



## Juridical Analysis of the Decision of PTUN Number: 93/G/2019/PTUN-MDN concerning Disrespectful Dismissal and the Application of the Non-Retroactive Principle in the Perspective of Fiqh Siyasah

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**Abstract** - This research analyzes the Decision of the State Administrative Court (PTUN) Number 93/G/2019/PTUN-MDN, which relates to cases of dishonorable dismissal of employees and the application of the non-retroactive principle. This research uses a normative juridical approach to evaluate how the PTUN applies the principle of non-retroactivity in the context of administrative law and the principles of administrative justice. This research aims to examine the suitability of PTUN decisions with the principles of administrative law and non-retroactive principles and to evaluate these decisions from the perspective of Fiqh Siyasah, namely public law in Islam. This research aims to examine the suitability of PTUN decisions with the principles of administrative law and non-retroactive principles and to evaluate the decision from the perspective of Fiqh Siyasah, namely public law in Islam. A normative juridical approach is used to analyze the relevant legal norms and the principles of Fiqh Siyasah applied in the decision. This research assesses the application of the non-retroactive principle in the context of employee dismissal and how PTUN decisions are in accordance with the principles of justice and legal certainty. PTUN Decision Number 93/G/2019/PTUN-MDN shows the correct application of the non-retroactive principle, namely that administrative actions such as dishonorable dismissal must be based on the regulations in effect at the time the action was carried out, not the regulations in effect afterwards. Implementation of this principle protects employee rights and ensures certainty

**Keywords:** Civil Servants, PTUN, Non-Retroactive Principle, Dishonorable Dismissal

### I. INTRODUCTION

Indonesia as a constitutional condition of the law has been mentioned in the 1945 Constitution, namely "The State of Indonesia is a country of law". The state of law requires judicial institutions to ensure justice, equality, and order in the legal system. The judiciary has important main duties and functions, such as examining and deciding criminal and civil cases, managing finances, and implementing court decisions. The Court of State Administration is an important judicial institution in Indonesia's legal system. The Court of State Administration plays a role in protecting the rights and interests of individuals or legal entities from actions or decisions of government officials that are contrary to laws and regulations.

The nation needs civil servants (PNS) to achieve its aims. The tasks of performing government functions, public service obligations, and providing goods, services, and administrative support are delegated to civil servants. Civil servants preserve national unity, offer services in a fair and equitable manner, and they must do their official and responsible obligations in government and development activities in a competent and responsible manner.

Law Number 43 of 1999 was formed to enforce rules protecting public employees against nepotism, collusion, and corruption. (Arif, 2022)

These violations may result in administrative sanctions, such as warning, demotion, or dismissal and can even be sentenced to disciplinary penalties, one of the disciplinary penalties is dishonorable dismissal as affirmed in Law No. 5 of 2014's Article 87, Paragraph 4, pertaining to State Civil Apparatus, specifically:

- a. A violation of the Republic of Indonesia's 1945 Constitution and Pancasila;
- b. convicted of a general offense, a crime connected to office, or a crime of office and convicted of jail or detention according to a court ruling that already possesses enduring legal effect;
- c. being an administrator or member of a political party; or
- d. Given a jail term according to a court ruling that, upon committing a crime, carries lasting legal consequences that carries a minimum 2-year prison sentence or a crime that requires planning.

Disrespectful dismissal or dishonorable dismissal is one example of administrative sanctions applied by administrative or state administrative officials. This administrative sanction is applied when there is non-compliance with applicable provisions, such as dismissal from office or *ontlading*. This dismissal is not a new offense as defined by the Criminal Code's Article 10, but the exercise of government authority carried out by administrative or state administrative officials.

Islam explains that every human being must always be on the right path, as stated in the Qur'an Surah *An-Nahl* verse 90 which reads:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

Meaning: *Indeed, Allah commands (you) to be just and do good, to give help to your relatives, and He forbids (doing) vile, iniquity, and enmity. He teaches you so that you can take lessons.* (Indonesia, 20021).

Maintaining the dignity and honor of Civil Servants can be achieved through behavioral attitudes and improving their competence in their areas of competence. Perform your obligations with integrity, honesty, and responsibility; be mindful of your responsibilities and execute them with caution and discipline and carry out their duties politely and without pressure. (Refvita, 2023).

This research began with a case that was experienced by DR. SOLISTIS PO DACHI, SH, M.Hum. Citizenship of Indonesia, the work of a Former Civil Servant of the Government of North Sumatra Province, Residence on Jalan HM Joni Gang Volunteer No. 9 RT/RW 038/109 East Teladan Village, Medan Kota District, Medan City North Sumatra with the Decree of the Governor of North Sumatra Number: 800/2862/2018 Regarding Dismissal for Committing a Crime of Position or Criminal Acts Related to Position. On December 14, 2018.

However, he felt that the object of the dispute looked strange, and contradicted the legal principle of *nebis in idem* (a person should not be sued/punished/sanctioned twice in the same case, whether the same event, time or place) and the principle of non-retroactive law (retroactive law). Because in 2014 he was designated as a suspect in a corruption case and imposed a prison term for 1 year and 2 months and was fined Rp. 50.000.000.- (fifty million rupiah) and compensation of Rp. 290.000.000, (two hundred and ninety million rupiah). In 2015 he returned to work as a civil servant and was sentenced to disciplinary punishment in the form of a demotion to a lower level. With the losses suffered, he felt that the decision was unfair.

Considering the previous description, the author is interested in carrying out a study entitled Juridical Analysis of the Decision of the State Administrative Court Number: 93/G/2019/PTUN-MDN concerning Disrespectful Dismissal and the Application of Non-Rectoractive Principles in the Perspective of Fiqh Siyasa.

## **II. METHODOLOGY**

The normative juridical approach, also known as the doctrinal approach or legal theory, is a method that focuses on the analysis of applicable legal norms. In this research, this approach is used to understand and evaluate legal rules and the principles governing legal cases. This approach involves Analyzing relevant laws, regulations, and other legal norms to determine how the law is applied in a particular situation. Examining the views and interpretations of legal experts regarding legal norms to understand the understanding and application of legal theories in practice. Examining court decisions to see how legal norms are interpreted and applied in concrete cases. In the context of research regarding State Administrative Court (PTUN) decisions, the normative juridical approach is applied in the following way: Identify Applicable Legal Norms, Analysis of Legal Principles, Interpretation and Criticism of the Decision

## **III. RESULTS AND DISCUSSION**

### **a. Definition of Dismissal of Civil Servants**

An employee with a national employee identification number who is designated as a long-term worker by the personnel supervisory officer is known as an employee of the government. When Law Number 5 of 2014 concerning Civil Servants came into effect, Central Civil Servants and Regional Civil Servants were referred to as Civil Servants. ASN employees consisting of; Civil servants and PPPK, in Article 7 of Law No. 5 of 2014 explains that, civil servants are ASN employees who are appointed as permanent employees by the Personnel Supervisory Officer and have an employee identification number nationally. Meanwhile, According to the requirements of government agencies and the terms of this law, the Personnel Supervisory Officer appoints PPPK, an ASN employee, as a worker who has a contract. (Mcperson, 2023)

The explanation of the definitions of Civil Servants that have been explained above can be formulated that there are four elements that must be met to be called civil servants. (Apparatus) These elements are:

- a. Fulfill the prerequisites;
- b. Selected by a legitimate official;
- c. Assigned responsibilities in other state jobs or positions;
- d. Salary in accordance with applicable laws and regulations.

Officials exercise authority or power inherent in the environment Office. An official has legal authority. Because of his authority that officials have the right to do something, which is accompanied by the implementation of obligations in the field of public law. An official is someone who officially occupies the

a position. In the context of government, officials are government employees who hold certain positions. Decision-making authority rests with officials and carry out duties related to their positions. In state organizations, government as an office environment is state equipment such as executive positions, legislative positions, judicial positions, and other suprastructural positions. These positions contain certain authority. The definition of a position that can be drawn from the Explanation of Law Number 43 of 1999 concerning Personnel Principles, Article 1 paragraph (3) is "A state position is a position in the executive field that is determined based on laws and regulations, including positions in the secretariat of the highest or highest state institutions, and court clerks".

Dismissal is included in the category of severe discipline. Termination is the termination of employment between a business entity and one or several employees for a certain reason. Dismissal in Civil Servant Management is not solely a termination of employment, but because there are other things that cause the dismissed employee to get different rights from the company's employees. (Nurhafni, 2023). The capacity of public employees to fulfill their duties and refrain from violating prohibitions outlined in laws, regulations, and/or official guidelines,

which if disregarded or violated, will result in disciplinary action, is defined as civil servant discipline in Government Regulation Number 94 of 2021's Article 1 Paragraph 4 on Civil Servant Discipline. This includes obligation arrangements, prohibitions, and sanctions if civil servants disobey obligations or violate prohibitions. (Government Regulation Number 94 of 2021 concerning Civil Servant Discipline.)

In accordance with Law 20 of 2001 on the Eradication of Corruption Offenses, regulating criminal threats as an example of imprisonment and fines for civil servants who commit corruption crimes, several articles in this Law, as follows:

1. Article 8 stipulates that civil servants and non-civil servants assigned to hold public office continuously or temporarily face the threat of a maximum of fifteen years and a minimum of three years in prison 750.000.000 (seven hundred and fifty million rupiah) as the maximum fine, and 150.000.000 Rupiah (one hundred and fifty million rupiah) minimum. Additionally, those who willfully embezzle funds or securities held due to their position, permit such funds or assets to be seized or embezzled by another, or assist in the commission of such offenses, are subject to sanctions.
2. Article 9, governs the threat of imprisonment for up to five years, with a minimum of one year along with a fine of up to Rp 250.000.000 (two hundred and fifty million rupiah) and at least Rp 50.000.000 (fifty million rupiah) for individuals who intentionally falsify books or lists that are intended for administrative inspection. These individuals may be civil servants or individuals other than public employees who have been allocated the responsibility of performing a public office on a temporary or ongoing basis.
3. Article 11, stipulates that A government accepting a gift or promise as a state official or worker carries a minimum penalty of Rp 50.000.000 (fifty million rupiah). and a maximum penalty of Rp 250,000,000.00 (two hundred and fifty million rupiah) in addition to a year to five years in prison. This is true even in cases where the giver suspects that the gift or promise has something to do with his position or if it is known or reasonably suspected that it is made out of power or authority associated with his position.
4. Article 12, specifies the minimum fine of Rp 200,000,000.00 (two hundred million rupiah) and the maximum fine of Rp 20 years. The penalty can reach up to Rp 1,000,000,000.00 (one billion rupiah). or life imprisonment for: state administrators or civil servants who accept gifts or assurances, notwithstanding the fact that it is known or logically assumed that the gifts or promises are given to motivate them to do or not do something in his office that is against his obligations; a state administrator or public worker who wins an award despite knowing or having a reasonable suspicion that what they received was due to their actions or inactions in breach of their duties (Zahra, 2023)

Law Number 5 of 2014 concerning the State Civil Apparatus (ASN). Article 87 of the ASN Law states that civil servants can be dishonorably dismissed if they commit serious violations, such as criminal offenses with a prison sentence of two years or more that have permanent legal force, not coming to labor without a good cause for 46 at least a year's worth of working days, and other serious disciplinary violations stipulated through laws and regulations. In addition to the ASN Law, dishonorable dismissal is also governed by Civil Servant Management Regulation Number 11 of 2017 (GRN) and other laws and regulations that regulate civil servant discipline. (Apparatus)

The above information explains that, a civil servant must be fired without respect for abusing the trust entrusted to him if he is found guilty of a crime of office or a criminal act connected to his position or work and is incarcerated or placed under confinement as a result of a court ruling that carries permanent legal effect. Based on the mandate of the ASN Law, civil servants must be professional, free from political intervention in providing public services for the community, and capable of fulfilling their function as the binding agent between the country and its foundation, Pancasila and the 1945 Constitution.

The Constitution of the Republic of Indonesia, 1945 Article 28 I, paragraph 1 (2nd amendment) which was implemented August 18, 2000, declares that the freedom from

prosecution on the basis of law that applies retroactively is an unalienable human right that cannot be diminished, this principle of criminal law is known as the "principle of nonretroactivity" (prohibition to apply the principle of retroactive)<sup>1</sup> no person can be tried based on a law that is rectorative. (Ariyanti, 2022)

**b. Analysis of Cases Occurring in the Decision of the Medan State Administrative Court Number 93/G/2019/PTUN-MDN**

The case that occurred in decision number 93/G/2019/PTUN-MDN is a case that occurred as a result of the issuance of an object of dispute from the Governor of North Sumatra, the case that occurred was the disrespectful dismissal of DR. SOLISTIS PO DACHI, SH, M. Hum. Citizenship of Indonesia, occupation of a Former Civil Servant of the Government of North Sumatra Province, Residence on Jalan HM Joni Gang Volunteer No. 9 RT/RW 038/109 East Teladan Village, Medan Kota District, Medan City, North Sumatra. The issuance of the North Sumatra Governor's Decree 800/2862/2018 regarding dismissal for committing an office-related crime or criminal act is the subject of controversy in this case. December 14, 2018. The state administrative choice was made by the Governor of North Sumatra received a legal remedy submitted by DR. Solistis PO Dachi, SH, M.HUM., through the State Administrative Court, the KTUN can be said to be an object of KTUN dispute, this is in line with article 47 of Law No. 5 of 1986 concerning the State Administrative Court which reads: "The Court is on duty and authorized to examine, to decide, and resolve State Administrative disputes".

In the choice, there is a plaintiff, namely DR. SOLISTIS and the defendant is the Governor of North Sumatra. In the decision, the plaintiff is a Civil Servant appointed in 1991 and has served as a civil servant for approximately 27 years. In 2011, the plaintiff served as Widyaiswasra Madya in the work unit of the Agency for Human Resources Development in the North Sumatra Provincial Government with the rank and last group of Young Main Supervisors (IV/c). In January 2014 the Plaintiff was designated as a suspect related to the activities of the cooking oil subsidy distribution project in 2008 in South Nias Regency, charged in the corruption case, and on July 16, 2014, the plaintiff was ultimately found guilty of committing the crime jointly. The plaintiff was sentenced to one year and two months in jail as well as a fine of Rp. 50,000,000,- (fifty million rupiah) and compensation of Rp. 290,000,000, (two hundred and ninety million rupiah) in accordance with the Decision of the Corruption Court at the Medan District Court Number: 22/Pid.Sus-K/2014/PN-MDN, dated July 16, 2014 and has the force of law at the level of the Medan District Court.

In 2015 the plaintiff had returned to work as a civil servant and was sentenced to disciplinary punishment in the form of demotion to a lower level for 3 (three) years because it was considered to have violated the provisions of Article 8 letter b of the 1979 Government Regulation concerning the Dismissal of Civil Servants, but in 2018 the plaintiff received another sanction / punishment in the form of Dishonorable Dismissal based on the Decree of the Governor of North Sumatra Number: 188.4/454/KPTS/2015, dated September 22, 2015 by the Defendant on the guilty verdict as per the Decision of the Corruption Court at the Medan District Court Number: 22/Pid.Sus-K/2014/PN Mdn, dated July 16, 2014. Therefore, with the disrespectful dismissal, the Plaintiff feels very disadvantaged because there is no clear legal certainty regarding the procedure for imposing sanctions or punishments, especially dishonorable dismissal, so that the Decision on disrespectful dismissal as a civil servant becomes the basis for the birth of the State Administrative dispute (Object of Dispute). According to the Plaintiff, the object of the dispute looks strange, and is against applicable legal standards, justice principles, and general good governance principles, among other laws, rules, and guidelines.

In general, all provisions and laws and regulations are non-retroactive (the law does not apply retroactively) except for the Human Rights Court Law. In general, all provisions and laws and regulations are non-retroactive (the law does not apply retroactively) except for the Human Rights Court Statute. Article 4 of Human Rights Law No. 39 of 1999, which highlights "the right not to be prosecuted on the basis of retroactive law can be excluded in the case of gross

violations of human rights that are classified as crimes against humanity", thus the principle of non-retroactive law, the basic legal right that must be fulfilled by the state for the sake of legal certainty for every citizen in general.

In Indonesia's criminal law system, the principle of non-retroactive is placed in Article 1 paragraph (1) of the Criminal Code which says that no act can be punished except on the strength of the rules in the existing law, before the emergence of the regulation is carried out. So that every act that is done before the emergence of the regulations that govern the act cannot be punished.

**c. Basis for Judge's Consideration in Deciding the Civil Servant Dismissal Lawsuit Case in Decision Number: 93/G/2019/PTUN-MDN**

One of the factors that the judge considers in deciding the case in the lawsuit Number: 93/G/2019/PTUN-MDN, namely the Authority Aspect, which includes matters of authority, non-authority or violation of authority, according to the provisions of Article 53 letter e of Law Number 5 of 2014 concerning the Apparatus According to State Civil, the President, who holds the ultimate authority in the development of ASN, may assign, transfer, or remove the right to choose who is appointed, promoted, or fired, except for major and medium high-ranking officials and functional officials with primary skills, to:

- a. Ministry Ministers;
- b. Institution heads of state agencies that are not ministerial in nature;
- c. Secretary General of Non-Structural State Institutions Authorities Secretariat;
- d. Provincial Governors; and
- e. Mayors/Regents in Cities/Regencies;

Furthermore, according to the provisions of Article 3 of Government Regulation Number 11 of 2017 with relation to according to Civil Servant Management:

1. The President has the power to decide who is appointed, transferred, or fired from their position as civil servant, as they are the top authority in terms of their professional development;
2. The President may provide the following people the power to decide who gets appointed, transferred, or fired as a federal servant:
  - a. Ministries' ministers;
  - b. Institution heads in government agencies that are not ministerial in nature;
  - c. The State and Non-Structural Institutions Secretariat's Secretary General;
  - d. Provincial Governors; and
  - e. Mayors/Regents in Cities/Regencies;"
3. Exempted from the provisions as intended in paragraph (2) with relation to the appointment, transfer, dismissal of the main high leaders, authorities in middle to positions of strong leadership and functional experts in the primary field

According to the examination at the trial, it has been revealed that the position or position of the Plaintiff last time was as an Associate Widyaiswara in the Human Resources Development Agency in the North Sumatra Provincial Government, with the rank/Goal of the room: Young Main Supervisor/ (IV/c) as mentioned in the Certificate of Carrying Out Duties Number: 800/1.1/110/Diklat-SU/2013 dated January 31, 2013. Based on these legal facts, the Panel of Judges is of the opinion that the Plaintiff's Position as an Associate Widyaiswara at the Human Resources Development Agency in the North Sumatra Provincial Government is included in the category of Associate Expert Functional Positions, so it can be concluded that the Plaintiff's Position is not a Main Expert Functional Position, since the post is not covered by Article 3 Paragraph 3 of Government Regulation Number 11 of 2017 on Civil Servant Management Civil (3).

Therefore, the Governor of North Sumatra as the Personnel Supervisory Officer who issued a decision to dismiss civil servants without respect from the Aspect of Authority has been as per the terms of the relevant laws and rules, specifically those based on Law Number 5 of 2014 about the State Civil Apparatus. Government Regulation Number 11 of 2017 concerning Civil Servant Management. Then, the Decree of the Governor of North Sumatra

Number: 800/2862/2018 about the dismissal for a criminal act related to or committed against the office. On December 14, 2018, on behalf of DR. Solistis PO Dachi, SH., M.Hum., has complied with the requirements of Law Number 5 of 2014's Article 87 Paragraph 4 Letter b regarding the State Civil Apparatus. which regulates civil servants to be dismissed without honor because: *b. convicted of a crime of office or a criminal act connected to the post and sentenced to imprisonment or detention in accordance with a court decision that already has enduring legal significance*, and Government Regulation Number 11 of 2017 about the Management of Civil officials, Article 250 Letter b, which governs the dismissal of civil officials without cause if: *b. sentenced to imprisonment or confinement for a offense in office, a crime connected to an office, or a general offense in accordance with a court ruling that already possesses enduring legal effect.*

After considering in terms of authority, The judges' panel determined that the defendant's legal issues had violated the "principle of non-retroactivity" because it had applied new regulations to past legal events. Law Number 5 of 2014 concerning the State Civil Apparatus was ratified by the President of the Republic of Indonesia on January 15, 2014 and has been promulgated in the State Gazette of the Republic of Indonesia on January 15, 2014. In Article 141 of Law Number 5 of 2014 concerning the State Civil Apparatus, it is stated: *This law comes into effect on the date of promulgation.*

Legally, the decision set by the Defendant on December 14, 2018 was applied retroactively from August 31, 2014. Based on the Object of Dispute then, the consideration made by the Panel of Judges is to see whether the enforcement of the object of dispute issued by the Defendant on December 14, 2018 retroactive since August 31, 2014 has been in accordance with the applicable legal provisions. According to the provisions of Article 57 of Law Number 30 of 2014 concerning Government Administration, it is stated: "The decision takes effect on the date it is determined, unless otherwise specified in the Decree or the provisions of the laws and regulations on which the Decision is based". Furthermore, it is also mentioned under the guidelines of Law Number 30 of 2014's Article 58, Paragraph 6, Regarding Government Administration, which states: "Decisions cannot be applied retroactively, except to avoid greater losses and/or neglect of the rights of Citizens".

Based on the results of the above considerations, the panel of judges stated that the enactment of a decision must be from the date of determination or issuance of a decision, but it can be applied retroactively if there are underlying laws and regulations with the aim of avoiding increased losses and/or disregard for citizens' rights due to the enactment of the decision. Government Regulation Number 11 of 2017 concerning Civil Servant Management and Law Number 5 of 2014 concerning the State Civil Apparatus, and Articles 57 and 58 paragraph (6) of Law Number 30 of 2014 concerning Government Administration were examined by the Panel of Judges for after careful study, the Judges' Panel determined that there is no provision that requires the decision to be applied retroactively. Therefore, based on the considerations that have been made by the legal assembly, the judges' panel stated that the release of the item of dispute contains a juridical defect, therefore in accordance with Articles 57 and 58 paragraph (6) of the Law on Government Administration, the Object of Dispute must be declared null and void and must be revoked.

The panel of judges, in considering the dispute, uses all available written evidence, taking into account the relevant evidence while retaining other evidence in the case file as an integral part of the decision. (Milasari, 2023) All regulations must be based on the applicable law and obey the laws and regulations that have been implemented, so that in taking steps and actions must first obey the regulations, so as not to be wrong in taking fatal actions. In the context of the State Administrative Court (PTUN) regarding disrespectful dismissal, the principle of benefit from Imam Al-Mawardi can be applied to ensure that the judge's decision protects the public interest and justice for the individual concerned. Al-Mawardi stressed that decisions must be based on clear evidence and not prejudice individual rights without a valid basis. The theory of benefits according to Al-Mawardi emphasizes that every legal decision must consider benefits and communal justice. In the case of the PTUN, this means that the decision on dismissal must be fair, based on valid evidence, and should not be retroactive, to

ensure justice for all parties involved. According to Imam al-Mawardi, retroactive non-enforcement laws can be stopped in effective and sustainable ways. He also emphasized that retroactive law must be overcome in ways based on Islamic law and norms.

#### **IV. CONCLUSION**

Consistency with Administrative Law Principles, PTUN Decision Number 93/G/2019/PTUN-MDN correctly applies the non-retroactive principle within the context of administrative law. This principle states that regulations or policies do not apply retroactively to actions that occurred before the regulation was enacted. In this case, PTUN assessed that the dishonorable dismissal action applied to an individual should be based on the regulations in effect at the time the action was taken, not the regulations in effect afterward. This decision aligns with the principles of administrative justice that guarantee legal certainty for employees. Application of the Non-Retroactive Principle, PTUN decided that the non-retroactive principle must be applied to ensure that administrative actions, including dishonorable dismissal, do not violate the rights of individuals as established by the law at the time the action was taken. Applying this principle protects employee rights and prevents administrative actions that are unfair or violate the principle of legal certainty.

Fiqh Siyasa Perspective, From the perspective of Fiqh Siyasa, which governs public law and state administration in Islam, the PTUN decision can be considered consistent with principles of justice and legal certainty. Fiqh Siyasa emphasizes the importance of applying laws fairly and not retroactively imposing policies that could disadvantage certain parties. The application of the non-retroactive principle in this case reflects efforts to maintain justice and individual rights, in line with Fiqh Siyasa values that support the protection of public rights and fair administration. Implications for Legal Practice, The conclusion of this analysis highlights the importance of applying the non-retroactive principle in administrative decisions, especially concerning employee dismissals. PTUN Decision Number 93/G/2019/PTUN-MDN serves as an important reference in administrative law practice in Indonesia and demonstrates how legal principles can be consistently applied to ensure justice and legal certainty in public administration.

#### **REFERENCES**

- Apparatus, L. N. (n.d.).
- Arif, W. B. (2022). Analysis of the Decision of the State Administrative Court related to the cancellation of the application of Article 87 paragraph (4) of the ASN Law (Study of Decision Number: 9/G/2018/PTUN-BNA). *Journal of Legal Essence*, 25.
- Ariyanti, N. P. (2022). Application of Non-Retroactive Principles in Terrorism Crimes in Indonesia. *Journal of Pro Law*, 143.
- Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. (n.d.).
- Indonesia, M. o. (2021). *Digital Quran Online and Its Translation*.
- Mcpherson, B. (2023). Governor's Supervision of ASN Discipline at the Regional Secretariat of the Provincial Government of East Nusa Tenggara, COMSERVA, 1628. *Law Number 5 of 2014 concerning the State Civil Apparatus*.
- Milasari. (2023). Juridical Analysis of the Samarinda Ptun Decision Number 13/G/2023/PTUN. SMD (Case Study of In-Service Dismissal. *Justiqa*, 50.
- Nurhafni, P. (2023). Juridical Review of the Dismissal of Civil Servants Who Commit Disciplinary Violations (Research Study at the Office of the Human Resources Development Personnel Agency in the Tebing Tinggi City Government). *Faculty of Master of Law, Islamic University of North Sumatra*.
- Refvita, R. (2023). A Review of Fiqh Siyasa Tanfidziyah on the Implementation of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline (Study at the North Lampung Regency Education Office). *Faculty of Sharia, Raden Intan State Islamic University, Lampung*, 6.
- Zahra, B. A. (2023). Decision to Dismiss Civil Servants Without Respect in the Administrative Court Based on Indonesia's Positive Law (Case Study of Supreme Court Decision No. 41G/2019/PTUN-Pbr). *POSITUM Law Journal*, 202-204.