



REFORM OF STATE ADMINISTRATIVE LAW FROM THE PERSPECTIVE OF *FIQH SIYASAH* ON PUBLIC SERVICES TO ACHIEVE GOOD GOVERNANCE IN INDONESIA

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Abstract: Quality public services are a key pillar in realizing good governance. However, government administration practices in Indonesia still face various obstacles in implementing this principle. This study aims to analyze the urgency of reforming state administrative law from the perspective of *fiqh siyasah* (Islamic political jurisprudence) on public services in Indonesia. The method used is normative juridical research with a legislative, conceptual, and theological-normative approach, through a literature review of legal and *fiqh siyasah* literature. The results of the study indicate the need to integrate Islamic values such as justice (*al-'adl*), benefit (*al-maslahah*), and trustworthiness (*amanah*) in the delivery of public services in order to strengthen the principle of good governance. The novelty of this study lies in the combination of the modern state administrative law paradigm and *fiqh siyasah*, which provides a conceptual contribution to the renewal of the administrative law and public service systems in Indonesia.

Keywords: Administrative Law, *Fiqh Siyasah*, Reform

Abstrak: Pelayanan publik yang berkualitas merupakan pilar utama dalam mewujudkan tata pemerintahan yang baik (*good governance*). Namun, praktik administrasi pemerintahan di Indonesia masih menghadapi berbagai kendala dalam penerapan prinsip tersebut. Penelitian ini bertujuan untuk menganalisis urgensi reformasi hukum administrasi negara dalam perspektif *fiqh siyasah* terhadap pelayanan publik di Indonesia. Metode yang digunakan ialah penelitian yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan teologis-normatif, melalui studi kepustakaan terhadap literatur hukum dan *fiqh siyasah*. Hasil penelitian menunjukkan perlunya integrasi nilai-nilai Islam seperti keadilan (*al-'adl*), kemaslahatan (*al-maslahah*), dan amanah dalam penyelenggaraan pelayanan publik guna memperkuat prinsip *good governance*. Kebaruan penelitian ini terletak pada penggabungan paradigma hukum administrasi negara modern dan *fiqh siyasah*, yang memberikan kontribusi konseptual bagi pembaruan sistem hukum administrasi dan pelayanan publik di Indonesia.

Kata Kunci: hukum administrasi, *fiqh siyasah*, reformasi

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INTRODUCTION

The pace of development and reform of the current governance system must be carried out through administrative law reform, both sectoral and cross-sectoral.¹ The development of State Administrative Law is a prerequisite for reforming state administrative law to create good governance. Administrative law reform in improving good governance must be clear in terms of transparency, fairness, and accountability. The goal of this administrative law reform is to strengthen the role of society in the implementation of a democratic state, which must be supported by good governance. The true nature of administrative law is law that relates to government authority and control, which aims to protect individuals or the community. An expert in administrative law, Tatiek Sri Djatmiati, states emphatically that every use of authority for the purposes of regulation, supervision, or the application of sanctions must be accompanied by responsibility.² This series of powers is a requirement that has been conceptualized in administrative law, the implementation of which is accompanied by testing.³

Improving public services is so urgent that it must be implemented in line with public demands so that services can be easily accessed by the public. This is stated in Law Number 30 of 2014 concerning Government Administration (UUAP), which emphasizes that the implementation of the phrase "Indonesia is a country based on the rule of law" is a foundation, principle, and dogma that must be realized in order to establish good governance in Indonesia.⁴ This means that, in its implementation, the legal consequence that can be accepted is that this system of government must be based on the principle of the rule of law and apply the principle of people's sovereignty. Pancasila, as the philosophy of the Indonesian state, reflects that all acts of government administration must be in accordance with the law and the sovereignty of the people. In reality, the government has not been able to optimize public services that are responsive and easily understood by the community. Therefore, innovation is needed in the realm of public services in order to satisfy the aspirations of the Indonesian people. Based on Article 1, Paragraph 1 of Law Number 25 of 2009 concerning Public Services, it is explicitly stated that "Public services are activities or a series of activities in the context of fulfilling service needs in accordance with laws and regulations for every citizen and resident for

¹ Eko Prasajo, "(Rancangan) Undang-Undang Administrasi Pemerintahan Untuk Pembangunan Hukum Administrasi Negara Dan Penciptaan Good Governance, 2011, p. 2.

² Tatiek Sri Djatmiati, *Prinsip Tanggung Jawab Dalam Hukum Administrasi Negara* (Surabaya: Universitas Airlangga Press, 2005), p. 47.

³ Jimly Asshiddiqie, *Hukum Administrasi Dan Good Governance* (Jakarta: Rajawali Pers, 2010), p. 22.

⁴ Pemerintah Indonesia, "Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan" (2014).

goods, services, and administrative services provided by service providers.” Based on Article 1, Paragraph 1 of Law Number 25 of 2009 concerning Public Services, it is explicitly stated that “Public services are activities or a series of activities in the context of fulfilling service needs in accordance with laws and regulations for every citizen and resident regarding goods, services, and administrative services provided by public service providers.”⁵

The conflicts faced by the Indonesian people cannot be separated from discussions about the government's failure to implement the principles of good governance.⁶ Good governance is a new paradigm in modern governance systems and is the ideal of society to achieve clean, transparent, and accountable government. The implementation of good governance principles is essentially the mandate of the Indonesian people, which should be upheld seriously and consistently by the government as a form of public responsibility.⁷ This is evident from the growing demands of the people for state administrators to provide professional, efficient, and accountable public services. Therefore, a system of governance is needed that fully supports the objectives of state administrative law reform so as to create a trustworthy and accountable government apparatus.⁸ The development of quality public services is a key indicator of the success of good governance. Through the instruments of state administrative law, effective and equitable public services can be realized through collaboration between the government as the service provider and the community as the service recipient.⁹ Thus, good governance is not merely an administrative jargon, but a real reflection of administrative law reform that favors the interests of the people.

Previous studies show that explanations regarding the implementation of public services for the realization of good governance in Indonesia have various perspectives and approaches. What distinguishes this study from previous studies is its focus of analysis, namely the application of good governance through the principles of public service from the perspective of national administrative law. This is based on the fact that the implementation of public service governance in Indonesia has not yet been successfully applied evenly across all regions. Therefore, it is

⁵ Pemerintah Indonesia, “Undang-Undang Nomor 25 Tahun 2009 Tentang Pelayanan Publik” (2009).

⁶ Sedarmayanti, *Good Governance (Kepemerintahan Yang Baik) Dalam Rangka Otonomi Daerah*, Mandar Maj (Bandung, 2003), p. 5.

⁷ Miftah Thoha, *Birokrasi Dan Politik Di Indonesia* (Jakarta: RajaGrafindo Persada, 2012), p. 87.

⁸ Anggraini, “Analisis Kualitas Layanan Administrasi Terhadap Tingkat Kepuasan Pelanggan Pada LPK/LKP Zakiyah Muara Enim,” *Jurnal Nuansa: Publikasi Ilmu Manajemen Dan Ekonomi Syariah* 3, no. 3 (2025): 118–28, <https://doi.org/10.61132/nuansa.v3i3.1861>.

⁹ Dwiyanto Agus, *Reformasi Birokrasi Publik Di Indonesia* (Yogyakarta: Gadjah Mada University Press, 2006), p. 33.

important to first identify the various forms of stagnation that have arisen in its implementation. Research conducted by Listriyanti Palangda and Joubert M. Dame explains that the quality of public services at the Makassar City Land Office is good and in accordance with good governance standards. Conversely, research by Faissal Malik and Syawal Abdulajid reveals that the enforcement of good governance principles in the context of eradicating corruption has not been effective, especially in the public service sector, which is still vulnerable to maladministration.¹⁰ Meanwhile, Ahmad Fauzi Harahap's research found that the State Administrative Court has not been able to massively implement the principles of public service based on the Government Administration Law (UUAP).¹¹ On the other hand, Ayu Amrina Rosyada showed different results. The study confirmed that the One-Stop Integrated Licensing Service Agency in Samarinda City has fully enforced the principles of good governance in its public services, particularly the principles of transparency, accountability, effectiveness, efficiency, and responsiveness.¹²

The implementation of good governance principles through public services must be in accordance with administrative law. The application of this concept requires correlation from all directions, both from the government as the administrator and from the community as the recipient of public services.¹³ Thus, the enforcement of administrative law on public services for the realization of good governance can be implemented on a massive scale at the national level. Therefore, the purpose of this study is to analyze the enforcement of administrative law on public services that meet the principles of good governance and to analyze the obstacles that occur in the formation of quality public services for the realization of good governance in Indonesia. However, the most essential aspect of this study is to elaborate on the principles of good governance so that they are in line with the values and norms contained in the concept of *fiqh siyasah*. Thus, this study will focus more on the formulation of the principles of *fiqh siyasah* in responding to various issues of state administrative law in order to

¹⁰ Faissal Malik dan Syawal Abdulajid, "Penerapan Prinsip Good Governance Terhadap Kualitas Pelayanan Publik Pada Instansi Pemerintah Sebagai Upaya Penyecegahan Tindak Pidana Korupsi (Studi Pada Dinas Kependudukan Catatan Sipil, Dan Badan Pertanahan Nasional/Tata Ruang Kota Ternate," *Jurnal Pendidikan Kewarganegaraan Undiksha* 11, no. 3 (2023): 37, <https://doi.org/10.23887/jpku.v11i3.XXXX>.

¹¹ Ahmad Fauzi Harahap, "Penerapan Perluasan Keputusan Tata Usaha Negara Sebagai Upaya Dalam Penegakan Hukum Administrasi Dan Kaitannya Dengan Prinsip-Prinsip Good Governance," *Jurnal Binamulia Hukum* 9, no. 2 (2020): 180, <https://doi.org/10.37893/jbp.v9i2.371>.

¹² Ayu Amrina Rosyada, "Analisis Penerapan Prinsip Good Governance Dalam Rangka Pelayanan Publik Di Badan Pelayanan Perizinan Terpadu Satu Pintu Di Kota Samarinda," *Jurnal Ilmu Pemerintahan* 4, no. 1 (2018): 30.

¹³ Rahmat Salam, "Improving Public Services in Realizing Good Governance in Indonesia," *ENDLESS: International Journal of Futures Studies* 6, no. 2 (2023): 1-12, <https://endless-journal.com/index.php/endless/article/view/192>.

realize good governance in Indonesia, and will specifically discuss the principles of *fiqh siyasah* in theoretical elaboration in order to explore the concrete values of public services based on Islamic law.¹⁴

In further examining the resolution of each good governance issue in Indonesia, this can be achieved through the embodiment and implementation of Islamic values, particularly in the *fiqh siyasah* system. The existence of *fiqh siyasah* is a solution or middle ground for resolving national and state issues. Islamic law stands firm and realistic with the exploration of Islamic legal norms that are related to *fiqh siyasah*. Through a deeper review of *fiqh siyasah* in this study, the reform of state administrative law will be analyzed from the perspective of *fiqh siyasah* in order to realize good governance in Indonesia. The novelty of this research lies in the integration of the perspective of *fiqh siyasah* into the analysis of state administrative law in the context of public service and governance in Indonesia. Unlike previous studies that only highlight the effectiveness of good governance from the bureaucratic, regulatory, or institutional aspects, this study offers a normative-theological approach that places Islamic values such as justice (*al-'adl*), benefit (*al-maslahah*), and trust (*amanah*) as the moral and ethical basis for state administrative law reform. This approach not only assesses the success of public services from a procedural aspect, but also from the moral legitimacy and spiritual responsibility of state administrators towards society.

RESEARCH METHODS

This study uses a normative legal research method with a statutory approach, a conceptual approach, and a theological-normative approach (*fiqh siyasah*). This normative legal research focuses on the study of applicable positive legal norms and their relationship to Islamic legal principles in *fiqh siyasah*, in order to find conceptual harmony between Islamic values and the modern state administrative legal system. The type of data used is secondary data, which includes primary legal materials in the form of relevant legislation such as Law Number 30 of 2014 concerning Government Administration, Law Number 25 of 2009 concerning Public Services, and various implementing regulations; secondary legal materials in the form of books, scientific journals, and scientific works discussing administrative law, *fiqh siyasah*, and the concept of good governance; and tertiary legal materials in the form of legal dictionaries and Islamic legal encyclopedias. The data collection technique was carried out through library research by systematically reviewing various literature and legal sources. Data analysis was conducted using qualitative-descriptive

¹⁴ Joko Soetyono, "Good Governance Dalam Perspektif Islam (Pendekatan Ushul Fikih: Teori Peningkatan Norma)," *Jurnal Muqtasid* 6, no. 1 (2015): 30, <https://doi.org/10.18326/muqtasid.v6i1.25-40>.

methods, employing content analysis to interpret positive legal norms and *fiqh siyasah* values, as well as comparative analysis to compare principles in state administrative law with principles of good governance from an Islamic perspective. Through this approach, the study aims to reveal the extent to which *fiqh siyasah* values can contribute normatively to the reform of state administrative law and the improvement of public service quality in Indonesia towards the realization of good governance.

DISCUSSION

Reform of State Administrative Law

In the view of state administrative law, administrative reform involves revising several legal policies related to structure, processes, and management in the areas of finance, supervision, human resources, accountability and transparency, as well as policy-making and implementation processes. State administrative reform also means reform in the field of administrative law. As public law, state administrative law must be based on the principles of the rule of law (*rechtstaat*), the principles of democracy, and in accordance with the basic concept of administrative law as a juridical instrument (*juridische instrumenten*).¹⁵ State administrative law must also have an instrumental character (*instrumental karakter*). The principle of the rule of law relates to the guarantee of legal protection against governmental power. The principle of democracy mainly relates to procedures and substance in the administration of government, both in the form of decision-making and concrete actions. The principle of instrumentality relates to the achievement of government objectives.

The enactment of Law Number 30 of 2014 concerning Government Administration (UUAP) on October 17, 2014, was a monumental step that brought great enlightenment to the journey of government administration reform in Indonesia.¹⁶ The enactment of the UUAP is a tangible manifestation of the state and government's responsibility to ensure the implementation of government administration and public services that are fast, accurate, convenient, affordable, and fair for all citizens. This law is not only one of the main pillars of public administration reform, but also serves as a legal basis that emphasizes that every action and decision made by government officials must have a valid legal basis and be legally accountable. Through the UUAP, the state affirms the principle that the exercise of administrative power must not be arbitrary, but must be subject to the general principles of good governance, such as legality, accountability, proportionality, and protection of citizens' rights. The

¹⁵ Suparto Wijoyo, *Karakteristik Hukum Acara Peradilan Administrasi (Peradilan Tata Usaha Negara)* (Surabaya: Airlangga University Press, 2005), p. 39.

¹⁶ Pemerintah Indonesia, Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan.

explanation in the Administrative Justice Law also emphasizes that state administrative law serves as a means of resolving disputes between the state administration and the people, so that the public has clear legal access to seek justice when they feel aggrieved by government actions.¹⁷ On the other hand, administrative law also serves as an instrument of supervision and maintenance of the legal order so that every state apparatus in carrying out its duties always adheres to the principle of legality and does not exceed the limits of authority established by law.¹⁸ Thus, the enactment of the UUAP not only strengthens the foundation of state administrative law but also reaffirms the government's commitment to the principles of good governance that uphold transparency, accountability, and the rule of law in the delivery of public services oriented towards the welfare of the people.¹⁹

Implementation of Public Services in Accordance with Regulations

Public services are a series of activities carried out in order to meet the needs of the community based on the provisions of laws and regulations, in which the government acts as the main provider of public services. Through the enforcement of administrative law, the government has an obligation to carry out its duties by providing optimal public services to the community as a form of the state's responsibility and service to its citizens. Public services are essentially the domain of the government in providing services or facilities, either directly or through private parties representing the government, or even through private parties that provide services to the community with or without fees, in order to fulfill public interests and improve social welfare.²⁰ Napitulu explained that the indicators for assessing the quality of public services include five main aspects, namely tangibles, responsiveness, reliability, assurance, and empathy, all of which reflect the extent to which public services are able to meet the expectations of the community.²¹

Meanwhile, Dwiyanto developed seven other indicators in the formation of quality public services, namely simplicity, clarity and certainty, security, openness, efficiency, economy, and fairness. In the context of governance oriented towards the principles of good governance, public services have an important rationale in three main dimensions. First,

¹⁷ Philipus M. Hadjon, *Pengantar Hukum Administrasi Indonesia* (Yogyakarta: Gadjah Mada University Press, 2011), p. 89.

¹⁸ Tatiek Sri Dajmiati, *Asas Dan Norma Dalam Hukum Administrasi Negara* (Surabaya: Airlangga University Press, 2017), p. 102.

¹⁹ Irfan Fachruddin, *Pengawasan Peradilan Administrasi Terhadap Tindakan Pemerintah* (Bandung: PT Alumni, 2004), p. 18.

²⁰ Ni Putu Tirka Widanti, "Konsep Good Governance Dalam Perspektif Pelayanan Publik: Sebuah Tinjauan Literatur," *Jurnal Abdimas Peradaban* 3, no. 1 (2022): 78, <https://doi.org/10.54783/ap.v3i1.11>.

²¹ J. Napitupulu, *Kualitas Pelayanan Publik: Konsep, Indikator, Dan Implikasinya* (Jakarta: Mitra Wacana Media, 2017), p. 56-57.

public services provide a space for interaction between the government and non-governmental institutions, which, if implemented properly, will increase public support and trust in the performance of the bureaucracy. Second, public services serve as a bridge in articulating various aspects of good governance, such as transparency, accountability, and participation. Third, public services become a forum that integrates all elements of good governance, namely the government, the community, and the private sector, to jointly realize quality and equitable public services for all citizens.²²

Regulation of the Minister of Administrative and Bureaucratic Reform No. 36 of 2012 in Chapter II emphasizes that in the preparation, establishment, and implementation of public service standards, all processes must be based on principles that include simplicity, consistency, participation, accountability, sustainability, transparency, and fairness. In addition to these principles, the quality of public services is also an important consideration, which can be seen from various dimensions such as suitability with specifications, value, suitability for use, support, and psychological impressions for service recipients. According to Bharata, there are several important elements in the implementation of public service processes, including service providers, service recipients (in this context, the community), the type of service that meets the needs of the community, and the satisfaction of the community while receiving services from the government. However, the quality of public services in Indonesia still faces a number of obstacles that affect its effectiveness. One of the causes is that policies and decisions tend to favor the political elite and contradict the aspirations of the people. In addition, institutional principles are often fixated on technical aspects alone without considering approaches that respect human dignity, while the public's indifference and resignation towards the services provided by the government further exacerbate this condition. Another factor that affects the poor quality of public services is the tendency of government officials to prioritize bureaucratic information and personal interests over services that benefit the community. Thus, even though service standards have been formally regulated, their implementation still requires serious attention so that the principles of quality and equitable services can truly be felt by the wider community.²³

Application of Good Governance Principles in Public Services

The realization of good governance is the main essence that is sought through good governance, where the existence of a democratic government

²² Agus Dwiyanto, *Mewujudkan Good Governance Melalui Pelayanan Publik* (Yogyakarta: Gadjah Mada University Press, 2011), p. 15.

²³ Riska Chyntia Dewi Suparno, "Mewujudkan Good Governance Melalui Pelayanan Publik," *Jurnal Media Administrasi* 7, no. 1 (2022): 87, <https://doi.org/10.56444/jma.v7i1.67>.

is a manifestation of the application of these principles, which are open to criticism and allow the people to exercise full control. This is clearly reflected in Government Regulation No. 101 of 2000, which defines good governance as a government that develops and applies the principles of professionalism, accountability, transparency, excellent service, democracy, efficiency, effectiveness, and the rule of law that are accepted by all levels of society.²⁴ To achieve this, strategic steps need to be taken to facilitate the process and aspirations towards good governance through the implementation of good governance values.²⁵ These steps include the efficiency of public institutions that are run openly, transparently, and in a manner that is trustworthy to the public, particularly in the area of clear decision-making procedures; the management of human resources and economic activities so that financial problems can be handled effectively and efficiently, thereby achieving fair and sustainable development; community management that upholds the principles of democracy and human rights; active involvement of civil society in the decision-making process; and consistent law enforcement in fulfilling rights and obligations through clear and fair legal mechanisms. Thus, good governance can be realized through the integration of comprehensive and sustainable good governance principles.

Public demand for good governance in public services will continue to grow as awareness of citizens' rights increases, making government credibility a determining factor in addressing and overcoming various public service issues.²⁶ One step that can be taken to overcome obstacles to public services is to establish service standards, which serve as a commitment to provide public services of a quality that aligns public expectations with the capabilities of service providers. Furthermore, the procedural development of service standards through the implementation of standard operating procedures (SOPs) is essential to ensure that all service processes run according to clear and consistent guidelines. In addition, conducting surveys on public satisfaction is important to ensure that the public services provided by the government meet the expected quality and are able to maintain citizen satisfaction. Equally important is the implementation of an effective and efficient complaint management system as a means of gathering input from the public and as an instrument for improving service quality. From all these efforts, it is clear that

²⁴ Pemerintah Indonesia, "Peraturan Pemerintah Nomor 101 Tahun 2000 Tentang Pendidikan Dan Pelatihan Jabatan Pegawai Negeri Sipil (PNS)" (2000).

²⁵ Aryani Yulianti Anggita Euis Gantayowati Adi Nurrahmawati Taufik Arifin Suryadi Sutaryo, "Determinants of Local Government Public Service Quality," *Journal of Governance & Regulation* 12, no. 1 (2023): 218-229, <https://doi.org/10.22495/jgrv12i1siart2>.

²⁶ D. Marganda Aritonang, "The Impact of E-Government System on Public Service Quality in Indonesia," *European Scientific Journal* 13, no. 35 (2017): 99-15, <https://doi.org/10.19044/esj.2017.v13n35p99>.

administrative law reform in public services is crucial to realizing good governance in Indonesia, enabling the government to improve service performance in a more focused manner, paying attention to the needs of the community, and fulfilling the principles of good governance that involve the active participation of the government, the community, and corporations in the implementation of good governance.²⁷

Good Governance from the Perspective of *Fiqh siyasah*

Good governance is an ijthadi movement when viewed from the perspective of *fiqh siyasah*. Therefore, the concept of *maslahat mursalah*, which always adapts to the circumstances of the problem, can be used as a reference in the system of government. This can create good governance, because the policies taken by the government are definitely for the good of the people they lead. The issue of good governance cannot be separated from *fiqh siyasah* or *siyasah syar'iyah*, because the discussion will always refer to the benefit and interests of humans. *Fiqh siyasah* and good governance have similarities in terms of the system of regulation, control, and implementation in a country or region. This is in line with the theory of *maqasid al-syariah*, namely: *hifz al-din* (preserving religion), *hifz al-nafs* (preserving life), *hifz al-'aql* (preserving reason), *hifz al-nasl* (preserving offspring), and *hifz al-mal* (preserving wealth). In essence, the principle of good governance has the same objective as *maqasid al-syariah*, which is also the basis or benchmark for the success of an objective in the context of *fiqh siyasah*.²⁸

The concept of good governance from the perspective of *fiqh siyasah* is rooted in Islamic teachings that emphasize fair, trustworthy, and public welfare-oriented governance.²⁹ In Islam, good governance is not merely a matter of administration or bureaucratic procedures, but also encompasses moral, spiritual, and social dimensions based on Sharia values.³⁰ *Fiqh siyasah* places justice (*al-'adl*), benefit (*al-maslahah*), and trustworthiness as the main pillars of governance; justice demands proportional and impartial policies, benefit ensures that every policy brings benefits to society, and trustworthiness emphasizes integrity, transparency, and a focus on public service. These principles are relevant to modern good governance elements such as accountability, transparency, effectiveness, efficiency, participation, and the rule of law. The value of accountability is reflected in the concept of *hisbah* (social and moral supervision of officials), while transparency is

²⁷ Widanti, "Konsep Good Governance Dalam Perspektif Pelayanan Publik: Sebuah Tinjauan Literatur."

²⁸ Ilham Rifai Hasan, *Urgensi Penerapan Manajemen Pembangunan Nasional Pada Lini Lokal* (Jakarta: Colloqium Ketanahan Nasional RI, 2008), p. 111-112.

²⁹ Al-Māwardī, *Al-Ahkām Al-Sultāniyyah* (Beirut: Dār al-Kutub al-'Ilmiyyah, 2001), p. 45-47.

³⁰ Ibn Taymiyyah, *As-Siyāsah Asy-Syar'iyah Fi Islah Ar-Ra'i Wa Ar-Ra'Iyyah* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1995), p. 12-15.

realized through *asy-syura* (deliberation) to ensure public participation. Effectiveness and efficiency are not only measured administratively, but also in terms of the extent to which policies maintain a balance between the material and spiritual needs of the community, so that the moral and spiritual legitimacy of the government is maintained before the people and Allah SWT.

In *fiqh siyasah*, good governance is an integral part, because all policies made by state leaders are based on human thinking with the aim of creating public welfare and avoiding harm. Thus, it is clear that Islamic teachings are a reference for the implementation of policies determined by the government. The realm of Islamic political authority, commonly known as *fiqh siyasah*, will always base its decisions on Islamic teachings or divine revelation, while good governance is based on human thought. Therefore, good governance is an *ijtihad* to realize the *maslahah*, which is the objective of sharia (*maqashid syariah*) in order to implement progressive development and be responsible for all principles of efficient democracy, avoiding misallocation of investment and preventing all forms of corruption. The *qowaid fiqhiyyah* rule explains the concept of *maslahah*, namely: "A leader's policy towards his people is related to *maslahah*". The meaning of this *qawaid* is specific in *fiqh siyasah*; of course, a leader's actions must be oriented towards the *maslahah* of the people. A good governance system can be planned and applied in the bureaucracy as a form of action that seeks the *maslahah* of the government and society.³¹

Indonesia can view the principles of *fiqh siyasah* as a normative and ethical foundation in its efforts to reform state administrative law and improve the quality of public services.³² Power is understood as a temporary mandate that must be accounted for, both horizontally to the community and vertically to Allah SWT, thus requiring leaders who have integrity and a high sense of moral awareness. With the internalization of the principles of justice (*al-'adl*), benefit (*al-maslahah*), and trust in the formulation of public policy, services to the community will not only become more responsive and oriented towards real needs, but also in line with the values of Pancasila, positive law, and the demands of modern good governance.³³ Therefore, the integration of the principles of *fiqh siyasah* with the state administrative law system can become a conceptual model capable of realizing fair, transparent, participatory, and integrity-based governance,

³¹ Sri Warjiyati, "Tinjauan Hukum Islam Terhadap Penerapan Good Governance Dalam Pelayanan Publik," *Jurnal Hukum Islam* 18, no. 1 (2018): 128, <https://doi.org/10.24014/hi.v18i1.5429>.

³² Munawir Sjadzali, *Islam Dan Tata Negara: Ajaran, Sejarah, Dan Pemikiran* (Jakarta: Rajawali Pers, 2010), p. 92-95.

³³ Mohammad Hashim Kamali, *Principles of Islamic Governance* (London: Islamic Texts Society, 2008), p. 107-109.

while also actualizing the spirit of Islam *rahmatan lil 'alamin* in public service.³⁴

Strengthening the principles of accountability, transparency, rule of law, and public participation in the implementation of public bureaucracy will result in increasingly solid institutions and have significant implications. With the consolidation of institutional systems and government benefits, the concept of good and clean governance can be applied in public institutions and policies based on the interests of the people. In fact, good governance has not yet been defined in terms of *fiqh siyasah* (Islamic political jurisprudence). However, there is a verse that has the potential to explain the main issues of good governance in Islamic teachings, as stated in the words of Allah SWT in QS. Al-Hajj [22]; Verse 41: *الَّذِينَ إِن مَّكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ وَأَمَرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ ۗ وَاللَّهُ عَاقِبَةُ الْأُمُورِ*

“Those who, if We give them authority in the land, establish prayer, give zakah, enjoin what is right, and forbid what is wrong; and to Allah belongs the outcome of all matters.”

The Word of God in QS. Al-Hajj [22]:41 explains that issues related to good governance from the perspective of *fiqh siyasah* are related to the use of government authority to manage development oriented towards the welfare of society. This is reflected in three main aspects. First, the creation of an atmosphere conducive to the fulfillment of the spiritual and religious needs of the community, which can be symbolized by the enforcement of prayer. Second, the implementation of prosperity and welfare in the economic sphere, marked by the payment of zakat. And third, the establishment of political stability and security, realized through the practice of *amar ma'ruf nahi mungkar*. Thus, QS. Al-Hajj verse 41 clearly formulates the concept of good governance through three interrelated dimensions, namely spiritual governance, economic governance, and political governance.³⁵ These three aspects are comprehensive and can serve as guidelines in addressing various stagnations and issues faced by the government, thereby becoming a reference in problem-solving and realizing public welfare through good governance and effective public services.

In addressing various challenges related to good governance, *fiqh siyasah* applies the *masalah mursalah* approach, because this method is able to adjust policies to the conditions and context of governance, thereby

³⁴ Nasaruddin Umar, *Governance Dan Etika Politik Dalam Islam* (Bandung: Pustaka, 2012), p. 65-68.

³⁵ Muhammad Iqbal, *Fikih Siyasah: Kontekstualisasi Doktrin Politik Islam*, Cet. 1 (Jakarta: Radar Jaya Pratama, 2001), p. 19.

achieving broad benefits for society and creating an effective and fair system of government.³⁶ Every policy made by the government is essentially directed towards the good of the people, and the application of good governance through the principle of *maslahah mursalah* must meet several criteria. First, the benefits obtained must be in line with the objectives of sharia (*maqashid al-syari'ah*), in accordance with the spirit of Islamic teachings and the arguments of the Qur'an.³⁷ Second, the benefits must be accountable, based on careful analysis, accurate data, and empirical evidence, so that they clearly provide benefits and reduce potential losses; these principles of good governance were applied by the Prophet Muhammad in building Islamic society in his time and in subsequent periods.³⁸ Third, the public interest achieved must be realistic and feasible without causing excessive difficulties, so that every policy remains in line with human capacity to implement it.³⁹ Thus, the principles of good governance contained in the Qur'an emphasize a balance between public interest, feasibility, and the capacity of those implementing it.

CONCLUSION

Administrative law reform involves improving several legal policies related to structure, processes, and management in the areas of finance, oversight, human resources, accountability and transparency, as well as policy-making and implementation processes. Law No. 30 of 2014 on Government Administration (UUAP) is a very enlightening step in the reform of government administration. Public service is a series of activities aimed at fulfilling service needs based on laws and regulations for every citizen by the government, which, in this case, is the provider of public services. Public services can be said to be the domain of the government to provide services, whether it is the private sector on behalf of the government, or the private sector to the community, with or without fees, to meet the interests of the community. The realization of good governance is an essential that good governance seeks to achieve. The existence of a democratic government is a form of good governance that is open to criticism and fully controlled by the people.

The issue of good governance cannot be separated from *fiqh siyasah* or *siyasah syar'iyah* due to its legal provisions that always focus on the welfare and interests of society. The similarity between *fiqh siyasah* and good

³⁶ Ahmad Al-Dawoody, *The Islamic Law of Nations: Shaybani's Siyar* (New York: Oxford University Press, 2010), p. 132.

³⁷ Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach* (Herndon, VA: International Institute of Islamic Thought, 2008), p. 52-53.

³⁸ Muhammad Sa'id Ramadan Al-Buti, *Fiqh Al-Siyasah Fi Al-Islam* (Damascus: Dar al-Fikr, 1992), p. 41-42.

³⁹ Yusuf Al-Qaradawi, *Fiqh Al-Maqasid: Al-Shari'ah Al-Islamiyyah Bayna Al-Maqasid Wa Al-Tatbiq* (Cairo: Dar al-Salam, 2006), p. 68-69.

governance lies in the system of regulation, control, and implementation within a region or country. The principles of good governance are in line with the theory of *maqashid al-syariah*, namely the preservation of religion, life, reason, lineage, and property. In essence, the principles of good governance have objectives that are in harmony with *maqashid al-syariah*. From an Islamic law perspective, good governance has an ijihady movement aimed at creating good governance. Therefore, the concept of *maslahah mursalah*, which is appropriate to the conditions and place, can be the basis for the system of government. Thus, good governance, accountable public services, and community welfare through all policies taken by the government can be implemented properly. Of course, this must be based on the principles of good governance in *fiqh siyasah* that are in line with *maqashid al-syariah*. By integrating positive law with the values of *fiqh siyasah*, it can lead to good elaboration in the reform of state administrative law in public services, so that a good governance system can be realized in Indonesia.

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