

## ***ELECTION OF LEADERS IN MUSLIM MINORITY AREAS: THE PERSPECTIVE OF MAQĀṢID AL-SYARĪ‘AH ON THE AUTHORITY OF THE PAPUAN PEOPLE'S ASSEMBLY***

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### **ABSTRACT**

*The Papuan People's Assembly (MRP) has the constitutional authority to provide input in the selection of regional leaders as a means of protecting the rights of the indigenous Papuan people (OAP). However, the implementation of this authority poses a unique challenge in regions with Muslim minorities, which are characterized by religious and ethnic pluralism as well as local political dynamics. This study aims to analyze the role of the MRP in the election of regional leaders through the perspective of maqāṣid al-syarī‘ah as an inclusive ethical framework for public policy. This study employs a qualitative approach with a literature review design and descriptive analysis of legal texts, legal literature, political literature, and contemporary concepts of maqāṣid. The research findings indicate that the principles of maqāṣid, particularly the protection of life, mind, and the public welfare, are relevant for evaluating the ethical considerations of the MRP without turning it into an instrument of religious exclusivism. The contribution of this study lies in the development of maqāṣid al-syarī‘ah as an interfaith ethical framework in regional leadership governance and the strengthening of the MRP's normative legitimacy within the context of Papuan pluralism. This study concludes that the maqāṣid approach is capable of bridging Papuan customary values and democratic principles to promote justice, inclusivity, and social harmony.*

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## INTRODUCTION

The Papuan People's Assembly (MRP) is a cultural representative institution that is given a constitutional mandate to safeguard the basic rights of Indigenous Papuans (OAP), including in the political process and regional leadership.<sup>1</sup> The existence of the MRP has given rise to an interesting discourse when linked to the dynamics of leader elections in non-Muslim majority areas, because the social preferences, cultural values, and political aspirations of the Papuan people have different characteristics compared to other regions in Indonesia.<sup>2</sup> In addition to being a cultural representation, the Papuan People's Assembly (MRP) has a strong legal basis in Law Number 21 of 2001 concerning Special Autonomy for Papua as amended by Law Number 2 of 2021. In this regulation, the MRP is given strategic authority to provide consideration and approval for certain policies, including those related to regional leadership and the protection of the rights of Indigenous Papuans (OAP).<sup>3</sup> This legal position places the MRP not merely as a symbol of tradition, but as a constitutional political actor whose decisions have real implications for the legitimacy of leadership in Papua.

In the perspective of *maqāshid al-syarī'ah*, which particularly can serve as an evaluative framework for public policies, including those related to leadership selection in Muslim minority regions such as Papua<sup>4</sup>, the election of leaders must be directed at protecting the five main objectives of religious sharia, soul, mind, lineage and property which are philosophically in line with universal values such as justice, benefit and protection of human dignity.<sup>5</sup> When the MRP considers leadership candidates in non-Muslim-majority regions, the *maqāshid* approach allows for a constructive dialogue between Islamic moral norms and Papuan local wisdom. This confirms that the interaction between cultural institutions like the MRP and the principles of *maqāshid al-syarī'ah* opens up new space for inclusive and humanistic political discourse in

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<sup>1</sup> Arie Purnomo, Salmawati Salmawati, and Masni Banggu, "Political Representation of Indigenous Papuans in the Special Autonomy Era: Case Study of Local Democracy in Southwest Papua," *Journal of Contemporary Local Politics* 4, no. 1 (2025): 70-80, <https://doi.org/10.46507/jclp.v4i1.714>.

<sup>2</sup> Sobar Podu et al., "Papuan People's Assembly Elects Non-Muslim Leaders In Non-Muslim Majority Areas Based On The Maqasid Al-Shari'a Perspective In Jayapura City Of Papua Province," *Jurnal Diskursus Islam* 8, no. 2 (2020): 90-104.

<sup>3</sup> Ofelia Maria Paendong, "Kedudukan Dan Kewenangan Pemerintah Pusat Terhadap Otonomi Khusus Provinsi Papua Menurut Undang-Undang Nomor 2 Tahun 2021 Tentang Perubahan Kedua Atas Undang-Undang Nomor 21 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Papua," *Lex Privatum* 10, no. 2 (2022).

<sup>4</sup> Syahabuddin, S. et al. 2025. Revitalizing the Role of Child Protection Institutions in Preventing Child Marriage in South Sulawesi: A Maqashid al-Syari'ah Perspective. *Al-Mazaahib: Jurnal Perbandingan Hukum*. 13, 2 (Dec. 2025), 199-224. DOI:<https://doi.org/10.14421/al-mazaahib.v13i2.4490>.

<sup>5</sup> Jasser Auda, *Maqashid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought (IIIT), 2008).

Papua.<sup>6</sup> This study attempts to show that Islamic ethical values can coexist with local democratic principles to create legitimate, just, and contextual leadership governance.

A prominent issue in the study of the role of the Papuan People's Assembly (MRP) in the leadership election process in non-Muslim-majority regions stems from the representational dilemma between customary authority and modern political demands. The MRP, as an institution representing the identity and dignity of Indigenous Papuans (OAP), is strategically positioned to ensure that emerging leaders reflect not only electoral interests but also the sustainability of indigenous cultural values.<sup>7</sup> However, in areas with a majority non-Muslim population, issues arise regarding the limits and scope of the MRP's authority in providing political considerations without giving rise to religious sensitivity or misperceptions of the exclusive power of certain cultures.<sup>8</sup>

Furthermore, there are fundamental issues related to how Papua's complex social structure, comprising hundreds of ethnic groups, languages, and religious backgrounds, demands an adaptive political approach. In this context, the principle of *maqāshid al-sharī'ah* offers an ethical perspective that emphasizes the importance of justice, protection of human dignity, and social harmony.<sup>9</sup> However, there is debate about whether *maqāshid* can be used as an analytical lens in non-Muslim-majority contexts without neglecting Papua's deeply rooted cultural background in Melanesian traditions. Thus, epistemological issues become crucial regarding the extent to which a universal sharia framework can engage in equal dialogue with local value systems.<sup>10</sup>

Another equally significant issue concerns the relationship between customary legitimacy and democratic legitimacy. MRP decisions are often seen as a counterweight to formal political processes, particularly in ensuring the representation of indigenous Papuans.<sup>11</sup> However, in non-Muslim majority areas, this decision could raise questions about whether the MRP's considerations are based on the principle of distributive justice or whether it places greater emphasis on specific ethnic identities. This challenge becomes even more complex

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<sup>6</sup> Muhammad Tahir Ibn Ashur, *Treatise on Maqashid Al-Shariah* (London & Washington: The International Institute of Islamic Thought (IIIT), 2006).

<sup>7</sup> Chris Ballard and Glenn Banks, *Papua Beside the Point: Ethnography, Authority, and the Politics of Representation* (Canberra: ANU Press, 2020).

<sup>8</sup> Jim Elmslie, *The Great Divide: Politics, Ethnicity and Conflict in Papua New Guinea* (Sydney: Centre for Peace and Conflict Studies, University of Sydney, 2011).

<sup>9</sup> Ulul Umami and Abdul Ghofur, "Human Rights in Maqāshid Al-Sharī'ah Al-Āmmah: A Perspective of Ibn 'Āshūr," *Al-Ahkam* 32, no. 1 (2022): 87-108, <https://doi.org/10.21580/ahkam.2022.32.1.9306>.

<sup>10</sup> Martha Macintyre and Simon Haberle, *Peoples of the Pacific: Land, Culture, and Emergent Futures* (Canberra: ANU Press, 2018).

<sup>11</sup> John Rumbiak, *Papua: A History of Conflict and Hope* (Jayapura: LP3BH Papua, 2012).

when faced with the aspirations of minority religious groups with differing perceptions and expectations.<sup>12</sup> It is at this point that the issue of integrating *maqāṣid* values such as *hiḏ al-nafs* (protection of the soul) and *hiḏ al-ird* (protection of honor) can function as an ethical instrument to maintain alignment between traditional interests and the needs of multicultural democracy.<sup>13</sup>

Many studies have been conducted on the selection of leaders in Muslim-majority and Muslim-minority regions. For example, Jan Alam's research examines the causes of political persecution of religious minorities in Pakistan,<sup>14</sup> and Salim who analyzed Islamic political support and voting behavior in Muslim majority and minority provinces in Indonesia.<sup>15</sup> Likewise, studies on the Papuan People's Assembly (MRP) as a cultural representative institution have been widely discussed in its context and position, as in the study conducted by Wospakrik,<sup>16</sup> and Barokah et al.,<sup>17</sup> which discusses the protection of the basic rights of Indigenous Papuans (OAP). Magayang et al., are more interested in analyzing the role of the MRP in improving the welfare of the Papuan Indigenous People (POP).<sup>18</sup> Meanwhile, Wambarop et al., focused their attention on the role of the MRP in empowering local Papuan communities.<sup>19</sup>

Existing research also tends to be empirically descriptive but rarely integrates philosophical frameworks, particularly the theory of *maqāṣid al-syaṛī'ah*. Yet, *maqāṣid*, as an Islamic ethical theory that emphasizes welfare, justice, and the protection of human dignity, has

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<sup>12</sup> Cillian Nolan and Blair Palmer, *Understanding Papua: A Political History* (Jakarta: Institute for Policy Analysis of Conflict (IPAC), 2016).

<sup>13</sup> Mohammad Hashim Kamali, *Maqashid Al-Shariah Made Simple* (Kuala Lumpur: International Institute of Advanced Islamic Studies (IAIS), 2019).

<sup>14</sup> Jan Alam, "Religious Identity and Politics: Exploring the Causes of the Political Persecution of Religious Minorities in Kohat District, Pakistan," *Asian Journal of Comparative Politics* 7, no. 4 (2022): 790-804, <https://doi.org/10.1177/2057891121997577>.

<sup>15</sup> Delmus Purneri Salim, "The Islamic Political Supports and Voting Behaviors in Majority and Minority Muslim Provinces in Indonesia," *Indonesian Journal of Islam and Muslim Societies* 12, no. 1 (2022): 85-110, <https://doi.org/10.18326/ijims.v12i1.85-110>.

<sup>16</sup> Decky DA Wospakrik, "Legal Interpretation of the Position of the Papuan People's Assembly in the Expansion of Provinces within the New Autonomous Region of Papua," *Journal of Law, Politic and Humanities* 5, no. 4 (2025): 2632-40, <https://doi.org/10.38035/jlph.v5i4.1604>.

<sup>17</sup> Khiswatul Barokah et al., "The Existence of the Papuan People's Assembly in Special Autonomy: A Comparative Legal Study Between Indonesia and France," *Indonesian Journal of Administrative Law and Local Government* 1, no. 02 (2024), <https://doi.org/10.26740/ijalgov.v1i02.36519>.

<sup>18</sup> Timed Magayang et al., "Implementation of Papua Special Autonomic Policies for Improving Community Welfare Papua Original People (POP) in Papua Province," *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 5, no. 1 (2022).

<sup>19</sup> Marthen Luter O. Wambarop, Bonaventura Ngarawula, and Tommy Hariyanto, "The Role of the South Papua People's Assembly in Empowering Local Communities: Ethnographic Study: Traditional School Teaching Program in the Muyu Tribe in Boven Digoel Regency, South Papua Province," *International Journal of Research in Social Science and Humanities (IJRSS)* 6, no. 11 (2025): 181-212.

great potential to explain normative dynamics not captured by a purely political approach.<sup>20</sup> This gap represents a significant gap in the study, necessitating research that bridges the theory of *maqāṣid* with the representative political practices of the MRP. This study aims to fill this gap by demonstrating how *maqāṣid* can serve as an inclusive moral framework that does not conflict with Papuan customary values, but rather enriches the way the MRP considers leaders with integrity, justice, and a focus on the collective good.

This research has significant significance in enriching academic discourse on the relationship between cultural representative institutions and political governance in regions with high levels of religious and ethnic plurality such as Papua. By examining the role of the Papuan People's Assembly (MRP) through the perspective of *maqāṣid al-syaī'ah*, this research provides a new framework of understanding that views the MRP not only as a political-administrative entity, but also as an ethical institution that plays a role in maintaining justice, human dignity, and public welfare. Practically, this research is significant because it opens up space for the formulation of a more inclusive and diversity-sensitive policy approach. The *maqāṣid* approach provides an ethical basis for weighing decisions, so that MRP decisions are not only based on cultural interests, but also on the principle of the common good. Theoretically, this research contributes to the development of *maqāṣid* studies by expanding its scope of application to non-Muslim political contexts and indigenous communities. So far, the application of *maqāṣid* has generally focused on issues of Islamic law and Muslim society, so this research is important to show that *maqāṣid* can also function as a cross-context ethical framework.

## METHODS

This study employs a qualitative method conducted through a literature review using conceptual analysis, which enables the researcher to interpret phenomena in depth through an examination of relevant literature, legal documents, and academic sources.<sup>21</sup> This approach was chosen because the issues under study are normative, philosophical, and institutional in nature, making it more appropriate to analyze them through an examination of concepts, ideas, and ethical frameworks developed in the literature on Papuan customary law, the politics of representation, and the theory of *maqāṣid al-syaī'ah*.

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<sup>20</sup> Mohammad Hashim Kamali, *The Higher Objectives of Islamic Law* (Cambridge: Islamic Texts Society, 2020).

<sup>21</sup> Norman K. Denzin and Yvonna S. Lincoln, *The SAGE Handbook of Qualitative Research* (Thousand Oaks: SAGE Publications, 2018).

Data collection was conducted through a review of primary and secondary sources. Primary sources include the Papua Special Autonomy Law, MRP regulations, and various official documents governing the mechanisms for electing regional leaders. Meanwhile, secondary sources consist of scholarly books, journal articles, research reports, and academic writings that explore the socio-political dynamics of Papua and the theory of *maqāshid*. Documentation techniques were used to organize the data through a systematic process of collecting, classifying, and grouping information to ensure its relevance to the needs of the analysis.<sup>22</sup>

Data analysis was conducted using content analysis, which involves a thorough reading and interpretation of texts to identify patterns, themes, and doctrines directly related to the research focus.<sup>23</sup> The analysis process was carried out in three stages: data reduction, data presentation, and drawing conclusions. In the data reduction stage, the author filtered out key information relevant to the role of the MRP, Papua's religious pluralism, and *maqāshid* as an ethical framework. In the data presentation stage, the data was organized thematically to facilitate argumentative analysis. The conclusion-drawing stage is carried out through reflective analysis to produce a comprehensive understanding of the relationship between the MRP and the principle of public interest in the context of local Papuan politics.

Data validity is ensured through source triangulation, which involves comparing findings from various sources to achieve consistency and objectivity in the analysis. This technique allows for examining the issue from diverse perspectives, particularly between the perspectives of Papuan customary law and the ethics of *maqāshid*.<sup>24</sup> Thus, this study yields an in-depth interpretation demonstrating how *maqāshid* can serve as a relevant ethical framework in the context of leadership elections in regions with a non-Muslim majority.

## **RESULTS AND DISCUSSION**

### **The Role of the Papuan People's Assembly in the Special Autonomy Political System**

In the administration of government in Papua, the Papuan People's Assembly (MRP) serves as a cultural representative body with functions distinct from those of typical representative institutions. The MRP's authority to provide recommendations and approval regarding candidates for regional leadership is a manifestation of the special autonomy framework, which

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<sup>22</sup> John W Creswell and Cheryl N Poth, *Qualitative Inquiry and Research Design: Choosing among Five Approaches*, 2018.

<sup>23</sup> Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology*, *Content Analysis: An Introduction to Its Methodology*, 2022, <https://doi.org/10.4135/9781071878781>.

<sup>24</sup> Fikri A. Karim, *Ethical Foundations of Maqashid Al-Shariah in Contemporary Governance* (Kuala Lumpur: IIUM Press, 2020).

seeks to ensure the continued protection of the rights of the Indigenous Papuan People (OAP). At the empirical level, Lesnussa et al., explain that this authority functions not only as a cultural shield but also as a social control mechanism that ensures the regional leadership structure remains sensitive to the identity and survival of indigenous groups.<sup>25</sup>

However, the exercise of such authority often clashes with the dynamics of voter diversity in regions where the majority of the population is non-Muslim, giving rise to debates regarding the limits of cultural authority and democratic political legitimacy. In his research on areas such as Sorong City, Merauke Regency, or Nabire Regency—which are demographically heterogeneous in terms of religion and ethnicity—Martinus Wika found that the MRP’s vetting process for leadership candidates often highlights divergent perceptions between Papuan cultural norms and the principles of open elections. This tension reflects the clash between two value systems: *first*, the distinctive Papuan collective values that prioritize the protection of identity;<sup>26</sup> and *second*, national democratic values that emphasize equal political rights for all citizens.<sup>27</sup> It is this tension that subsequently becomes a key point for examining the extent of the MRP’s authority within the special autonomy political system in Papua.

Normatively, the authority of the Papuan People’s Assembly (MRP) within the Special Autonomy political system is intended as an instrument to protect the rights of Indigenous Papuans (OAP) from the political dominance of the migrant majority. The MRP’s status has a strong legal basis in Law No. 21 of 2001 on Special Autonomy for Papua,<sup>28</sup> as amended by Law No. 2 of 2021.<sup>29</sup> In practice, this affirmative function is realized through the mechanism of providing recommendations and approval regarding candidates for regional leadership, particularly concerning the fulfillment of indigenous status, track record, and sensitivity to Papuan cultural values.<sup>30</sup> This role is viewed by indigenous communities as a form of corrective justice addressing the historical inequities experienced by the Indigenous Papuan People within the formal power structure.

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<sup>25</sup> Andreas Manuel W. Lesnussa, Amalia Diamantina, and Sekar Anggun Gading Pimilih, “Tugas Dan Fungsi Lembaga Majelis Rakyat Papua Barat Dalam Upaya Perlindungan Hak-Hak Dasar Orang Asli Papua Di Manokwari,” *Diponegoro Law Journal* 13, no. 1 (2024).

<sup>26</sup> Martinus Wika, “Politik Identitas Dan Representasi Inklusif: Dinamika Partisipasi Suku Marind Dalam Parlemen Lokal Merauke,” *Jurnal Ilmu Sosial Dan Humaniora* 1, no. 2 (2025): 373–83.

<sup>27</sup> Sean Ingham, “Representative Democracy and Social Equality,” *American Political Science Review* 116, no. 2 (2022): 689–701, <https://doi.org/10.1017/S000305542100109X>; Honorata Mazepus and Dimiter Toshkov, “Standing up for Democracy? Explaining Citizens’ Support for Democratic Checks and Balances,” *Comparative Political Studies* 55, no. 8 (2022): 1271–97, <https://doi.org/10.1177/00104140211060285>.

<sup>28</sup> Law Number 21 of 2001 concerning Special Autonomy for Papua Province.

<sup>29</sup> Law Number 2 of 2021 concerning the Second Amendment to Law Number 21 of 2001 concerning Special Autonomy for Papua Province.

<sup>30</sup> Lesnussa, Diamantina, and Pimilih, “Tugas Dan Fungsi Lembaga Majelis Rakyat Papua Barat Dalam Upaya Perlindungan Hak-Hak Dasar Orang Asli Papua Di Manokwari.”

The MRP's decision-making process is not monolithic; rather, it involves internal deliberations that include various traditional, religious, and women's groups.<sup>31</sup> In his study, Richard Chauvel emphasizes that the MRP is, in fact, not monolithic. Its approach and response to regional pluralism vary significantly, depending on the social, political, and even local historical conditions of each region. In some predominantly non-Muslim regions, the MRP adopts a dialogic and participatory approach that prioritizes social harmony. However, in other areas, the MRP appears more cautious due to concerns about the potential marginalization of indigenous Papuans (OAP) in open political competition. These variations in response can be understood as a consequence of Papua's highly heterogeneous social structure, where inter-community relations are shaped by historical experiences, migration, and regional development dynamics.<sup>32</sup>

This deliberative mechanism reflects the value of consensus-building, which is inherently consistent with the principles of substantive democracy.<sup>33</sup> This analysis aligns with the view of political scientists that the legitimacy of cultural institutions can only be sustained if they demonstrate public utility that is tangible to the broader community.<sup>34</sup> In this context, the MRP is called upon to develop a model of social mediation that does not rely solely on customary norms but also adopts principles of public justice that can be understood by all Papuan citizens. Such a mediation model enables the MRP to function as a bridge between customary interests and the demands of modern democracy. By prioritizing open communication and rational ethical arguments, the MRP can strengthen its moral legitimacy while simultaneously enhancing public trust in the regional leadership selection process.

### **The Challenge of the MRP's Political Legitimacy in Selecting Leaders within the Special Autonomy Political System**

One of the challenges facing the MRP in evaluating leaders can be analyzed through the 2024 South West Papua gubernatorial election, which marked a major step forward for democracy in the special autonomous region. It also tests the institutional function of the Papuan People's Assembly as the cultural representation of the Indigenous Papuan People (OAP). Rahakratat et al, in their research, found that the South West Papua People's Assembly protects the political rights of the OAP by disseminating the aspirations of indigenous communities,

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<sup>31</sup> Ma'adul Yaqien Makkarateng, "Kajian Yuridis Terhadap Implementasi Otonomi Khusus Di Provinsi Papua," *Jurnal Ar-Risalah* 2, no. 1 (2022): 1-14.

<sup>32</sup> Richard Chauvel, *Constructing Papuan Nationalism: History, Ethnicity, and Adaptation* (Policy Studies, East-West Center, 2005).

<sup>33</sup> Iris Marion Young, "Inclusion and Democracy," in *Readings in Planning Theory: Fourth Edition*, 2016, <https://doi.org/10.1002/9781119084679.ch19>.

<sup>34</sup> Richard N. Cooper and Anthony Giddens, "The Third Way: The Renewal of Social Democracy," *Foreign Affairs* 78, no. 2 (1999), <https://doi.org/10.2307/20049222>.

verifying the status of OAP regional head candidates, and providing considerations and advice during the gubernatorial nomination process. However, the recommendations made do not yet have legally binding consequences for election organizers, so the MRP's authority remains limited in implementation. In this situation, a conflict arises between cultural legitimacy based on special autonomy and procedural legitimacy based on election regulations. Consequently, socio-political conflicts emerged during the 2024 gubernatorial election process.<sup>35</sup>

The challenge facing the MRP does not lie in legal procedures, but rather in its ability to foster social communication that bridges the interests of OAPs and non-OAPs. For example, the presence of a dominant non-Muslim community in some regions makes the approval process for regional head candidates more complex. For some non-OAP communities, the MRP's involvement is viewed as a cultural intervention in the democratic process, while for OAP communities, the MRP's presence serves as a crucial mechanism to ensure that local leadership does not entirely escape the influence of Papuan identity. This diversity of perceptions indicates that the MRP's legitimacy lies at two interacting poles. From a legal-political perspective, this situation underscores the need to strengthen the MRP's institutional capacity to formulate ethical standards that are inclusive and communicative.<sup>36</sup>

In terms of religious diversity, the fact that Muslims constitute a minority compared to other ethnic groups influences the exercise of political rights in leadership succession, particularly in the election of the governor and vice governor of Papua Province. Furthermore, the Special Autonomy policy implemented in Papua Province requires that indigenous Papuans be eligible for election as governor and vice governor. Thus, the phenomenon of leadership succession in Papua Province indicates that those eligible for election.

The Papuan People's Assembly (MRP) in Papua is not merely a "new" forum or group; it also involves a struggle for power as well as ethnic and religious dynamics. The Papuan People's Assembly has existed within Papuan society since the enactment of Law No. 21 of 2001 on Special Autonomy for Papua. The Papuan People's Assembly (MRP) is a unifying organization for both Muslims and non-Muslims, and focuses primarily on political decision-making related to both central and regional interests, particularly those of Papua Province. The MRP also serves as a unifying body among ethnic and traditional groups, and functions as a forum for the struggle of the indigenous Papuan people. The conflict is not merely about competing for supporters or

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<sup>35</sup> Ramles Rahakratat, Jusmin Jusmin, and Yoga Andriyan, "Peran Majelis Rakyat Papua Dalam Penyelenggaraan Pemilihan Gubernur Di Papua Barat Daya Tahun 2024," *Jurnal Pemerintahan, Politik Anggaran Dan Administrasi Publik* 5, no. 3 (2025): 469-77, <https://doi.org/10.36232/jppadap.v5i3.5219>.

<sup>36</sup> Sutiyo Sutiyo et al., "Relasi Adat Dan Pemerintahan Di Papua Selatan: Analisis Kelembagaan," *Jurnal Ilmu Pemerintahan Widya Praja* 50, no. 1 (2024): 91-99, <https://doi.org/10.33701/jipwp.v50i1.4064>.

followers, but also about the right to claim Papua. Various reactions have emerged, particularly from religious majority and minority groups, regarding the presence of religious symbols and traditional symbols as markers of Papuan identity.<sup>37</sup> This pluralism underscores the importance of a humanistic approach that prioritizes ethics to address the challenges to the MRP's political legitimacy.

### **An Analysis of *Maqasid al-Shari'ah* Regarding the Authority of the Papuan People's Assembly to Elect Leaders in Regions with Muslim Minorities**

*Maqasid al-syari'ah* essentially serves as an ethical framework that prioritizes the preservation of universal values of public interest, such as life, reason, lineage, religion, and property.<sup>38</sup> Some contemporary thinkers emphasize that *maqasid* is not merely tied to textual sources but also constitutes a response to complex social realities.<sup>39</sup> In the governance of public leadership, *maqasid al-syari'ah* can be positioned as a normative ethical framework that transcends the boundaries of formal religious law.<sup>40</sup> The principles of *maqasid* serve as a moral guide in evaluating policies and political decisions based on a welfare-oriented approach, rather than solely on electoral interests or primordial identities.<sup>41</sup> Therefore, the use of *maqasid* in analyzing the role of the MRP is not intended to assess the religious legitimacy of a political process, but rather to measure the extent to which leadership considerations reflect the values of justice, prudence, and a commitment to the public interest of Papua as a whole.

*First*, the principle of safeguarding religion (*hifz al-din*), when viewed in the context of Papua, must be understood inclusively as a guarantee of religious freedom and respect for all beliefs present in society. In regions with a non-Muslim majority, this principle actually demands leadership that ensures equality, prevents discrimination, and avoids the politicization of religious identity.<sup>42</sup> Thus, *hifz al-din* serves as an ethical foundation for supporting leaders capable of

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<sup>37</sup> Podu et al., "Papuan People's Assembly Elects Non-Muslim Leaders In Non-Muslim Majority Areas Based On The Maqasid Al-Shari'a Perspective In Jayapura City Of Papua Province."

<sup>38</sup> Sumarta Sumarta, Burhandin Burhanudin, and Tenda Budiyo, "Maqasid Al-Syariah Mendorong Keadilan Dan Keseimbangan Dalam Hukum Islam," *Khulasah : Islamic Studies Journal* 6, no. 1 (2024): 16-31, <https://doi.org/10.55656/kijs.v6i1.120>.

<sup>39</sup> Auda, *Maqashid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*.

<sup>40</sup> Hidayatullah Wasial Fikri, "Konstruksi Pemikiran Ahmad Al-Raisuni Dalam Perspektif Maqashid Al-Syari'ah Dan Implikasinya Terhadap Fiqh Politik Di Indonesia," *Al-'Adalah : Jurnal Syariah Dan Hukum Islam* 9, no. 2 (2024): 418-32.

<sup>41</sup> Mr Shaker Hussain and Ashfaq Ahmed, "Maqasid Al-Shariah and Its Influence on Islamic Governance and Policy: A Framework for Contemporary Reform," *Journal of Religion and Society* 4, no. 2 (2025): 277-87.

<sup>42</sup> Ali Amran and Zaim Rais, "Moderasi Beragama Di Kalangan Minoritas Muslim Di Indonesia," *Hikmah* 19, no. 1 (2025): 41-58.

maintaining interfaith harmony and social stability, without prioritizing the interests of any particular religious group.<sup>43</sup>

*Second*, the principle of *ḥifẓ al-nafs* (preservation of life) provides a moral justification for the MRP to maintain its authority to protect vulnerable groups. Therefore, decisions by the MRP must not be perceived as insensitive to the aspirations of the non-OAP community, which could potentially trigger social tensions, even though they are normatively intended to protect the rights of the OAP. In this context, *maqāṣid* demands a balance between the protection of identity and a more universal social justice.<sup>44</sup> The thought of modern *maqāṣid* scholars emphasizes that the public interest must not be used to reinforce the dominance of a particular group, but must be directed toward the creation of an inclusive social space free from discrimination.<sup>45</sup> This analysis indicates that when the MRP considers a leader who is committed to social peace, the protection of vulnerable groups, and the rejection of structural violence, such a decision can substantially fulfill the objectives of *maqāṣid*, even if the candidate comes from a non-Muslim religious background.

*Third*, the principle of *ḥifẓ al-nasl* takes on a strong contextual meaning in the analysis of leadership in Papua. The preservation of lineage (*ḥifẓ al-nasl*) can be understood as an effort to ensure the continuity of the Indigenous Papuan community as an entity possessing customary land rights and a distinct cultural identity.<sup>46</sup> The preservation of lineage is not only understood in a biological sense, but also as the protection of the continuity of the kinship system, traditional social structures, and the customary rights of the Indigenous Papuans. Within this framework, the MRP's evaluation of leadership candidates can be understood as an effort to ensure that public policies do not erode the living space of the Indigenous Papuan People through social marginalization, exploitative economic expansion, or disregard for local cultural values.

*Fourth*, the principle of *ḥifẓ al-'aql* (protection of reason) demands leadership that is rational, forward-thinking, and capable of making decisions based on objective considerations. Regional leadership that emerges through a rational and inclusive process is more likely to foster

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<sup>43</sup> Muhammad Syukri Albani Nasution et al., "Hifz Al-Din (Maintaining Religion) and Hifz Al-Ummah (Developing National Integration): Resistance of Muslim Youth to Non-Muslim Leader Candidates in Election," *HTS Theologese Studies / Theological Studies* 78, no. 4 (2022), <https://doi.org/10.4102/hts.v78i4.7526>.

<sup>44</sup> Masyhuri Masyhuri and Fadhilah Khunaini, "Relevansi Hukum Islam Dalam Dinamika Kontemporer : Analisis Kontekstual Terhadap Prinsip Maqashid Al-Shariah," *Jurnal Pemikiran Dan Ilmu Keislaman* 7, no. 1 (2024): 38-54.

<sup>45</sup> Mohammad Hashim Kamali, *The Objectives of Islamic Law: The Essentials of Maqashid Al-Shariah* (Islamic Texts Society, 2021).

<sup>46</sup> Mirwan Mirwan, "Maqāṣid Al-Sharī'ah and Family Resilience: Exploring the Concept of Wasā'il in Jamaluddin 'Aṭṭhiyyah's Thought," *Journal of Islamic Thought and Philosophy* 4, no. 1 (2025): 78-105, <https://doi.org/10.15642/jitp.2025.4.1.78-105>.

political and social stability.<sup>47</sup> In the context of Papua, with its social, political, and historical complexities, leadership not grounded in rationality and dialogue risks exacerbating horizontal conflicts.<sup>48</sup> Intellectual capacity, policy track records, and a prospective leader's ability to manage differences serve as key indicators within the *maqāṣid* framework to ensure the maturity and political stability of the region. In this regard, the MRP plays a strategic role in ensuring that the leadership selection process does not foster identity polarization, but rather strengthens the community's capacity to manage differences in a mature manner.

*Fifth*, the principle of *ḥifẓ al-māl* (protection of property) is closely linked to the leadership's responsibility to manage natural resources and local finances fairly and sustainably.<sup>49</sup> Papua, as a resource-rich region, frequently faces issues of exploitation that directly impact indigenous communities.<sup>50</sup> Furthermore, the principle of *ḥifẓ al-māl* broadens the scope of the MRP's response to pluralism, particularly in the context of resource management and regional development. Inclusive and just leadership is believed to minimize conflicts of interest and enhance collective well-being. Therefore, the MRP's response to demands for local democracy is also linked to its commitment to promoting leadership that is economically responsible and aligned with the interests of the broader public.

Contemporary *maqāṣid al-syaṭī'ah* scholars emphasize that the concept of the public good must be understood in an inclusive and contextual manner. The public interest must not be used to legitimize the prioritization of one group's interests over another's, but rather must be directed toward creating a social space that is just, safe, and free from discrimination.<sup>51</sup> In the context of Papua, this approach underscores that the authority of the MRP should be utilized as a means to strengthen social cohesion and manage differences constructively, not as a tool for political exclusion.

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<sup>47</sup> Nanda Inka Fitri et al., "Analisis (SWOT) Kebijakan Kepemimpinan Di Indonesia," *Pendas: Jurnal Ilmiah Pendidikan Dasar* 10, no. 4 (2025): 213–31, <https://doi.org/10.23969/jp.v10i04.36373>.

<sup>48</sup> Muh. Ikram Nur Ilahi et al., "Penyelesaian Konflik Papua Dalam Perspektif Kepemimpinan Strategis," *Jurnal Kolaborasi Resolusi Konflik* 6, no. 2 (2025): 214–23, <https://doi.org/10.24198/jkrk.v6i2.55728>.

<sup>49</sup> Rendi Irawan Rendi, Eka Prasetiawati, and Muhammad Nur Amin, "Ayat-Ayat Kepemimpinan Dalam Tafsīr Al-Munīr Perspektif Tafsīr Maqāṣidī Abdul Mustaqīm," *Journal of Islamic Scriptures in Non-Arabic Societies* 2, no. 1 (2025): 54–68, <https://doi.org/10.51214/jisnas.v2i1.1083>.

<sup>50</sup> Stephen J. Eichhorn, "Resource Extraction as a Tool of Racism in West Papua," *International Journal of Human Rights* 27, no. 6 (2023), <https://doi.org/10.1080/13642987.2022.2036722>; Rassela Malinda, "Dispossession, Extractive Capitalism and Political Reactions From Below in West Papua," *Journal of Agrarian Change* 25, no. 4 (2025), <https://doi.org/10.1111/joac.70032>.

<sup>51</sup> Edo Alvizar Dayusman, Alimudin Alimudin, and Taufik Hidayat, "Kemanusiaan Dan Kesejahteraan Sosial Dalam Pemikiran Islam Kontempore," *TAJIDID: Jurnal Pemikiran Keislaman Dan Kemanusiaan* 7, no. 1 (2023): 118–34.

This is where *maqāṣid al-syaī'ah* provides an ethical framework to avoid exclusivism and promote the creation of a more participatory and inclusive system of leadership.<sup>52</sup> The *maqāṣid* approach can serve as a universal ethical language that bridges the interests of tradition, religion, and democracy.<sup>53</sup> From a *maqāṣid* perspective, this can be analyzed through the principles of justice, equality, and the rejection of actions that have the potential to cause social harm.<sup>54</sup> By articulating the MRP's decisions within a narrative of the public good and social justice, the potential for conflicts of perception can be minimized, while simultaneously strengthening public trust in the role of the MRP.

*Maqāṣid al-syaī'ah* provides an ethical framework that enables the MRP to carry out its cultural oversight functions without falling into patterns of identity exclusivism. The application of *maqāṣid*—particularly the principles of justice, humanity, and equality—has the potential to serve as an instrument of social integration, rather than a source of polarization.<sup>55</sup> In this context, *maqāṣid* functions not merely as a theory of Islamic legal ethics, but as an approach capable of bridging customary needs, democratic principles, and universal human values.<sup>56</sup> This approach aligns with the views of contemporary thinkers that *maqāṣid* should be understood as a methodology for social transformation.<sup>57</sup> The strength of *maqāṣid al-syaī'ah* in this context lies in its ability to function as a bridge of ethics across cultures and religions.<sup>58</sup> *Maqāṣid* values such as justice, public interest, and the protection of human dignity intersect with the local wisdom of Papua, which upholds the balance of social relations and respect for life.

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<sup>52</sup> Mariah Binti Darus et al., "Ethical Governance through Maqasid Shariah Perspective: A Conceptual Framework," *International Journal of Academic Research in Business and Social Sciences* 14, no. 10 (2024): 920–32, <https://doi.org/10.6007/ijarbss/v14-i10/23148>.

<sup>53</sup> Nurul Ain Norman and Mohammad Eisa Ruhullah, "Exploring The Ethical Dimensions Of Fiqh: The Role Of The Soul In Achieving Maqāṣid Al-Sharī'ah," *Al-Shajarah* 29, no. 1 (2024), <https://doi.org/10.31436/shajarah.v29i1.1827>.

<sup>54</sup> Nadia Saphira et al., "Pendekatan Maqashid Syariah Dalam Kegiatan Sosial Dan Ekonomi Pada Perspektif Praktik Fiqh Muamalah Kontemporer," *Media Riset Bisnis Manajemen Akuntansi* 1, no. 2 (2025): 156–66, <https://doi.org/10.71312/mrbima.v1i1.376>; Tarmizi Tarmizi et al., "HOW ISLAMIC LAW IS CONSTRUCTED TO ADDRESS CONFLICT VULNERABILITY ON SOCIAL MEDIA," *Jurnal Al-Dustur* 7, no. 1 (2024): 44–63, <https://doi.org/10.30863/aldustur.v7i1.6019>.

<sup>55</sup> Misbahuddin Misbahuddin et al., "The Possibility of Social Conflict in the Momentum of General Elections in the Sociological Perspective of Islamic Law," *Samarah* 9, no. 1 (2025): 63–82, <https://doi.org/10.22373/sjhk.v9i1.22665>.

<sup>56</sup> Khaled Abou El Fadl, *Reasoning With God: Reclaiming Shari'ah in the Modern Age, Sustainability (Switzerland)*, vol. 11, 2019.

<sup>57</sup> Tariq Ramadan, *Radical Reform: Islamic Ethics and Liberation, Radical Reform: Islamic Ethics and Liberation*, 2009, <https://doi.org/10.1093/acprof:oso/9780195331714.001.0001>.

<sup>58</sup> Mujaddid Abdullah, "Maqasid Sharia and Social Development: An Inquiry into Jamaluddin Athiyah's Renewal Paradigm," *UMRAN - Journal of Islamic and Civilizational Studies* 12, no. 2 (2025): 67–78, <https://doi.org/10.11113/umran2025.12n2.757>.

This analysis confirms that *maqāṣid* can serve as a bridge between Papuan traditional values and democratic values, ensuring that MRP policies truly reflect a more inclusive public morality. In regions where the majority of the population is non-Muslim, the *maqāṣid* perspective serves as a guide to ensure that political decisions are non-discriminatory, do not lead to social fragmentation, and are capable of facilitating harmonious relations between the Muslim minority community and the majority population.<sup>59</sup> Therefore, the *maqāṣid* principle can be used as an evaluative framework, particularly in upholding justice, the common good, and the sustainability of social relations between OAPs and non-OAPs. Furthermore, the application of *maqāṣid* can strengthen the MRP's legitimacy, as it offers a more universal concept of justice that is acceptable to all groups.

## CONCLUSION

The Papuan People's Assembly (MRP) holds a strategic position as a cultural representative body designed to safeguard the continuity of the identity of indigenous Papuans (OAP) within the special autonomy political system. An analysis of *maqāṣid al-syaī'ah* reveals that universal principles such as justice, public interest, protection of existence, and the preservation of human dignity can serve as a moral foundation that strengthens the legitimacy of the MRP's actions. *Maqāṣid* provides a framework for understanding that the protection of OAP identity is not a form of exclusivism, but an effort to ensure the survival of vulnerable communities within an ever-changing political landscape. However, the application of *maqāṣid* also serves as a reminder that the public interest must not be narrowed to benefit only specific groups. Rather, it must be formulated as a collective interest encompassing all Papuan citizens, including non-OAP communities living together in the same social space.

In areas with a non-Muslim majority, a dialogical, transparent, and inclusive approach is considered more effective in fostering public acceptance than a rigid approach based on identity formalities. This study confirms that the MRP can play a crucial role in reconciling Papuan customary values, Islamic ethics, and national democratic principles. This study recommends that the application of *maqāṣid* within the MRP context has three ethical implications. *First*, ensuring that the approval process for regional head candidates does not result in discrimination based on religion or ethnicity. *Second*, ensuring that the interests of the OAP remain protected within a framework that does not hinder substantive justice for other groups. *Third*, it encourages

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<sup>59</sup> Abu Hamid Al-Ghazali, *Al-Mustasfā Min Ilm Al-Uṣul*, IV (Kairo: Dar al-Kutub al-Ilmiyyah, 2009).

dialogue among community leaders, traditional figures, and non-OAP communities regarding shared values that can serve as the foundation for the establishment of sustainable political governance.

This study has broad social significance. Papua is a region that frequently experiences socio-political tensions; therefore, any approach capable of strengthening social harmony and cohesion holds significant strategic value. By demonstrating how the MRP can fulfill an ethical, inclusive, and context-sensitive political role through the *maqāṣid al-syarī'ah* approach, this study contributes to efforts to build more peaceful, just, and human-centered intergroup relations. This study not only enriches the academic body of knowledge but also offers hope for the strengthening of cultural dialogue, social justice, and a more harmonious future for Papua.

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