



Exemption from the position of Head of the Health Office by the Regent of Deli Serdang (Study of the Decision of the State Administrative Court Number 38/G/2023/PTUN. MDN Siyasaḥ Qadhā'iyyah Perspective)

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Abstract- In this study, the state administrative Court's (PTUN) Decision Number 38/G/2023/PTUN.MDN is analyzed which is related to the dismissal of the Head of the Deli Serdang Health Office by the Regent. The main issue raised is the legality of the dismissal from the perspective of administrative law and the principles of *siyāsaḥ qadhā'iyyah*. This research employs a library research method aimed at collecting and analyzing data from various literature sources, including books, journals, legislation, and relevant court decisions. The research methodology consists of several main approaches, namely normative juridical studies, legislative approach, conceptual approach, and case approach. The key findings indicate that although the Regent has the authority to impose disciplinary sanctions, the dismissal decision did not meet the proper procedural standards. The court found that the decision was procedurally flawed and unsupported by sufficient evidence. Additionally, the Regent was deemed unjust for not providing adequate explanation regarding the alleged violations committed by the Plaintiff and appeared to favor other officials involved in similar violations. The conclusion of this research emphasizes the importance of justice, transparency, and adherence to legal procedures in administrative decision-making. The PTUN ruled in favor of the Plaintiff, annulled the Regent's decision, and reinstated the Plaintiff to their previous position. This ruling reflects the principles of accountability and justice in public service, which must be upheld in governance.

Keywords: Release from Office, Judge's Consideration, Siyasaḥ Qadhā'iyyah

I. INTRODUCTION

One of the cornerstones of contemporary governance is the idea of the rule of law. Government authority is constrained by law in a state where the rule of law prevails, and public servant decisions must always be grounded in the text of the law. Through autonomous legal institutions, the rule of law preserves the idea of justice and protects citizens' rights. Adhering to this idea, Indonesia has developed a legal system that fulfills the mission of the 1945 Constitution (UUD 1945). Indonesia uses a pluralistic legal system that combines several legal frameworks, including Islamic law, customary law, and national law based on legislation. Indonesia's national legal system covers various aspects, including governance, which provides the legal framework for state administration and the execution of public officials' duties.

Basically, the goal of nation building is to ensure the welfare of everyone. This is mentioned In 1945, the Preamble of the Constitution of the Unitary State of the Republic of Indonesia stated that the goal was to establish a government of the State of Indonesia that

would safeguard the country as a whole, prevent further bloodshed, advance general welfare, educate the populace, and take part in the establishment of a global order founded on social justice, independence, and perpetual peace (Moonti, 2019). As a nation of laws, Indonesia has a strong legal system that allows it to respect the judicial power of laws and regulations. In accordance with Article 24 paragraph (1) of the Republic of Indonesia's 1945 Constitution, the judicial power is an autonomous authority that manages the judiciary with the goal of preserving law and justice.

Law Number 48 of 2009 Concerning Judicial Power's Article 25 governs the judiciary's environmental competence. 12. Religious justice is to investigate, determine, and resolve disputes amongst Muslims; 3. General justice is to review, decide, and settle criminal and civil issues. Cases involving military offenses are to be investigated, decided, and resolved by military courts; 4). State administrative disputes must be investigated, decided, and settled by the state administrative court. The state administrative court system is governed as a subsystem of the nation's judicial system by The State Administrative Court was established by Law of the Republic of Indonesia Number 5 of 1986; this law was last amended by Law of the Republic of Indonesia Number 51 of 2009, which was created as a second amendment to the original law (UU Peratun). The State Administrative Court's (PTUN) jurisdiction to look into, decide, and resolve state administrative issues is outlined in Article 47 of that statute.

The competency or authority to adjudicate refers to the court's capacity to accept, consider, and determine how to resolve the case that has been presented to it. (Wahyunadi, 2016). State Administrative conflicts are the consequence of state administrative decisions, including personnel conflicts based on applicable laws and regulations, being recorded under civil law with central and regional state administrative officers or entities. The State Civil Apparatus, also known as Civil Servant Disputes (PNS), is one of the most well-known instances of state civil service disputes in Indonesia. The State Civil Apparatus is defined as a career for government workers and federal servants with a work agreement and are employed by government agencies in Law Number 5 of 2014. In order to accomplish national objectives, civil servants (PNS) hold a crucial position in both government and development.

The goal of our country, as outlined in the 1945 Constitution, is to protect all citizens and all regions of Indonesia as outlined in the 1945 Constitution, is to protect all citizens and all regions of Indonesia. The goal of national development is to create a healthy and prosperous society externally and internally based on Pancasila in the territory of the Republic of Indonesia. The State Apparatus, which is essentially dependent on the excellence of civil servants as part of the State Apparatus, is the primary factor determining the smooth operation of government and the advancement of the nation (Anggara, 2018). In relation to employees, Pratisto Prawotosoediro stated that: throughout history, the position and role of civil servants are very important and decisive because civil servants are government implementing apparatus to organize government and launch development in order to achieve their respective goals.

Based on this, it is clear that every civil servant is obliged to establish a clean, strong, authoritative government. The establishment of an orderly and powerful administration starts with the enforcement of discipline, especially Civil Servants. In carrying out government duties, development management and public services, Civil Servants as bureaucratic apparatus are always regulated by a number of obligations, prohibitions and personnel sanctions called Civil Servant discipline. The Civil Servant Discipline Code is a provision that regulates obligations, prohibitions, and sanctions if the obligations of civil servants are not obeyed or violated. When it comes to retraining and mentoring civil servants, sanctions will be imposed in the form of disciplinary actions against those who violate obligations and prohibitions.

Strengthen the civil servants' discipline, the Indonesia government has actually issued Civil Servant Discipline Regulation Number 94 of 2021 issued by the Government. Officers will face disciplinary action in line with the Article if they break the Disciplinary Law. The disciplinary action must be carried out in accordance with the criteria of the relevant rules and legislation as well as the principles of good governance, even when it is the outcome of an

employee's disciplinary infraction. Disciplinary sanctions consider that the sanctions imposed are in violation of the relevant laws and guidelines or are abuses of power or arbitrary actions and violate the general principles of good governance, so that Civil Servants have the legal right to take legal remedies Article 53 paragraph 1 of Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 establishing the State Administrative Court specifies that the following applies to the presence of legal remedies in settling personnel disputes: A party seeking compensation and/or rehabilitation, along with a written lawsuit demanding that the contested State administrative decision be declared null and void, may be filed with the appropriate court by any individual or civil legal entity whose interests have been harmed by a State administrative decision.

This research began with a case that was factually experienced by Dr. Ade Budi Krista as the Plaintiff, an Indonesian citizen, a resident of the Griya Marelán Complex Phase 3 Orchid Block D-02 Ward 26. The defendant, Rengas Pulau Village, Medan Marelán District, Medan City, North Sumatra Province, was found guilty of a severe disciplinary offense that included being demoted from their position as the head of the Deli Serdang Regency Health Office and placed in an execution position for a period of twelve months. Reviewing the PTUN Decision Number 38/G/2023/PTUN. MDN, the release of Dr. Ade Budi Krista as the Plaintiff is indicated in the Regent of Deli Serdang Number 51 of 2023 regarding the Imposition of Head of the Deli Serdang Regency Health Office to the Executive Position for 12 (twelve) months.

In the Decision, the Regent of Deli Serdang as the Defendant imposed a Severe Disciplinary Penalty without providing an explanation of what kind of violation was committed by the Plaintiff, even though the Plaintiff himself during his tenure as the Head of the Deli Serdang Regency Health Office had carried out his main duties, functions and authorities in accordance with procedures and provided good achievements within the Deli Serdang Regency Health Office. If examined more deeply in the Medan PTUN Decision Number 38/G/2023/PTUN/MDN, the Plaintiff explained that indeed in the Decree of the Regent of Deli Serdang Number 51 of 2023, it is true that the Regent of Deli Serdang did not provide an explanation of what kind of violation was committed by the Plaintiff, based on the PTUN Decision Number 38/G/2023/PTUN. MDN on the basic point of the reason for the lawsuit page 14 Number 17.

On January 18, 2023, the Plaintiff sent a letter to the Defendant to object to the request for justice, related to the imposition of a severe penalty to the Plaintiff, because it is suspected that he has quoted the head of the temporary health center head who has only been in office for 1 (one) month is suspected of having made illegal quotations/levies to the head of the health center but the Defendant did not respond and also did not take action enforcement of discipline as given to the plaintiff, even though the facts are clear and can be legally responsible, from this it can be concluded that the Defendant did indeed deliberately impose severe disciplinary punishment on the plaintiff (legally defective) from a decision and/or action of the Defendant that was very detrimental to the Plaintiff without knowing what violations the Plaintiff had committed so that the Defendant acted arbitrarily can also be interpreted using authority (right and power to act) beyond what should be done so that the action in question is contrary to the provisions and applicable laws

regulations that on the same page Number 18 explained that on January 20, 2023 the inspector issued a summons to the Acting Head of the Health Office to present all 34 (thirty-four) heads of health centers to be examined in the ranks of the Deli Serdang Regency Health Office to be examined related to the quotation made by the Acting Head of the Health Office, but until this lawsuit was filed, the examination had never been carried out by the Defendant. Based on the Statement in the Basis of Reasons for Lawsuit that has been presented by the Plaintiff in PTUN Decision Number 38/G/2023/PTUN/MDN, the defendant's actions are considered (legally flawed) from a decision and actions of the Defendant that are very detrimental to the Plaintiff without knowing what violations the Plaintiff has committed and related to the alleged illegal levies accused to the Plaintiff while the Acting Head of the Health Office who has only been in office for 1 month is suspected of illegal quotations/levies but the

defendant did not respond at all and did not take disciplinary enforcement actions as given to the Plaintiff.

Concluded that the Defendant has acted arbitrarily to the Plaintiff by using his rights and powers has acted beyond what should be done so that it is considered contrary to the terms of the relevant laws and regulations as well as the General Principles of Good Governance, or AAUPB. This is particularly evident in Article 10 paragraph (1) letter d of the Government Administration Law, which declares that no official or government body. In particular, this concept prohibits misusing, misleading, or surpassing power. (1) The following tenets comprise the AUPB mentioned in this Law: legal clarity, practicality, objectivity, caution, non-abuse of power, transparency, public interest, and good service, among others.

As explained by Ridwan HR in his book entitled *State Administration Law, Revised Edition*, Jakarta: Rajawali Press, 2011, on pages 248-249 mentions the principle of not mixing authority. In the principle of not mixing authority, it is required that government officials do not use their authority for purposes other than those that have been specified in the applicable regulations or use their authority beyond the limit. Therefore, in accordance with Article 53 paragraph (1) of Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning the State Administrative Court, it has an interest to file a lawsuit to the Medan State Administrative Court to declare it null or void and rehabilitate its position and dignity. In this study, if it is related from an Islamic perspective, it is very important to involve *fiqh siyasah*. Because it is based on *fiqh siyasah* examines the relationship between the government and its people to strive to create common prosperity and prosperity (Iqbal, 2014).

According to Imam al-Mawardi in his book entitled *al-Ahkam al-Sulthaniyyah*, the scope of the study of *fiqh siyasah* includes government policies on *siyasah dusturiyah* (laws and regulations), *siyasah maliyyah* (economy and monetary), *siyasah qadha'iyyah* (judiciary), *siyasah harbiyyah* (law of war) and *siyasah 'idariyah* (state administration) (Efrinaldi, 2007). Of these several parts of *fiqh siyasah*, *Siyasah Qadhaiyyah* is a *siyasah* related to government policies regarding the judiciary to realize prosperity, order, and justice in society in accordance with Islamic law. Policies made by judicial institutions that certainly have an impact on the community or the parties to the dispute. Thus, as explained above in the context of the dismissal of office carried out by the Plaintiff, this case is included in the classification of *siyasah qadhaiyyah*, which includes legal and judicial aspects in the dismissal process.

Imam Al-Mawardi explained in his book *al-Ahkam al-Sulthaniyyah* about the concept of ideal leadership, that a leader or government official must act fairly in leading a country (Mawardi, 2014), both in terms of deeds, words, or decisions by not siding with one party that can harm the other, and taking decisions based on Islamic shari'ahs, namely by not contradicting the Islamic Shari'ahs. human values in order to create justice, fame and welfare for the people. Based on this, if it is related to the PTUN case that the author has explained above, it is clear that the Defendant as the Regent of Deli Serdang is considered arbitrary and unfair to the Plaintiff as the Head of the Deli Serdang Regency Health Office because he has dismissed the Plaintiff without providing an explanation of what kind of violation has been committed by the Plaintiff.

The Defendant did not explain what violations the Plaintiff committed in the Regent Decree Number 51 of 2023 regarding the dismissal or dismissal of the position. Regarding the allegation of illegal levies committed by the Plaintiff, it is also considered that the Defendant has been arbitrary because there are other people/ government officials who have been demonstrated to have committed the illegal collection, but the Defendant has not imposed any Disciplinary Punishment on him at all. This is also explained by Ibn Taymiyyah about fair leadership, that a leader must be fair to his people, impartial, and enforce the law objectively, he also said that a leader must have intellectual ability to make a decision wisely.

Considering the viewpoint of Ibn Taymiyyah, of course, it is in line with the opinion of Imam al-Mawardi, that a leader must be fair and wise to all his people by not taking sides with one party that can harm the other, especially in terms of taking a decision in order to create harmony and order in a country. As explained in Surah An-Nisa verse 58 which reads:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

It means: Indeed, Allah tells you to convey the mandate to the owner. If you establish a law among men, you must establish it justly. Indeed, Allah is the Hearer and the Seeing.

Based on the observations that the author has explained above, the author is interested in writing a book entitled: Exemption from The Position of Head of The Health Office By The Regent Of Deli Serdang (Study Of Ptun Decision Number 38/G/2023/Ptun. Mdn Perspective Siyasah Qadhaiyyah) in which the author will analyze how the Judge's Consideration of Exemption from the position of Head of the Deli Serdang Regency Health Office in the PTUN Decision Number 38/G/2023/PTUN. MDN and analyzed Siyasah Qadhaiyyah's review related to the PTUN Decision Number 38/G/PTUN. MDN.

II. METHOD

In order to collect and evaluate data from a variety of literature sources, such as books and journals, this study uses a library research methodology, legislation, and relevant court rulings. The research methodology is structured around several key approaches, namely normative juridical study, legislative approach, conceptual approach, and case approach. (Marzuki, 2017). Normative Juridical Study The normative juridical approach focuses on the applicable legal rules, including laws, legal doctrines, and principles applied within a specific legal system. In this study, the normative juridical approach is applied to analyze the legal framework governing the appointment and dismissal of public officials, particularly the Head of the Health Office, and how these decisions align with the principles of the rule of law. Various regulations, such as the Law on Regional Government, Government Regulations on Civil Service Management, and other relevant regulations, are subject to analysis in this approach.

Legislative Approach The legislative approach emphasizes the analysis of existing laws and regulations. In the context of this research, this approach is used to examine in depth the legislation underlying the administrative action taken by the Regent of Deli Serdang in dismissing the Head of the Health Office. This study analyzes the compliance of this action with the provisions of Law No. 5 of 2014 on Civil Servants (ASN), as well as other regulations governing the management of public officials at the regional level. (Ali, 2013). **Conceptual Approach** The conceptual approach is used to understand legal and governance concepts relevant to the issue being studied. In this study, the concept of siyasah qadhaiyyah serves as the central analytical framework linking Islamic legal theory to modern legal practices in Indonesia. This approach explains how the concepts of justice, public welfare, and legal compliance within siyasah qadhaiyyah can be applied in the context of the dismissal of public officials by local governments, and its relevance to the rule of law principles in Indonesia.

Case Approach The case approach is applied by directly analyzing the Administrative Court Decision (PTUN) Number 38/G/2023/PTUN.MDN, which is the main object of this study. Through this approach, the research delves into the facts revealed during the trial, the legal basis used by the parties, and the legal considerations of the judges in reaching their decision. This approach allows for a more detailed analysis of the application of law in a specific context, namely the dismissal of the Head of the Health Office by the Regent of Deli Serdang.

III. RESULT AND DISCUSSION

1. Judge's Consideration in the Decision of the PTUN No. 38/G/2023.PTUN. MDN

In Indonesia, the State Administrative Court is one of the legal authorities that handles conflicts between the populace and state administrative entities or officials. The State Administrative Court functions as legal protection for the disadvantaged community due to the issuance of decisions of State Administrative Officials. Through the State Administrative Judicial Institution, the people who are harmed by the determination of State Administrative Officials can request Legal Protection through the State Administrative Judicial Institution as

stipulated in Article 1 point 4 of the State Administrative Judicial Law. Disagreements can emerge between people working in state government or state administrative agencies or officials at the federal, regional, and local levels as well as civil legal organizations of the issuing of state administrative decisions are known as state administrative disputes, including personnel disputes based on applicable laws and regulations, (Ahmad Dahlan Hasibuan, 2013).

The State Administrative Decree pertaining to Government Administration, as stipulated in Law Number 30 of 2014, is a documented decision that incorporates factual activities. contains state administrative legal acts and is published by state-affiliated organizations or individuals in the legislative, state administrators, including the judicial, executive, and others; based on the AUPB (General Principles of Good Governance) and applicable laws and regulations; In a wide sense, it is concrete, unique, and definitive; Possibility of legal repercussions; this pertains to community members. Since civil servants, who are an integral part of the state apparatus, are largely responsible for the efficient running of government and the advancement of the nation, which primarily depends on the perfection of Civil Servants (PNS) as part of the State Civil Apparatus, the state machinery, or what is known as Civil Servants, has a strategic position in government and national development in order to achieve the goals of the State. (MD, 2012).

The law No. 8 of 1974, Article 35 concerning Personnel Principles, regulates personnel disputes, stating that they must be settled through the legal system. This is done through the State Administrative Court, Law No. 51 of 2009, which is the Second Amendment to Law No. 5 of 1986, which is about the State Administrative Court, and Government Regulation No. 53 of 2010 concerning Civil Servant Discipline. One category of State Administrative Disputes (TUN) is personnel disputes, and the State Administrative Court (PERATUN) is responsible for making decisions and rendering judgments in the area of personnel. Judges in their state officials are given the authority to resolve cases related to disputes between parties, especially personnel disputes. The judge also has the authority to provide explanations related to legal efforts and evidence so that the examination can run smoothly in accordance with the verdict as it should be (M. Nasir, 2003). Before reaching a decision, the Judge first provides the basis for the reasons or legal considerations on which to arrive at the verdict. According to the outcomes of the research conducted by the author in Decision Number: 38/G/2023/PTU-MDN as follows:

Starting from a legal event, namely the occurrence of an administrative dispute over the issuance of the Decree of the Regent of Deli Serdang Number 51 of 2023 concerning the Imposition of Severe Disciplinary Punishment in the form of Exemption from the Position of Head of the Deli Serdang Regency Health Office to an Executive Position for 12 (twelve) Months on behalf of dr. Ade Budi Krista on January 11, 2023 where he objected and was very disadvantaged by the Decree. Then the Defendant as the Regent of Deli Serdang did not provide explanations and legal reasons and considerations without waiting for the end of the Plaintiff's tenure, so that the plaintiff could no longer continue the work program that had been prepared for the benefit of the community, therefore based on the dispute's object issued, it had polluted the work program that had been good and the good name of the plaintiff had now become bad in the community as the Head of the Service Health of Deli Serdang Regency, so that the plaintiff could not carry out his duties and there were allegations given to the plaintiff that he had made a citation against the health center addressed to the plaintiff after the contentious item was published.

According to paragraph 53 of Article 53 (1) of Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning the State Administrative Court, Dr. Ade Budi Krista has the interest to file a lawsuit to the Semarang State Administrative Court to declare the administrative decision of the object of dispute issued by the Governor of Central Java to be declared null or invalid and to rehabilitate the position and dignity as before. Dr. Ade Budi Krista began to serve as a Civil Servant in 2003 in the rank of Junior Administrator Tk. I group III/b, work unit of the Puskesmas Kota Datar Kec. The silver expanse of the Deli

Serdang Regency health office after that he was appointed as the Head of the Deli Serdang Regency Health Office since February 14, 2019. During his tenure as head of the health office, he has also carried out all his duties and responsibilities and obeyed the applicable rules and regulations and has never received disciplinary punishments and reprimands for his performance, even he received many awards when he served as the head of the health office. Until December 14, 2022, the Defendant issued Decree Number 780 of 2022 concerning .

Temporary Exemption from his office duties without any written summons received or submitted by the defendant to the plaintiff, and at the same time the defendant also issued a warrant for the execution of duties number 875.1/4491 to dr. Hanip Fahri, MM, M. Ked (KJ), Sp. KJ selaku. Acting Head of the Deli Serdang Regency Health Office. Furthermore, on December 26, 2022, the plaintiff was summoned by the defendant to be examined, but before the examination was carried out, the defendant actually offered the plaintiff not to conduct an examination if the plaintiff was willing to move out of the Deli Serdang Regency area, but the plaintiff refused because it was not clear what the basis was and also the plaintiff wanted to prove what serious disciplinary violations had been committed so that he was sentenced to temporary exemption from the duties of his position.

The plaintiff was also sent a letter by the defendant on January 11th, which including the Deli Serdang Regent's Decree No. 51 of 2023 regarding the imposition of severe disciplinary punishment in the form of a 12-month (twelve-month) exemption from the position of Head of the Deli Serdang Regency Health Office to an executive position. After that, on January 18, 2023, the Plaintiff submitted a Letter of Objection requesting a letter to the defendant to object and ask for justice, related to the imposition of severe disciplinary penalties on the plaintiff, because it is suspected that he has made a citation to the head of the temporary health center while the Acting Head of the Health Office who has only been in office for 1 (one) month is suspected of having made illegal quotations/levies to the head of the health center but the defendant did not respond and also did not take action Enforcement of discipline as given to the plaintiff, even though it is clear the facts and can be legally accounted for.

Even though it is clear that the facts are clear and can be accounted for legally, from this it can be concluded that the defendant did indeed deliberately impose a severe disciplinary penalty on the plaintiff (legally defective) from a decision and or the defendant's actions that are very detrimental to the plaintiff without knowing what violations the Plaintiff has committed so that the Defendant acts arbitrarily can also be interpreted as using authority (right and power to act) in excess of what which should be done so that the action in question is in violation of the clauses and relevant legislation and rules. Then on January 20, 2023, the inspector issued a summons to the Acting Head of the Health Office to present all 34 (thirty-four) heads of health centers to be examined in the ranks of the Deli Serdang Regency Health Office for an examination related to the citation made by the Acting Head of the Health Office, but until this lawsuit was filed, the examination was never carried out by the defendant.

On January 31, 2023, with the Regent's Decree Number 108 of 2023 which contains about the plaintiff being transferred by the defendant as an employee to the expert staff in the field of community affairs and human resources in Deli Serdang Regency. In terms of the authority of the PTUN, it can have two competencies that can be distinguished from relative and complete proficiency. While absolute competence refers to the PTUN's capacity to investigate, rule on, to settle conflicts pertaining to State Administration, relative expertise in this context refers to the court's authority based on its jurisdiction. (Heriyanto, 2018). The Court's Absolute Authority regarding Administrative Efforts that the Plaintiff postulates that after receiving the Object of Dispute, the plaintiff submits an Administrative Objection Attempt to the defendant on January 18, 2023 but the Administrative Objection submitted by the plaintiff is not answered by the defendant and because it is not answered or responded to, the plaintiff files a lawsuit to the Court on the plaintiff's postulation.

This is in accordance with PERMA No. 6 of 2018), based on the provisions of Article 1 number 16, Article 75, Article 76 of the AP Law mentioned above, only can a lawsuit be filed to the Court, if the disputed issue (in this case the Object of Dispute) by the concerned (the

Plaintiff) has first taken/used all efforts to resolve within the Government itself (Internal Settlement) through Administrative Efforts which are cumulative in the forum Dispute Administrative to the Officer who issued the Decision and Appeal to the superior Officer who made the determination. Regarding the provisions of the Administrative Appeal as stipulated in article 129 paragraph 4 of Law Number 5 of 2014 because it has not been regulated in a government regulation that specifically regulates the provisions of the Administrative Appeal, especially the establishment and granting of authority to the ASN Advisory Board so that the plaintiff does not send a request for an administrative appeal to the ASN Advisory Board because the ASN Advisory Board has not been formed until the lawsuit is submitted to the Medan State Administrative Court.

It is abundantly evident from the above description that the defendant's actions are deemed to be contrary to the fundamental tenets of effective government (AAUPB), specifically the principle of not abusing authority, which requires any organization or government representative to refrain from using their authority for purposes other than those intended when they were granted it, including but not limited to exceeding, abusing, and/or confusing authority, as stated in the An explanation of government administration law of Article 10 paragraph (1) letter d : (1) The AUPB referred to in this Law includes the Principles: a. legal certainty, b. utility, c. impartiality, d. prudence, e. Not abusing authority, f. Openness, g. Public interest and, h. Good service. The defendant is considered to have violated the Principles of Justice and Fairness, namely requiring state administrative bodies or officials to pay attention to aspects of justice and fairness in each of their actions. The principle of Justice is action in a proportional, appropriate, balanced and in accordance with the rights of each person. Meanwhile, the principle of fairness emphasizes that every government activity must pay attention to the values that apply in society such as religion, morals, customs, and other values.

As also emphasized in Article 53 paragraph (1) of Law No. 9 of 2004 which states that: It is appropriate that this lawsuit be submitted to the Medan State Administrative Court and request the Panel of Judges of the Medan State Administrative Court to declare the Defendant's decision null or void, oblige the Defendant to revoke the Decree of the object of dispute, and restore the original dignity position. A person or a civil legal entity whose interests are harmed by a State Administrative Decision may file a written lawsuit to the competent Court containing a demand that the disputed State Administrative Decision be declared null or invalid, with or without being accompanied by a claim for compensation and/or rehabilitation. This lawsuit was filed by the Plaintiff because it has fulfilled the provisions of the Article on the State Administrative Court. Based on the explanation that the author has explained above, the panel of judges will examine the issuance of the object of dispute from the side of administrative law, namely whether the issuance of the object of dispute in the aspect of authority, substance aspect and procedural aspect is in accordance with the relevant laws and rules and does not run counter to the fundamental ideas of sound governance with regard to the following legal issues.

Deadline for filing a lawsuit

On January 11, 2023, the defendant issued the plaintiff received or became aware of the topic of the disagreement on the same day and delivered it straight to the Deli Serdang Regency Health Office. That based on the Procedures for Handling Administrative Conflicts in the Government After Administrative Attempts related to Article 5 paragraph (1) of Supreme Court Regulation Number 6 of 2018, which says what follows: "The deadline for filing a lawsuit in court is calculated as 90 (ninety) days from the time the decision on administrative efforts is received by citizens or announced by government administrative agencies and/or officials who handle the settlement of administrative efforts". That based on the above article, on January 18, 2023 the plaintiff had submitted an objection to the object of dispute to the Regent of Deli Serdang but there was no answer or response, therefore the lawsuit filed was still within the grace period.

Testing from the aspect of authority to issue decisions.

The judge considered that in Article 1 numbers 2 and 3 of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline it states that: (2) An official with the power to decide how State Civil Apparatus Employees are appointed, transferred, and fired as well as how State Civil Apparatus Management is developed in government agencies in compliance with legal and regulatory requirements is known as a Personnel Supervisory Officer; (3) Officials with the authority to apply disciplinary sanctions to civil workers who violate policies are known as punishing authorized officials.

Considering that based on the provisions of Article 16 letter b and Article 18 paragraph (3) letter a of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline, it is stated that Article 16 of the Officials with the Competence to Punish consists of: b. Personnel Supervisory Officials; and Article 18 (3) of the Regency/City Regional Agency Personnel Supervisory Officer stipulates the defendant's actions are followed by the provisions of Article 16 letter b and Article 18 paragraph (3) letter an of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline, which state that the Personnel Supervisory Officer (PPK) of the Regency/City Regional Agency specifies the imposition of Disciplinary Punishment for Primary High Leadership Officials in their environment for the type of Disciplinary Punishment as referred to in Article 8 paragraph (2), paragraph (3), and paragraph (4). This is based on the legal facts.

In accordance with the authority he has, because the authority to impose disciplinary punishment on the plaintiff as the Primary High Leadership Officer Head of the Health Office within the Deli Serdang Regency Government is the Regent of Deli Serdang as the Personnel Supervisory Officer (PPK) in Deli Serdang Regency. Testing of the Substance Aspect of the issue of the object of dispute, the judge considered that by observing the decision of the object of dispute, the court found the legal fact that the Plaintiff was sentenced to Severe Disciplinary Punishment in the form of Exemption from the Position of Head of the Deli Serdang Regency Health Office to the Executive Position for 12 (twelve) months in the name of Dr. Ade Budi Krista. So in that case, the judge considers based on the provisions of Article 8, namely Article 8 Paragraph 1 letter c and Paragraph 4 letter b of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline stated that: Article 8 (1) Legal Level of Discipline Consists of: c. Strict disciplinary action (4) Types of Severe Disciplinary Punishment as referred to in paragraph (1) letter c includes: b. exemption from his position to the Executive Position for 12 (twelve) months.

Based on the aforementioned Regulation Number 94 of 2021 provisions, the judge evaluated the evidence presented by both the plaintiff and the defendant and connected it to Civil Servant Discipline Regulation Number 94 of 2021, Article 8. The court held that the issuance of the object of dispute aquo was, therefore, in accordance with the following provisions: specifically, the process of imposing a Severe Disciplinary Penalty on the Plaintiff was guided by Civil servant discipline is governed by Government Regulation Number 94 of 2021, Article 8 paragraph (4) Letter b, and by Regulation of the Head of the State Civil Service Agency Number 6 of 2022, Article 8 paragraph (4) b, which implements the regulations of Government Regulation Number 94 of 2021, Civil Servant Discipline. The relevant legal statutes are therefore in force in this instance. testing from the point of view of the publication of the contentious object in terms of procedure.

In examining whether the procedural aspects of the issuance of the object of dispute that have been described above, the panel of judges considered it in Article 31 of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline which states: (1) In order to facilitate the examination process, civil servants who are suspected of violating disciplinary laws and who could face harsh punishments from their employers could be temporarily removed from their positions by their immediate superiors while the investigation is ongoing;

(2) Temporary exemption from his or her duties as intended in paragraph (1) is valid until the determination of the Disciplinary Punishment decision; (3) A daily executive officer is appointed so long as the civil servant as specified in paragraph (1) is momentarily relieved of their responsibilities;

(4) Civil servants nevertheless have been, as stated in paragraph (1), temporarily released from their obligations, but who nevertheless enjoy their civil rights in compliance with applicable laws and regulations. The Court believes that the temporary exemption from the post is only temporary and not final, hence the appointed officials are also daily implementing officials in accordance with Article 31 of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. Considering, that The Daily Executor (Plh) is an official who performs the routine duties of a definitive official who is temporarily impable, while the Acting Officer (Plt) is an official who performs the routine duties of a definitive official who is permanently impable, according to the provisions of Article 14 paragraph (2) of Law Number 30 of 2014 concerning State Administration. Based on the evaluation of the evidence provided by the parties' letters, the Court found a legal fact in which the Regent of Deli Serdang On December 14, 2022, the Defendant sent Dr. Ade Budi Krista in casu Plaintiff a Decree of the Regent of Deli Serdang Number 780 of 2022 pertaining to a temporary exemption from his positional obligations.

Considering, that by considering the legal facts mentioned above, in connection with outlined in the provisions of Article 31 paragraphs (1) and (3) of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline and the provisions of Article 14 paragraph (2) of Law Number 30 of 2014 concerning State Administration, the Court believes that the Defendant's actions in designating the Acting Head of the Deli Serdang Regency Health Office are not compliant with or fulfill the requirements of the procedures and stages outlined in the provisions of Article 31 paragraphs (3), which stipulate that a daily executive officer is appointed in the event that the civil servant mentioned in paragraph (1) is temporarily relieved of his duties, so that from the standpoint of the process for issuing the document of Taking into account that the Defendant's action of appointing an acting official can be justified if the Plaintiff's disciplinary decision has been determined, in accordance with the provisions of Article 31 paragraph (1) and paragraph (3) of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline.

However, prior to the Plaintiff's disciplinary decision being determined, the Defendant must appoint a daily implementing official to perform the functions of the Head of the Deli Serdang Regency Health Office. Taking into account the following clauses from Government Regulation Number 94 of 2021's Article 32, Paragraphs 1 and 3, regarding Civil Servant Discipline: Article 32 (1) The minutes of the examination as intended in Article 27 paragraph (2) must be signed by the examining official and the civil servant who is examined in person or virtually; (3) Civil servants who are examined are entitled to a copy of the inspection minutes as intended in paragraph (1). Considering that the aforementioned provisions require the inspecting official or the examining team and the inspected civil servant is required to sign the Examination Minutes, where later the Examination Minutes must also be given a copy to the inspected civil servants. That during the trial process and in the examination of the evidence of letters or witness statements submitted by the parties, especially the Defendant, is associated with the provisions of Article 32 paragraph (3) of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline, there is no evidence to show that a copy of the Examination Report has been given to the Prosecutor as the civil servant being examined.

The Court concluded, based on these legal facts, that the object of dispute, which was issued on January 11, 2023, in the form of the Regent of Deli Serdang Number 51 of 2023 concerning the Imposition of Severe Disciplinary Punishment in the Form of Exemption from the Position of Head of the Deli Serdang Regency Health Office to the Executive Position for 12 (twelve) Months in the name of Dr. Ade Budi Krista, did not follow the steps and procedures outlined in the relevant legal provisions. As a result, the object of dispute was deemed inappropriate and violated pertinent laws and regulations. Taking into account that in light of the inspection.

Considerations mentioned above, the object of dispute issued by the Defendant is procedurally flawed. Thus, taking into account all relevant legal provisions, laws and regulations, and Law No. 5 of 1986 concerning the State Administrative Court as well as its

numerous amendments, most notably Judges decided to grant the plaintiff's lawsuit in its entirety, declaring the Regent of Deli Serdang Number 51 of 2023's decree regarding the imposition of severe disciplinary punishment in the form of exemption from the position void. Law No. 51 of 2009 concerning the Second Amendment to Law No. 5 of 1986 concerning the State Administrative Court. Head of the Deli Serdang Regency Health Office to the Executive Position for 12 (twelve) Months on behalf of Dr. Ade Budi Krista dated January 11, 2023, Demanding that the Defendant withdraw the Deli Serdang Regent's Decree Number 51 of 2023 about the Imposition of Severe Disciplinary Punishment in the Form of Removal from the Office of the Head of the Regency Health Office Becoming an Executing Position for 12 (twelve) months in the name of Dr. Ade Budi Krista on January 11, 2023, Requiring the Defendant to rehabilitate the Plaintiff's position of dignity and dignity in his original position or at the same level as the position.

2. Siyāsah Qadhaiyyah's Review of the PTUN Decision No. 38/G/2023/Ptun.MDN

Siyāsah qadḥā'iyyah is a combination of two words, namely *siyāsah* and *qadḥā'iyyah*. The word *siyāsah*, etymologically comes from the Arabic word – *ساسة-سياسة-يسوس*. This word means to regulate, manage, control or make a decision (Djazuli, 2003). *Siyāsah* can also be interpreted as politics or government (Ramadan, 2019). Meanwhile, in *siyāsah* terminology is to organize or lead that leads to a benefit (goodness). According to Ibn Qayyim as quoted from Ibn 'Aqil. *Siyāsah* is an act that can bring people close to the benefit and avoid harm even though the Messenger did not set it and Allah SWT did not determine it. From some of the definitions above, conclusions can be drawn. *Siyāsah* is a set of rules set by the government, to regulate human life in the state. Thus, it is hoped that benefits can be created for humans themselves (Iqbal, 2014).

Then, the word *qadḥā'iyyah* linguistically comes from the word *qadḥā'* which means break or finish (Madkur, 1993). The word *qadḥā'* also means to complete, fulfill and decide the law. Meanwhile, for the person who establishes or decides the law, it is referred to as *qāḍi* (judge) (Shidieqy, 2001). In terms of *qadḥā'* is to decide a dispute between two people who are in disagreement by using the law of Allah. Meanwhile, Scholars define *qadḥā'* as the judiciary, or legal establishment. (Shidieqy, 1997). *Siyāsah* and *al-qadḥā'iyyah* are two notions that are included in the framework of Islamic law. The two terms are combined to create a new phrase called *siyāsah qadḥā'iyyah*. A requirement that has been prescribed in Islam to perform judicial tasks is known as *siyāsah qadḥā'iyyah*.

Based on the meaning of each of the above terminology, it can be concluded that *siyāsah qadḥā'iyyah* is the arrangement of the affairs of the ummah in the state through the judicial (judicial) institutional process. *Siyāsah qadḥā'iyyah*, specifically discusses the judiciary for violations of laws and regulations that have been made or stipulated by the legislature (*tasyrī'iyah*) (Zada, 2018). The concept of *Siyāsah Qadhaiyyah* is basically a judicial institution that has the task of resolving disputes over violations of the law between citizens and other communities or between the community and legal entities of legal officials who are determined/decided to achieve justice, truth, order, harm, and legal certainty based on Islamic law.

Broadly speaking, the judiciary (*qadḥā'iyyah*) in the Islamic constitutional system can be divided into three domains as follows:

1. Wilāyah al-qadḥā'

The Al-qadha area is one of the judicial institutions that serves to settle conflicts or issues that arise between neighbors, both regarding criminal matters and civil matters, where a person who has the right is called the plaintiff as the prosecutor, and the defendant as the party being sued.

2. Wilāyah al-ḥisbah

Wilāyah al-ḥisbah is one of the judicial institutions tasked with handling various cases of moral violations, related to the implementation of amar makruf nahi mungkar (Iqbal, 2014). Imam al-Mawardi gave the definition of ḥisbah as telling goodness if it is proven that many good things have been abandoned and preventing evil if it is proven that many evils have been committed (Mawardi, 2014). Qadha' al-ḥisbah is a court that does not require a court or a court that adjudicates outside the court because of a violation, not because of the prosecution and demands, as Ibn Taymiyah said that which is not within the authority of ordinary courts and Wilāyah al-maẓhālim (Mariadi, 2018). According to Imam al-Mawardi, the position of wilāyah al-ḥisbah, in the structure of Islamic constitution, is as one of the judicial institutions whose position mediates two other courts, namely wilāyah al-qaḍhā' and wilāyah al-maẓhālim. (Muhibbuththabary, 2010) Muhstasib A person who specifically carries out the duties of ḥisbah such as handling criminal cases that need to be resolved immediately, supervising the law, regulating public order, solving criminal problems, preventing the violation of the rights of neighbors and punishing those who play with Islamic law.

3. Wilāyah al-maẓhālim

The Al mazhalim region is a stand-alone judicial component. This institution has a special task to take care of (resolve) cases that occur between the people and the state (Aripin, 2008). Linguistically, the al-mazhalim region comes from two words that are combined, namely region and al-mazhalim. Territory means supreme power, rules, and government. While al-Mazhalim means crime, error, and cruelty. In terms of the al-mazhalim region, it is a judicial power that is tasked with handling the problem of tyranny of rulers (state officials from the highest to the lowest officials, such as caliphs, governors, and other government officials) against the rights of the people (Hamami, 2013). The authority of this region is basically to encourage those who are cruel to then behave and act justly. Therefore, this position must be occupied by strong, honorable, firm people so that no one is able to intervene even if it is by the rulers themselves.

Imam al-Mawardi mentioned some of the authorities of the wilāyah al-maẓhālim as follows:

- a) Investigate the oppression or injustice committed by the ruler against the people, as well as demote them if they commit oppression and injustice.
- b) Investigate the results of tax withdrawals or collections by government employees, as well as appoint a person to inspect and return tax assets to their owners.
- c) Control the performance of government office employees (kuttāb ad-dawāwīn) so that they remain trustworthy, and impose penalties on that violate the applicable laws and regulations.
- d) Giving an order to fulfill the obligation to pay a person who should get a salary from the ruler when they do not give them a salary.
- e) Supervise waqf assets. Both waqf assets that must be supervised so that they are not misused and waqf that must be processed when there is a complaint.
- f) Performing the function of a judge

Based on the understanding, duties and authority possessed by the al-maẓhālim judiciary above, it can be concluded that the al-maẓhālim judiciary (wilāyah al-maẓhālim) is the only supreme judicial institution in the Islamic judicial power (qaḍhā'iyah), which has the authority to prosecute the government and its apparatus. It also has the authority to force the rulers to carry out decisions that have been set by a judicial institution. The first al-maẓhālim area was present during the time of the Umayyads during the leadership of Abdul Malik Bin Marwan (65-705 AD) Then it developed during the leadership of Umar Bin Abdul which was used in determining the order of justice. This continued until the time of the Abbasids where the al-maẓhālim region continued to receive great attention from the rulers. Based on this, however, for the level of its time, the siyāsah qaḍhā'iyah has developed very advanced. Because, it has been able to form a judicial institution that has the authority to adjudicate the

tyranny, injustice and the ruler's (the head of state's) arbitrary treatment of his subjects as owned by the wilāyah al-mazhālim.

Meanwhile, related to the review of siyāsah qadhā'iyah on the authority of the Regent in the process of dismissing the Head of the Health Office in the PTUN Decision Number 38/G/2023/PTUN. MDN can basically be equated with the authority of wilāyah al-mazhālim in adjudicating various forms of tyranny committed by the government against its people, including the arbitrariness that has been committed by the defendant to the plaintiff for the dismissal. However, even though the judiciary of al-mazhālim has the authority as mentioned above. But still, the siyāsah qadhā'iyah (judicial politics) in the Islamic constitutional system, has not been able to reach or discuss the dismissal of State Officials as in the context of the current state. This is because, in the present day, courts have been formed, each of which has been given specific authority which makes the court have a lot of authority so that it is feared that it cannot carry out its security effectively.

A judge (qadhi) is a person appointed by the head of state as a judge who is assigned to resolve lawsuits and disputes in the judiciary. A Qadhi is required to always position everyone equally before the law, even if they are trying themselves are a state official or a Caliph. The qāḍi in the history of the development of Islamic justice are notoriously very independent. They always position the parties who are the same in front of the law, even though the ones who are being tried are state officials or a caliph. The qāḍi always prioritize the principles of equality and justice in carrying out judicial functions (Manan, 2007). This is because, in Islamic nomocracy. A person who has been appointed as a judge (qāḍi) is obliged to apply the principle of equality and legal justice to anyone (Azhar, 2001). Imam Al-Mawardi is one of the Islamic political thinkers who was a Qadhi during the Caliph Abu Ja'far Al-Mansur's Abbasid Dynasty. He put forward several important conditions for a head of state, one of which is fair, namely fair with accompanying conditions.

In this case, the Medan PTUN Decision Number 38/G/2023/PTUN. MDN provides a concrete example of the application of the principle of justice of a head of state. In this case, the Defendant is considered to have been arbitrary and unfair to the Plaintiff because he has dismissed the Plaintiff without providing an explanation of what kind of violation has been committed by him. And related to the allegations of illegal levies alleged by the plaintiff, the defendant seems to be selective, unfair, and in favor of one of the parties because there is an official/legal entity, namely the Head of the Health Office who has just served as the Head of the Health Office where he has been proven to have committed illegal citations/levies but the defendant has not imposed any sanctions on him at all.

Therefore, in accordance with the judge's consideration regarding the Decision, namely granting the plaintiff's lawsuit in its entirety and requiring the Defendant to revoke the Decree of the Regent of Deli Serdang Number 51 of 2023 concerning the Imposition of Severe Disciplinary Punishment in the Form of Exemption from the Position of Head of the Deli Serdang Regency Health Office to the Executive Position for 12 (twelve) Months on behalf of Dr. Ade Budi Krista and Requiring the Defendant to rehabilitate the Plaintiff's position of dignity and dignity in the the original position or the same level as the position, the author considers that the judge has decided that the decision is as fair as possible and assessed in accordance with the rules and regulations, the general principles of good governance and the rules of Islamic law.

IV. CONCLUSION

The following Based on the discussion in the PTUN Decision Number 38/G/2023/PTUN.MDN, it can be concluded that the judge considered several aspects in deciding this case:

Authority Aspect The judge assessed that the actions of the Bupati of Deli Serdang in imposing disciplinary punishment on the Head of the Health Office were in accordance with his authority as the Civil Service Staffing Officer (PPK). This is regulated in Article 16 letter b

and Article 18 paragraph (3) letter a of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline.

1. Substance Aspect: Based on the evidence presented, the judge found that the punishment given to the Plaintiff was consistent with Article 8 paragraph 1 letter c and Article 8 paragraph 4 letter b of the same regulation. Thus, the substance of the issuance of the disputed object was in accordance with applicable legal provisions.
2. Procedure Aspect: The judge identified violations in the dismissal procedure, particularly because the Plaintiff was not provided with a copy of the examination report. This violates the provisions of Article 31 paragraphs (1) and (3) of Government Regulation Number 94 of 2021 and Article 32 paragraphs 1 and 3 concerning Civil Servant Discipline. Therefore, the issuance of the disputed object is considered procedurally flawed.

Based on these considerations, the court annulled the decision of the Bupati of Deli Serdang regarding the dismissal of the Plaintiff and ordered the restoration of his position. From the perspective of *siyāsah qadhā'iyah*, the actions of the Bupati of Deli Serdang were deemed unjust for failing to provide an explanation regarding the alleged violations attributed to the Plaintiff. Furthermore, the Bupati was also seen as biased in the imposition of sanctions, as another official who committed similar violations was not sanctioned at all. The judge decided that this ruling was consistent with the principles of justice and applicable regulations.

REFERENCES

- Anggara, S. (2018). *Hukum Administrasi Negara*. Bandung: 98.
- Aripin, J. (2008). *Peradilan Agama Dalam Bingkai Reformasi Hukum Di Indonesia*. Jakarta: Kencana.
- Azhary, M. T. (2001). *Negara Hukum Suatu Studi Tentang Prinsip-Prinsipnya Dilihat Dari Segi Hukum Islam Implementasinya Pada Periode Negara Madinah Dan Masa Kini*. Jakarta: PT Bulan Bintang.
- Djazuli, A. (2003). *Fiqh Siyāsah: Implementasi Kemashalatan Umat Dalam Rambu Rambu Syariah*. Jakarta: Kencana.
- Efrinaldi. (2007). *Fiqh Siyāsah : Dasar-dasar Pemikiran Politik Islam*. Padang: Granada Press.
- Hamami, T. (2013). *Peradilan Agama dalam Reformasi Kekuasaan Kehakiman di Indonesia*. Jakarta: PT Tatanusa.
- Iqbal, M. (2014). *Fiqh Siyāsah : Kontekstualisasi Doktrin Politik Islam*. Jakarta: Prenamedia Group.
- M.Nasir. (2003). *Hukum Acara Peradilan Tata Usaha Negara*. Jakarta: Djambatan.
- Madkur, M. S. (1993). *Peradilan Dalam Islam*. Surabaya: PT Bina Ilmu Offset.
- Manan, A. (2007). *Etika Hakim Dalam Menyelenggarakan Peradilan Suatu Kajian Dalam Sistem Peradilan Islam*. Jakarta: Prenada Media Group.
- Mawardi, I. A. (2014). *Ahlkām Al-Sultāniyyah: Sistem Pemerintahan Khalifah Islam/Imam al-Mawardi: penerjemah, Khalifaurrahman Fath & Fathurrahman*. Jakarta: Qitshi Press.
- MD, M. M. (2012). *Pokok-Pokok Hukum Admimistrasi Negara*. Yogyakarta: Liberty.
- Muhajjar, N. (2020). *Metodologi Penelitian Kualitatif*. Yogyakarta: Raka Sarasin.
- Muhibbuththabary. (2010). *Wilayah Al Hisbah Di Aceh(Konsep Dan Implementasi*. Banda Aceh: Yayasan Pena.
- Ramadhan, M. (2019). *Kontekstualisasi Doktrin Politik Islam Dalam Fiqh Siyāsah*. Jawa Tengah: PT Nasya Expanding Management.
- Shiddieqy, M. H. (1997). *Peradilan & Hukum Acara Islam*. Semarang: Pustaka Riski Putra.
- Shidiqeqy, T. M. (2001). *Peradilan & Hukum Acara Islam* . Semarang: PT. Pustaka Rizki Putra.
- Sugiyono. (2010). *Metode Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif, dan R&D*. Bandung: Alfabeta.
- Tjandra, W. R. (2012). *Hukum Administrasi Negara*. Yogyakarta: Graha Ilmu.
- Zada, M. I. (2018). *Fiqh Siyāsah Doktrin Dan Pemikiran Politik Islam*. Jakarta: Erlangga.
- Ahmad Dahlan Hasibuan, d. (2013). *Faktor Penyebab Tidak Dilaksanakannya Putusan Pengadilan Tata Usaha Negara Dan Upaya Penanggulangannya (Analisis Kasus Putusan PTUN Medan No: 17/G/2000/PTUN.MDN)*. *Journal Mercatoria*, Vol. VI, No. 2.
- Heriyanto. (2018). *Kompetensi Absolut Peradilan Tata Usaha Negara Berdasarkan Paradigma UU No 30 Tahun 2014 Tentang Administarsi Pemerintahan*. *Pakuan Law Review*, Vol.IV,No. 1.

- Mariadi. (2018). *Lembaga Wilayatul Hisbah Dalam Tinjauan Undang-Undang Pemerintah Aceh*. Jurnal Perundang-Undangan Dan Hukum Pidana Islam, No.1.
- Moonti, J. &. (2019). *Diskriminasi Hukum Dalam Pemberantasan Korupsi Politik Di Daerah*. Dialogia Iuridica, Vol. XI, No.1.
- Wahyunadi, Y. M. (2016). *Kompetensi Absolut Pengadilan Tata Usaha Negara Dalam Konteks Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan*. Journal Hukum, Vol.V No.1.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945
- Undang Undang Nomor 51 Tahun 2009 tentang Perubahan Kedua Atas Undang-Undang Nomor 5 Tahun 1986 tentang Peradilan Tata Usaha Negara
- Undang-Undang Nomor 9 Tahun 2004 tentang Perubahan Pertama Atas Undang-Undang Nomor 5 Tahun 1986 tentang Peradilan Tata Usaha Negara
- Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan
- Peraturan Pemerintah Nomor 94 Tahun 2021 tentang Disiplin Pegawai Negeri Sipil