



Analysis of Ptun Decision No: 59/G/2021/Ptun-Mdn Regarding the Lawsuit Against the Regent of Deli Serdang Over the Dismissal of Asn: Siyasah Qadhaiyyah Perspective

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Abstract - This research analyzes the decision of the Medan State Administrative Court (PTUN) Number: 59/G/2021/PTUN-MDN regarding the Deli Serdang Regent's lawsuit regarding the dismissal of the State Civil Apparatus (ASN) from a siyasah qadhaiyyah perspective. Analysis from the siyasah qadhaiyyah perspective is interesting because it can provide insight into how the principles of justice and governance in Islam can be related to modern administrative justice practices. Concepts such as regional al-mazalim (courts to deal with official injustice), the principle of trust in leadership, and the concept of substantive justice in Islam will be analytical frameworks that enrich our understanding of this case. The method used in this research is normative juridical, namely a legal research method carried out by reviewing library materials or secondary data. Data collection techniques were carried out through literature study and data analysis using qualitative descriptive methods. In a broader context, this case also reflects the dynamics of the relationship between regional government and ASN in the era of regional autonomy. This raises questions about the extent to which decentralization of power can affect the protection of ASN's rights and how a system of checks and balances can be implemented effectively at the regional government level. This article aims to analyze the PTUN decision not only from the perspective of Indonesian positive law, but also from the perspective of siyasah qadhaiyyah in Islamic law.

Keywords: PTUN, Siyasah Qadhaiyyah, General principles of good government, al-Mazalim Region

I. INTRODUCTION

Basic Concepts of State Administrative Justice (PTUN) in the State of Law the Indonesian state is a state of law. As a country of law, this means that in our country the law has an important meaning, especially in all aspects of people's lives. All administration carried out by the state through the mediation of its government must be in accordance with and according to channels that have been determined in advance by law. Because Indonesia is a country of law, every action of state administrator must be based on law. Legislation that has been implemented previously constitutes a limit to the power of state administration. (Iqbal, 2014).

This case began with the issuance of the decision of the Regent of Deli Serdang No.00174/21212/TAP/03/21 which dismissed an ASN named Dinawati Tarigan respectfully, but not at his own request. The core of the problem is that the decision is applied retroactively and requires the return of salaries that have been received by the ASN. This is considered detrimental to the plaintiff and raises critical questions about legality and ethics in administrative decision-making. The PTUN decision in this case opens up a broader discussion about the implementation of the general principles of good governance (AUPB) in the practice of state administration in Indonesia. Principles such as legal certainty, prudence,

and prohibition of arbitrary actions are the main highlights in the analysis of this ruling. In addition, this case also raises questions about the limits of discretionary authority possessed by public officials in making decisions that have a significant impact on the employment status of an ASN.

In a broader context, this case also reflects the dynamics of the relationship between local governments and civil servants in the era of regional autonomy. This raises questions about the extent to which decentralization of power can affect the protection of ASN rights and how the system of checks and balances can be effectively implemented at the local government level. This article aims to analyze the PTUN decision not only from the perspective of Indonesia's positive law, but also from the perspective of *siyasah qadhaiyyah* in Islamic law. This interdisciplinary approach is expected to provide a more comprehensive understanding of the case, especially in the context of Indonesia as a country with the largest Muslim population in the world. (Madkur, 1988)

The analysis from the perspective of *siyasah qadhaiyyah* is interesting because it can provide insight into how the principles of justice and governance in Islam can be related to modern administrative judicial practices. Concepts such as the *al-mazalim* region (the court to deal with the tyranny of officials), the principle of trust in leadership, and the concept of substantive justice in Islam will be the analytical framework that enriches our understanding of this case. Furthermore, this case study also opens up opportunities to explore the potential integration of Islamic values into Indonesia's legal and judicial system, especially in the context of state administrative law. This is in line with ongoing efforts to develop a national legal system that reflects the values and identity of the Indonesia nation. (Hamami, 2013). As such, this article not only aims to provide an in-depth legal analysis of a specific case, but also to contribute to a broader discussion of the reform of the administrative justice system in Indonesia and its potential conceptual enrichment through the perspective of Islamic law.

II. METHOD

The method used in this research is normative juridical, which is a legal research method carried out by examining library materials or secondary data. This library material can be in the form of regulations and literature related to the problem being studied. The normative juridical approach is also carried out by examining legal theories, concepts and principles. The data used is secondary data consisting of primary, secondary and tertiary legal materials. Data collection techniques were carried out through literature study and data analysis using qualitative descriptive methods, Qualitative data is a type of data that is descriptive and focuses more on the interpretation and understanding of the subject being studied. This data often takes the form of text, interview transcripts, field notes, or other documents. (Aziz, 2016)

III. RESULT AND DISCUSSION

1. Analysis of PTUN Decision No: 59/G/2021/PTUN-MDN

The decision of the Medan State Administrative Court in the case of a lawsuit against the Regent of Deli Serdang over the dismissal of ASN reveals several important aspects that need to be analyzed in depth (Huda, 2012):

a. Violation of the General Principles of Good Governance (AUPB)

The Decree of the Regent of Deli Serdang No.00174/21212/TAP/03/21 is considered contrary to the AUPB, in particular:

- 1) The Principle of Legal Certainty: The retroactive enforcement of the decision to dismiss ASN violates the principle of non-retroactivity in administrative law. This creates legal uncertainty for the ASN concerned and has the potential to create a dangerous precedent in personnel administration practices.
- 2) Principle of Prudence: The PTUN found that the decision-making process by the Regent was not carried out carefully and did not consider all relevant facts and interests. This can be seen from the lack of consideration of the service period and achievements of ASN before the dismissal decision was taken.

b. Retroactive Enforcement and Its Implications.

The retroactive aspect of the Regent's decision is one of the main focuses in the PTUN decision. This retroactive enactment not only violates fundamental principles in administrative law, but also has significant practical consequences: (Sri Hartini S.H M.H, 2017)

- 1) Financial injustice: The obligation to return the salary that has been received creates an unfair financial burden for ASNs who have carried out their duties and obligations.
- 2) Uncertainty of employment status: The retroactive implementation creates a "gray" period in which the employment status of ASN becomes unclear, which can have an impact on rights and obligations related to staffing.

c. Legal Basis for Salary Refund

The PTUN found that the obligation to return salaries charged to ASN did not have a strong legal basis. This analysis is based on several considerations:

- 1) There is no regulation that explicitly regulates salary returns in the case of dismissal of ASN with similar conditions.
- 2) The principle of no work no pay cannot be applied retroactively, especially when ASN has carried out his duties and obligations during that period.
- 3) Salary refunds can be considered a form of disproportionate additional sanctions and have no clear legal basis.

d. Implications for the Personnel System

This PTUN decision has far-reaching implications for the ASN management system in Indonesia:

- 1) Strengthening legal protection for ASN: This decision confirms that ASN has the right to be protected from arbitrary administrative decisions
- 2) Limitations of public officials' authority: This case is an important reminder for public officials about the limitations of their authority in making decisions that have a significant impact on the status of ASN employees.
- 3) The urgency of personnel system reform: This case underscores the need for reform in the ASN management system to prevent similar cases from occurring in the future.

2. Prospektif Siyasah Qadhaiyyah

The analysis of this case from the perspective of siyasah qadhaiyyah provides interesting insights into how the principles of Islamic justice can be related to modern administrative judicial practice in Indonesia. (Sonata, 2014)

a. The Principle of Justice in Islam

The PTUN decision in this case can be seen as a manifestation of the principle of justice (is) fundamental in Islam. Some relevant aspects:

- 1) Protection of individual rights: Islam emphasizes the importance of protecting individual rights from tyranny, including tyranny committed by authority holders. The PTUN decision that canceled the Regent's decision is in line with this principle.
- 2) Balance between individual and public interests: Siyasah qadhaiyyah teaches the importance of maintaining a balance between individual rights and public interests. In this case, the PTUN succeeded in balancing the interests of ASN as individuals with the interests of the local government.
- 3) Prohibition of tyranny: The concept of prohibition of tyranny (tyranny) in Islam is reflected in the decision of the PTUN which considers the Regent's decision as an unfair action against ASN.

b. The Concept of al-Mazalim Region

PTUN can be seen as a modern implementation of the concept of al-mazalim territory in the Islamic justice system. Some retractable parallels:

- 1) Supervisory function: The al-mazalim region in Islamic history serves as an institution that supervises and corrects the decisions of public officials. The PTUN performs a similar function in the modern Indonesia legal system.
- 2) Access to justice: The concept of al-mazalim territory provides access for the people to complain when they feel wronged by officials. PTUN provides a similar mechanism for ASN and citizens to sue official decisions that are considered detrimental.

- 3) Independence of the judiciary: Both the al-mazalim region and the PTUN emphasize the importance of the independence of the judiciary in resolving disputes between the people and the government.

c. Government Accountability in Islam

This case emphasizes the importance of accountability of government officials, a principle that is also fundamental in Islam:

- 1) Leadership mandate: Islam views leadership as a mandate that must be carried out with full responsibility. The PTUN decision reminds public officials of their responsibility in making decisions.
- 2) Shura (deliberation): The principle of shura in Islam teaches the importance of careful consultation and consideration before making a decision. This case shows the consequences of decision-making that does not involve sufficient consideration.
- 3) Transparency: Islam emphasizes the importance of transparency in government. The PTUN decision that canceled the Regent's decision due to a lack of transparency in the decision-making process is in line with this principle.

d. Implementation of Islamic Values in the Modern Legal System

The analysis of this case from the perspective of siyasah qadhaiyyah opens a discussion on the potential integration of Islamic values into Indonesia's legal and judicial system:

- 1) Harmonization of law: This case shows that the principles in siyasah qadhaiyyah can be harmonized with the concepts in modern administrative law.
- 2) Conceptual enrichment: The perspective of siyasah qadhaiyyah can enrich the understanding of concepts such as justice, accountability, and good governance in the Indonesia context.
- 3) Contextualization of Islamic law: This analysis demonstrates how the principles of Islamic law can be contextualized and applied within the framework of a modern state of law.

The following is an analysis of the PTUN decision Number: 59/G/2021/PTUN-MDN from the perspective of Indonesian positive law and siyasah qadhaiyyah. This case emphasizes the importance of accountability of government officials, a principle that is also fundamental in Islam. Islam views leadership as a mandate that must be carried out fully. responsibility. The PTUN decision reminds public officials of their responsibilities in making decisions. Siyasah qadhaiyyah teaches the importance of maintaining a balance between individual rights and public interests. In this case, PTUN succeeded in balancing the interests of ASN as individuals with the interests of regional government.

IV. CONCLUSION

Analysis of the Decision of the Medan State Administrative Court (PTUN) Number: 59/G/2021/PTUN-MDN concerning the Deli Serdang Regent's Lawsuit for the Dismissal of State Civil Apparatus (ASN) provides valuable input for the dynamics of state administrative law in Indonesia and its relevance to the principles of siyasah qadhaiyyah in Islamic law. Several main conclusions can be drawn from this research:

- 1) Violation of the General Principles of Good Governance (AUPB): The PTUN decision confirms that the decision of the Regent of Deli Serdang has violated several AUPBs, especially the principle of legal certainty and the principle of prudence. This emphasizes the importance of compliance with the AUPB in any administrative decision-making by public officials.
- 2) Legal Implications of Recessive Enforcement: The retroactive enforcement of the decision to dismiss ASN is declared invalid by the PTUN. This affirms the principle of non-retroactivity in administrative law and the importance of maintaining legal certainty in personnel management.
- 3) Protection of ASN Rights: This decision strengthens the position of ASN in facing potentially adverse administrative decisions. This shows the important role of PTUN as a check and balance mechanism in the government system.

- 4) Convergence with the Principle of Siyasah Qadhaiyyah: An analysis from the perspective of Siyasah Qadhaiyyah shows that there is harmony between the decision of the PTUN and the principles of justice in Islam. Concepts such as 'is' (justice), al-mazalim territory, and the accountability of leaders in Islam are reflected in this ruling.
- 5) The Urgency of Personnel System Reform: This case underscores the need for reforms in the ASN management system to prevent similar cases from occurring in the future. This includes increasing public officials' understanding of the limits of their authority and strengthening internal oversight mechanisms.
- 6) Potential Integration of Islamic Values in the Modern Legal System: This analysis opens up opportunities for discussion on how Islamic legal principles can be contextualized and integrated into Indonesia's legal and judicial system, especially in the context of state administrative law.
- 7) Strengthening the Role of the State Administrative Court: This decision emphasizes the crucial role of the State Administrative Court in maintaining a balance between government authority and the protection of citizens' rights. This is in line with the concept of al-mazalim territory in the history of Islamic justice.
- 8) Implications for Governance: This case emphasizes the importance of transparency, accountability, and prudence in administrative decision-making at the local government level.

This analysis of the PTUN decision not only provides a deeper understanding of the dynamics of administrative law in Indonesia, but also shows the relevance and potential contribution of Islamic legal principles in the context of a modern legal state. This research highlights the importance of an interdisciplinary approach in analyzing administrative law cases, which can enrich our understanding of the concepts of justice, accountability and good governance. These findings have significant implications for state administration practices, civil service system reform, and the development of the justice system in Indonesia.

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