good governance. It underscores the significance of political participation and the ethical considerations associated with abstaining from voting.

Moreover, the discourse surrounding voter abstention in Indonesia has been analyzed in the media, particularly before the national elections.<sup>12</sup> The phenomenon of Golput has sparked debates and discussions in Indonesian mass media, reflecting the significance of this issue in the public sphere. The media plays a crucial role in shaping public opinion and influencing political behavior, contributing to the narrative surrounding voter abstention and its implications for the democratic process.

From a legal perspective, voter abstention raises questions about the effectiveness of electoral laws and regulations in ensuring broad participation and representation in the political system. For instance, the imposition of parliamentary thresholds has been scrutinized in Indonesian elections, with studies questioning their ability to uphold principles of justice and inclusivity.<sup>13</sup> The legal framework surrounding elections, including provisions related to voter turnout and representation, plays a critical role in shaping the dynamics of political participation and the legitimacy of electoral outcomes.

The study findings are linked to the research objectives and questions, demonstrating how they contribute to addressing the study's core purpose. The primary research question—how Islamic law and Indonesian electoral law influence voter abstention—is the foundation for analyzing Golput. The findings show that while Indonesian electoral law, particularly Law No. 7 of 2017, encourages voter participation without

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<sup>10</sup> Yusefri Yusefri., MUI Dan Dinamika Sosial Politik (Studi Munculnya Fatwa Hukum Golput), *Al-Azhar Islamic Law Review*, Vol.4, no. 1, 2022, page. 50–68, <https://doi.org/10.37146/ailrev.v4i1.131>.

<sup>11</sup> Tommaso Legnaioli, Juan Cuevas, and Paloma Mas., TOC1 Functions as a Molecular Switch Connecting the Circadian Clock with Plant Responses to Drought, *The EMBO Journal*, Vol.28, no. 23, 2009, page. 3745–57, <https://doi.org/10.1038/emboj.2009.297>.

<sup>12</sup> Denison Wicaksono., Kontestasi Wacana Golput Pada Media Islam Menjelang Pemilu 2009 Analisis Praktik Kewacanaan Pada Majalah Sabili Dan Risalah Mujahidin Pasca Fatwa Haram Golput Majelis Ulama Indonesia, *Dimensia Jurnal Kajian Sosiologi*, Vol.3, no 4, 2015, <https://doi.org/10.21831/dimensia.v5i1.3438>.

<sup>13</sup> Sholahuddin Al-Fatih., Parliamentary Threshold in Integrative Legal Perspective: Indonesian Case, *Jambe Law Journal*, Vol.12, no. 1, 2021, <https://doi.org/10.22437/jlj.3.2.104-117>.

penalizing abstention, the MUI fatwa declares Golput haram, framing it as a violation of religious duties. This directly ties to the objective of comparing the legal and spiritual perspectives on Golput. To explore the legal basis for addressing Golput in Islamic and Indonesian Election Law, it is essential to consider relevant statutes, principles, and interpretations that shape the regulatory framework surrounding electoral participation and abstention. In the context of Islamic law, the Indonesian Ulama Council (MUI) plays a significant role in issuing fatwas that guide the behavior of Muslims in various aspects of life, including political participation.<sup>14</sup> The fatwa issued by the MUI, specifically Fatwa No. 7 of 2009, declaring Golput as forbidden (haram) during general elections, establishes a religious basis for discouraging abstention from voting, aligning religious principles with civic duties, and emphasizing the importance of active participation in the democratic process. Below is the summary of MUI Fatwa No. 7 of 2009 regarding the prohibition of abstaining from voting (Golput):<sup>15</sup>

1. Prohibition on Abstaining from Voting: According to Islamic law, it is considered haram (forbidden) to abstain from voting in elections without a valid reason.
2. Obligation to Choose Qualified Leaders: Muslims must vote for leaders who are just, honest, trustworthy, capable, and committed to the welfare of the Muslim community and the nation.
3. Choosing the Lesser Evil: If no candidate meets the ideal criteria, choosing the one with the least harmful traits is obligatory.
4. Avoiding Unjust Leaders: It is mandatory to avoid electing leaders who are unjust, corrupt, and detrimental to society.

This fatwa emphasizes the importance of participating in the democratic process and making informed choices that align with Islamic principles. It highlights the intersection between religious principles and civic duties, emphasizing participation in the democratic process as a religious obligation. The issuance of such a fatwa reflects the influence of Islamic norms on political behavior and decision-making in Indonesia. The concept of voter abstention can also be viewed through the lens of civil disobedience, connecting ethical considerations with the practice of abstaining from voting in Indonesian elections.<sup>16</sup> The Law No. 7 of 2017 on General Elections does not explicitly address or ban the conduct of Golput (abstaining from voting). Nevertheless, multiple regulations exist regarding voter participation and infractions regarding voting rights. One relevant provision is Article 515, which states that anyone who promises or gives money or other material to voters so that they do not use their

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<sup>14</sup> Muhammad Rais, and Harya Pramata., Regulating Sharia Financial Transactions: The Role of the Indonesian Ulema Council (MUI) and Implications for Islamic Finance in Indonesia, *Law and Economics*, Vol.18, no. 1, 2024, page. 1-11.

<sup>15</sup> Rahma Harbani., MUI Haramkan Golput Saat Pemilu, Ini Isi Fatwa Lengkapnya, detikHikmah, 2023, <https://www.detik.com/hikmah/khazanah/d-7095632/mui-haramkan-golput-saat-pemilu-ini-isi-fatwa-lengkapnya>.

<sup>16</sup> Togardo Siburian., Ketidaktaatan Sipil Dan Pilihan Golput, *Indonesian Journal of Theology*, Vol.3, no. 2, 2016, page. 156–84, <https://doi.org/10.46567/ijt.v3i2.55>.

voting rights, vote for a specific election participant, or use their voting rights in such a way that their ballot becomes invalid, shall be punished with imprisonment for a maximum of 3 (three) years and a fine of up to 36,000,000.00 IDR (thirty-six million rupiah).<sup>17</sup>

This article indicates that actions directing or influencing voters not to use their voting rights or to spoil their ballots are criminal offenses. Furthermore, the encouragement of voter participation is regulated in several articles, such as Article 448, which states that elections are conducted with public involvement, which can take various forms such as election socialization, political education for voters, surveys, or public opinion polls on elections, and quick counts of election results, to increase broad public political participation.

Legislative provisions governing electoral processes and voter behavior are the legal basis for addressing Golput in Indonesian Election Law. The enactment of Law Number 7 of 2017 concerning General Elections serves as a cornerstone in regulating elections on a solid constitutional and legal basis, outlining the rights and responsibilities of voters, candidates, and electoral authorities.<sup>18</sup> This legal framework provides the foundation for ensuring the integrity, fairness, and transparency of elections in Indonesia, underscoring the importance of upholding legal principles in the electoral context.

Moreover, interpreting legal norms related to electoral participation and abstention influences handling election-related crimes and violations within the Indonesian legal system. As highlighted in scholarly analyses, calls for improvements and clarifications in existing legal frameworks aim to enhance the effectiveness of addressing election crimes and ensure public confidence in the electoral process.<sup>19</sup> By strengthening legal mechanisms for handling electoral offences, Indonesian Election Law seeks to uphold principles of legal certainty, justice, and accountability in the electoral domain.

The legal basis for addressing Golput also intersects with broader discussions on civil rights enforcement and judicial activism in the context of electoral participation. Judges and lawyers have played a pivotal role in promoting civil rights agendas and enforcing legal protections beyond the scope of elected officials, underscoring the judiciary's role in safeguarding democratic principles and upholding constitutional rights.<sup>20</sup> Judicial review and legal interpretations by courts contribute to shaping the legal

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<sup>17</sup> Wicaksono, Adi Hardiyanto., Political Law of General Elections in the Reformation Era in Indonesia, *Scientium Law Review (SLR)*, Vol.1, no. 2, 2022, page. 53-61, <https://doi.org/10.56282/slr.v1i2.182>.

<sup>18</sup> Syarif Hidayatulloh., Criminal Law Perspective in the General Elections That Occurred in Indonesia, *Jurnal Justiciabelen*, Vol.6, no. 2, 2023, page. 59, <https://doi.org/10.30587/justiciabelen.v6i2.6997>.

<sup>19</sup> Muhammad Subhan Nurul Umam and Muhammad Pajar Sidik., Legal Aspects in Handling Criminal Acts in the 2019 Election, *AL-MIKRAJ Jurnal Studi Islam Dan Humaniora (E-ISSN 2745-4584)*, Vol.4, no. 1, 2023, page. 467–81, <https://doi.org/10.37680/almikraj.v4i1.3935>.

<sup>20</sup> Paul Frymer., Acting When Elected Officials Won't: Federal Courts and Civil Rights Enforcement in U.S. Labor Unions, 1935–85, *American Political Science Review*, Vol.97, no. 03, 2003, <https://doi.org/10.1017/S0003055403000820>.

landscape surrounding electoral practices and voter rights, emphasizing the significance of legal oversight and accountability in the electoral process.

In criminal law, the perspective on electoral crimes and sanctions sheds light on the legal consequences of non-participation, including abstention from voting. Applying criminal law principles in addressing election-related offenses underscores the importance of legal deterrence, accountability, and justice in maintaining the integrity of electoral processes.<sup>21</sup> By incorporating criminal law perspectives into the handling of election crimes, Indonesian Election Law seeks to deter misconduct, uphold legal standards, and safeguard the democratic principles underpinning the electoral system.

## **2. The perspectives on Voter Abstention of Islamic law and Indonesian Election Law**

The perspectives of Islamic law and Indonesian Election Law regarding the importance of voter participation in the electoral process offer distinct insights into the significance of civic engagement and democratic principles. In Islamic law, the concept of civic duty is deeply intertwined with religious obligations, as exemplified by the fatwa issued by the Indonesian Ulama Council (*Majelis Ulama Indonesia* or MUI) declaring abstention from voting (*Golongan Putih* or Golput) as forbidden (haram) during general elections.<sup>22</sup> This religious perspective underscores the moral imperative of active participation in the electoral process, framing voting as a fundamental responsibility for Muslims to uphold societal welfare and justice.<sup>23</sup>

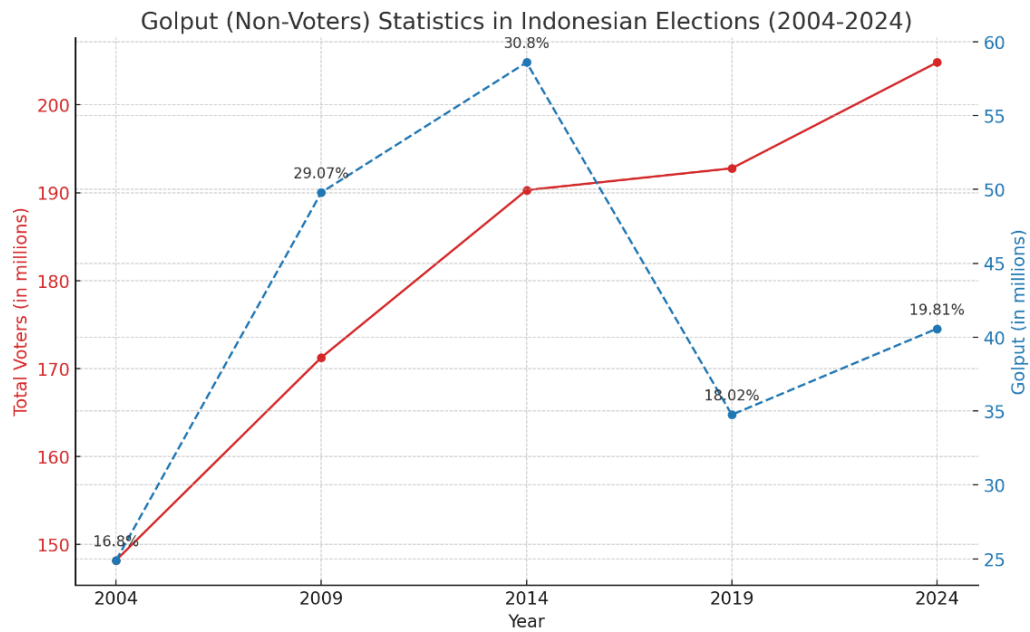
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<sup>21</sup> Amiludin Amiludin, Darwin Saputra, Undang Prasetya Umara, and Hidayatulloh Hidayatulloh., Comparison of Dispute Resolution in General Elections in Indonesia and Hungary, *Indonesia Law Reform Journal*, Vol.4, no. 2, 2024, page. 199-214, <https://doi.org/10.22219/ilrej.v4i2.35437>.

<sup>22</sup> Brad T Gomez, Thomas G Hansford, and George A Krause., The Republicans Should Pray for Rain: Weather, Turnout, and Voting in U.S. Presidential Elections, *The Journal of Politics*, Vol.69, no. 3, 2007, page. 649–63, <https://doi.org/10.1111/j.1468-2508.2007.00565.x>.

<sup>23</sup> N. Novalia, Rindana Intan Emeilia, Arina Muntazah, and Rosiana Andhikasari., The Image of the General Elections Commission (KPU) in the 2024 Presidential Election, *Golden Ratio of Data in Summary*, Vol.4, no. 2, 2024, page. 896-902, <https://doi.org/10.52970/grdis.v4i2.734>.





**Figure 1.** Golput (Non-Voters) Statistics in Indonesian Elections (2004-2024)<sup>24</sup>

The revised chart shows the Golput (Non-Voters) statistics in the 2004, 2009, 2014, 2019, and 2024 Indonesian elections. The red line represents the total number of voters (in millions), and the blue dashed line represents the number of Golput (in millions). The percentages indicate the proportion of Golput in each election year. Here is a comparative table between the stance on Golput (abstention from voting) in MUI Fatwa No. 7 of 2009 and Indonesian Election Law No. 7 of 2017:

<sup>24</sup> Bilal Ramadhan., No TitlePengamat: Tingginya Angka Golput Justru Berbahaya Bagi Pemerintahan, *Republika*, 2024, <https://pemilukita.republika.co.id/berita/sapeun330/pengamat-tingginya-angka-golput-justru-berbahaya-bagi-pemerintahan>.

**Table 1.** Comparison between Golput attitudes

<b>Aspect</b>	<b>MUI Fatwa No. 7 of 2009</b>	<b>Indonesian Election Law No. 7 of 2017</b>
<b>Issuing Authority</b>	Indonesian Ulama Council (MUI)	Indonesian Government
<b>Basis</b>	Islamic principles and moral obligations	Legal and constitutional framework
<b>Stance on Golput</b>	Declares Golput as haram (forbidden)	It does not explicitly ban Golput but encourages voter participation
<b>Obligations</b>	Mandates Muslims to vote, with moral and social sanctions for non-participation	Encourages participation without making it mandatory
<b>Focus</b>	Ethical and religious duty	Legal procedures and electoral integrity
<b>Enforcement</b>	Through religious and community pressure	Through legal mechanisms
<b>Penalties</b>	Moral and social sanctions for abstention	There are no direct legal penalties for abstaining from voting, penalties for bribery or influence to abstain
<b>Purpose</b>	Promote good governance and social welfare	Ensure fair and transparent elections

MUI Fatwa No. 7 of 2009 was issued by the Indonesian Council of Ulama (*Majelis Ulama Indonesia* or MUI) and is based on Islamic principles and moral obligations. This fatwa declares Golput as haram (forbidden) and mandates Muslims to vote, with moral and social sanctions for non-participation. It emphasizes civic duty and religious responsibility, focusing on ethical and religious duty, and is enforced through spiritual and community pressure. The purpose of the fatwa is to promote good governance and social welfare.

While Islamic law emphasizes the ethical and religious dimensions of voter participation, Indonesian Election Law focuses on practical and procedural aspects of electoral engagement, including voter registration, polling procedures, and electoral administration.<sup>25</sup> The convergence of these perspectives underscores the complementary nature of religious and legal frameworks in promoting voter participation and civic responsibility within the Indonesian electoral context. By integrating religious norms with legal regulations, Indonesia seeks to foster a comprehensive approach to electoral involvement that reflects moral imperatives and legal obligations.

Examining voter participation through the lenses of Islamic law and

<sup>25</sup> Roger Larocca and John S Klemanski., U.S. State Election Reform and Turnout in Presidential Elections, *State Politics & Policy Quarterly*, Vol.11, no. 1, 2011, page. 76–101, <https://doi.org/10.1177/1532440010387401>.

Indonesian Election Law reveals that both frameworks share a common goal of fostering active citizenship and promoting democratic values.<sup>26</sup> Islamic law prioritizes the spiritual and ethical aspects of participating in society, whereas Indonesian Election Law provides the structure to implement these ideals into concrete election procedures. By aligning religious principles with legal standards, Indonesia seeks to cultivate a culture of participatory democracy that mirrors the various factors affecting its socio-political landscape.

Moreover, voter abstention can have implications for political representation in Indonesia, affecting the diversity and inclusivity of elected bodies. When a substantial number of voters abstain from casting their ballots, it can skew the composition of elected officials and impact the ability of marginalized or underrepresented groups to have their voices heard in decision-making processes.<sup>27</sup> The phenomenon of abstention may exacerbate existing inequalities in political representation, limiting the diversity of perspectives and experiences reflected in elected bodies.

Additionally, the legitimacy of elected officials and the democratic process can be questioned when Golput rates are high. Voter abstention can raise doubts about the mandate and authority of elected leaders, particularly if they are perceived to need more broad-based support from the electorate.<sup>28</sup> The legitimacy of democratic governance hinges on the perceived fairness, transparency, and inclusivity of electoral processes, and high rates of abstention may signal underlying issues with the representativeness and accountability of elected officials.

Furthermore, the implications of Golput on democratic governance extend to broader perceptions of the political system and public trust in institutions. When many voters abstain from voting, it can erode confidence in the electoral process and the effectiveness of democratic mechanisms for political decision-making.<sup>29</sup> Low levels of voter participation may contribute to a sense of disillusionment with the political system, leading to challenges in fostering civic engagement, promoting democratic values, and upholding the principles of accountability and transparency in governance.

In conclusion, the phenomenon of Golput in Indonesia has multifaceted implications for democratic governance, impacting voter turnout, political representation, and the legitimacy of elected officials. Addressing the challenges of abstention requires a comprehensive

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<sup>26</sup> Kevin E Henrickson and Erica H Johnson., Increasing Voter Participation by Altering the Costs and Stakes of Voting, *Social Science Quarterly*, Vol.100, no. 3, 2019, page. 869–84, <https://doi.org/10.1111/ssqu.12583>.

<sup>27</sup> Mark Thatcher, Alec Stone Sweet, and Bernardo Rangoni., Reversing Delegation? Politicization, De-delegation, and Non-majoritarian Institutions, *Governance*, Vol.36, no. 1, 2023, page. 5–22, <https://doi.org/10.1111/gove.12709>.

<sup>28</sup> Katherine Clayton, Nicholas T Davis, Brendan Nyhan, Ethan Porter, Timothy J Ryan, and Thomas J Wood., Elite Rhetoric Can Undermine Democratic Norms, *Proceedings of the National Academy of Sciences*, Vol.118, no. 23, 2021, <https://doi.org/10.1073/pnas.2024125118>.

<sup>29</sup> James L. Gibson., Challenges to the Impartiality of State Supreme Courts: Legitimacy Theory and 'New-Style' Judicial Campaigns, *American Political Science Review*, Vol.102, no. 1, 2008, page. 59–75, <https://doi.org/10.1017/S0003055408080015>.

approach to enhance civic participation, strengthen political representation, and bolster public trust in the democratic process. By promoting inclusive and transparent electoral practices, Indonesia can work towards fostering a vibrant democracy where the voices of all citizens are heard and the legitimacy of elected officials is upheld.

Factors influencing Golput in Indonesia stem from legal, social, and cultural aspects shaping voter behavior. These factors contribute to abstention from voting and impact democratic governance in the country. One significant factor is voter apathy, where individuals feel disengaged or indifferent toward the political process due to perceived inefficacy or disillusionment with the political system.<sup>30</sup> Apathy can lead to a lack of motivation to participate in elections, resulting in lower voter turnout and potentially higher rates of Golput. Dissatisfaction with candidates and political parties also plays a crucial role in influencing abstention from voting in Indonesia. Perceptions of corruption, lack of integrity, or unfulfilled promises by candidates can erode trust in the electoral process and deter voters from casting their ballots.<sup>31</sup> When voters feel disillusioned with the available choices or perceive candidates as unrepresentative of their interests, they may abstain from voting to protest or express discontent.

### 3. Analysis of Factors Influencing Voter Abstention in Indonesia

To conduct a comparative analysis of the approaches taken by Islamic law and Indonesian Election Law to address voter abstention (*Golongan Putih* or Golput), we will consider the possible references provided to highlight their similarities, differences, strengths, and weaknesses. Islamic law, influenced by religious principles and norms, emphasizes the moral obligation of civic engagement and participation in the democratic process. The fatwa issued by the Indonesian Ulama Council (MUI) declaring abstention from voting as forbidden reflects the religious perspective on the importance of active involvement in governance.<sup>32</sup> This approach underscores the ethical imperative of voter participation in upholding societal welfare and justice, aligning with Islamic values that prioritize community well-being and responsibility.

Indonesian Election Law provides a legal framework that regulates electoral processes and voter behavior, focusing on procedural aspects and the rights and responsibilities of voters within the electoral system.<sup>33</sup> While

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<sup>30</sup> Tatiana Kostadinova., Abstain or Rebel: Corruption Perceptions and Voting in East European Elections, *Politics & Policy*, Vol.37, no. 4, 2009, psge. 691–714, <https://doi.org/10.1111/j.1747-1346.2009.00194.x>.

<sup>31</sup> Shahidah Abdul Razak, Asmidar Lokman, and Shawal Shahid Hamida Hussain., Civic Engagement of Young People in Malaysia, *International Journal of Academic Research in Business and Social Sciences*, Vol.13, no. 1, 2023, Page. 1212-1223, <https://doi.org/10.6007/IJARBS/v13-i1/15456>.

<sup>32</sup> Mark Cammack, Adriaan Bedner, and Stijn van Huis., Democracy, Human Rights, and Islamic Family Law in Post-Soeharto Indonesia, *New Middle Eastern Studies*, Vol.5, no. 2, 2015, <https://doi.org/10.29311/nmes.v5i0.2656>.

<sup>33</sup> Michael Buehler and Dani Muhtada., Democratization and the Diffusion of Shari'a Law, *South East Asia Research*, Vol.24, no. 2, 2016, page. 261–82, <https://doi.org/10.1177/0967828X16649311>.

the law does not explicitly criminalize abstention, it aims to ensure elections' integrity, fairness, and transparency. Indonesian Election Law emphasizes the importance of voter participation in shaping political outcomes and upholding democratic legitimacy, highlighting the legal obligations associated with electoral engagement.

However, differences exist in the enforcement mechanisms and consequences associated with abstention. While Islamic law may impose moral and social sanctions on individuals who abstain from voting, Indonesian Election Law does not prescribe direct legal penalties for non-participation. This contrast highlights the divergent approaches taken by religious and legal frameworks in addressing voter behavior and shaping political conduct.<sup>34</sup> The strengths of the Islamic law approach lie in its emphasis on ethical considerations and the moral imperative of civic engagement, which can inspire a sense of duty and responsibility among individuals to participate in the democratic process. On the other hand, Indonesian Election Law's strengths lie in its regulatory framework that ensures elections' fairness, transparency, and inclusivity, providing a legal basis for electoral conduct and governance.<sup>35</sup>

The study of voter behavior in Indonesia, particularly concerning the MUI fatwa declaring Golput (abstention) haram, reveals a significant intersection of religious and civic duties. The fatwa frames voting not merely as a civic obligation but as a moral imperative rooted in Islamic teachings, thereby influencing voter participation in a predominantly Muslim society.<sup>36</sup> The integrating religious ethics into electoral behavior contributes to the broader theoretical discourse on civic engagement, suggesting that moral frameworks can shape democratic participation.

Conversely, Indonesian Election Law No. 7 of 2017 establishes a regulatory environment encouraging voter participation while safeguarding individual rights, including the right to abstain from voting. This law emphasizes fairness and transparency without imposing penalties for Golput, thus maintaining voter autonomy.<sup>37</sup> The findings indicate that legal frameworks promote civic responsibility but do not enforce it, allowing for personal choice in the electoral process.<sup>38</sup>

However, weaknesses in both approaches may include challenges

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<sup>34</sup> Simon Butt., Religious Conservatism, Islamic Criminal Law and the Judiciary in Indonesia: A Tale of Three Courts, *The Journal of Legal Pluralism and Unofficial Law*, Vol.50, no. 3, 2018, page. 402–34, <https://doi.org/10.1080/07329113.2018.1532025>.

<sup>35</sup> Zulfiani Ayu Astutik, Muhammad Rafif Wibowo, Ahmad Fahmi Ilham Mulloh, and Adilla Putri Diva., Theft under Islamic and Indonesian Criminal Law, *Indonesian Comparative Law Review*, Vol.5, no. 1, 2022, page. 23–30, <https://doi.org/10.18196/iclr.v5i1.15124>.

<sup>36</sup> Syafiq Hasyim., Fatwas and Democracy: Majelis Ulama Indonesia (MUI, Indonesian Ulama Council) and Rising Conservatism in Indonesian Islam, *Trans Regional and National Studies of Southeast Asia*, 2019, <https://doi.org/10.1017/trn.2019.13>.

<sup>37</sup> Ferry Irawan Nasution., Optimizing the Role of the Election Supervisory Committee in Handling Election Administrative Violations in Aceh Province, *JHR (Jurnal Hukum Replik)*, Vol.17, no.2, 2023, page. 23–41, <https://doi.org/10.31000/jhr.v11i2.8974>.

<sup>38</sup> Satria Prayoga and Iza Rumesten., Reformulation of Regional Head Election Administration Dispute Policy by the General Election Supervisory Board and the State Administrative Court in Indonesia, *Journal of Law and Sustainable Development*, Vol.12, no. 3, 2024, e3169–e3169, <https://doi.org/10.55908/sdgs.v12i3.3169>.

in enforcement, public compliance, and addressing underlying issues that contribute to abstention, such as voter apathy, dissatisfaction with candidates, or external factors. Islamic law may be limited in enforcing moral sanctions effectively, while Indonesian Election Law may struggle to address broader societal trends that influence voter behavior.<sup>39</sup> The comparative analysis of the approaches taken by Islamic law and Indonesian Election Law to address Golput reveals a nuanced interplay between religious norms and legal regulations in shaping electoral conduct and democratic governance in Indonesia. While both approaches share common goals of promoting civic engagement and democratic values, their differences in enforcement mechanisms and consequences underscore the complex interplay between ethical imperatives, legal obligations, and societal factors in influencing voter behavior and participation.

#### **D. CONCLUSION**

In conclusion, the findings of this study provide key insights into the phenomenon of voter abstention (*Golongan Putih* or Golput) and its implications within both Islamic law and Indonesian electoral law. The influence of the Indonesian Ulama Council (*Majelis Ulama Indonesia* or MUI) fatwa, which frames abstention as haram, emphasizes the religious obligation of voter participation. In contrast, Indonesian law encourages voting without imposing legal penalties for abstention. These dual frameworks reveal how Golput functions not only as a personal choice but as a political expression of dissatisfaction shaped by cultural, social, and economic factors. The public discourse surrounding Golput, often amplified by the media, further underscores the complexity of voter behavior in Indonesia's dynamic socio-political landscape. This study contributes to understanding how religious and legal frameworks influence civic behavior in a pluralistic society. Practically, the findings suggest that voter education and engagement strategies should integrate religious values and legal obligations to encourage higher electoral participation. Future research could explore how these influences evolve in other multi-religious and democratic contexts and examine the long-term effects of Golput on governance and political legitimacy in Indonesia. These insights can guide policymakers in developing more inclusive strategies that enhance democratic engagement while respecting the interplay between individual rights and religious or civic duties.

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<sup>39</sup> Balimeita Betania Nasaretta Tarigan., Juridical Review of Child Victims of Cyberbullying Through Social Media Reviewed From The Perspective of Criminal Responsibility, *Lawyer: Jurnal Hukum*, Vol.2, no. 1, 2024, page. 1-11.

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