

Analysis of the Bengkulu Administrative Court Decision Number 01/G/SPPU/2019/PTUN.BKL regarding the Determination of Legislative Candidates by the Seluma Regency General Elections Commission (KPU) from the Perspective of Siyasah Qadhaiyyah

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Abstract: This study examines a dispute concerning the determination of a legislative candidate by the General Elections Commission (Komisi Pemilihan Umum/KPU) of Seluma Regency, which culminated in Decision No. 01/G/SPPU/2019/PTUN.BKL of the Bengkulu Administrative Court (Pengadilan Tata Usaha Negara/PTUN). The dispute involved Maskun, S.E., a legislative candidate representing the National Awakening Party (Partai Kebangkitan Bangsa/PKB), who challenged the decision of the Seluma Regency KPU to revoke his candidacy. This study aims to analyze the legal considerations underlying the judges' decision and to examine the decision from the perspective of Siyasah Qadhaiyyah. This study employs normative legal research using a library research approach, examining relevant laws and regulations, judicial decisions, books, scholarly literature, and other relevant legal sources. The findings indicate that the Bengkulu Administrative Court carefully considered the applicable legal provisions by upholding the principles of justice and equality before the law, while providing legal protection for the political rights of the aggrieved party. The decision also reflects the principles of judicial independence and transparency in the adjudication process. From the perspective of Siyasah Qadhaiyyah, the decision aligns with judicial independence, equality before the law, transparency, and the protection of individual rights. Therefore, resolving the dispute through the Administrative Court demonstrates the compatibility between applying positive law and the values of justice recognized in Islamic law.

Keywords: *Administrative Court, General Elections Commission, Legislative Candidates, Siyasah Qadhaiyyah, Electoral Disputes.*

Introduction

Legal remedies for resolving electoral disputes through the Administrative Court constitute an important mechanism expressly provided for under Law No. 7 of 2017 on General Elections,

particularly Article 470.¹ Pursuant to Article 470, electoral process disputes that may be brought before the Administrative Court include disputes arising within the sphere of electoral administrative law between candidates for the House of Representatives (Dewan Perwakilan Rakyat/DPR), Regional Representative Council (Dewan Perwakilan Daerah/DPD), Provincial Regional House of Representatives (Dewan Perwakilan Rakyat Daerah Provinsi/DPRD Provinsi), or Regency/Municipal Regional House of Representatives (Dewan Perwakilan Rakyat Daerah Kabupaten/Kota/DPRD Kabupaten/Kota), as well as political parties participating in the election or prospective candidate pairs, and the General Elections Commission (Komisi Pemilihan Umum/KPU), Provincial General Elections Commission (Komisi Pemilihan Umum Provinsi/KPU Provinsi), or Regency/Municipal General Elections Commission (Komisi Pemilihan Umum Kabupaten/Kota/KPU Kabupaten/Kota), arising from the issuance of decisions by the respective election commissions. The procedure for resolving electoral process disputes before the Administrative Court is further regulated under Article 471 of the Election Law. An action challenging an electoral process dispute may be filed with the Administrative Court only after the administrative remedy before the Election Supervisory Body (Badan Pengawas Pemilihan Umum/Bawaslu) has been exhausted, as stipulated in Article 471 paragraph (1) of Law No. 7 of 2017 and Article 2 paragraph (2) of Supreme Court Regulation (Peraturan Mahkamah Agung/PERMA) No. 5 of 2017.²

Siyasah Qadhaiyyah is an important concept in Islamic law concerning governance and the administration of public affairs within the framework of Sharia. Etymologically, siyasah refers to governance, regulation, or policies adopted by those in authority, while qadhaiyyah relates to judicial decisions and the resolution of disputes arising within society. Accordingly, Siyasah Qadhaiyyah may be understood as a framework for exercising governmental and judicial authority with the aim of safeguarding *maslahah* (the public interest) and preventing *mafsadah* (harm or social disorder), while ensuring that such measures remain grounded in the fundamental principles of Sharia..³

An analysis of the Bengkulu Administrative Court's (Pengadilan Tata Usaha Negara/PTUN Bengkulu) Decision No. 1/G/SPPU/2019/PTUN.BKL from the perspective of Siyasah Qadhaiyyah, concerning the determination of a legislative candidate by the Seluma Regency General Elections Commission (KPU Seluma), demonstrates the application of Islamic legal principles within the framework of modern adjudication. The Bengkulu Administrative Court reflects the principle of *istiqlal al-qadha'* (judicial independence), which requires judicial decisions to remain free from external interference. The principle of *al-musawah amam al-qadha'* (equality before the law) is likewise reflected in the treatment of the parties as equals before the court, without discrimination. In addition, the principle of *alaniyyatu majlis al-qadha'* (open court proceedings) supports transparency and fairness throughout the judicial process.

¹ JUMARDI Harsono, "Perubahan Kewenangan Badan Pengawas Pemilihan Umum Terhadap Pelanggaran Pemilihan Umum Legislatif Berdasarkan Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum," *Jurnal Panji Keadilan: Jurnal Ilmiah Nasional Mahasiswa Hukum*, 2019.

² Jamil Jamil, "Evaluasi Penyelesaian Sengketa Proses Pemilihan Umum Dalam Perspektif Konstruksi Hukumnya," *Perspektif* 25, no. 1 (2020): 12–19.

³ Ghina Aulia Rizky et al., "Kaidah-Kaidah Khusus Siyasah Qadhaiyyah," *Tadhbikrah: Jurnal Terapan Hukum Islam Dan Kajian Filsafat Syariah* 2, no. 2 (2025): 20–31.

This analysis focuses on Decision No. 01/G/SPPU/2019/PTUN.BKL of the Bengkulu Administrative Court (Pengadilan Tata Usaha Negara/PTUN Bengkulu), concerning a dispute over the determination of a legislative candidate by the General Elections Commission (Komisi Pemilihan Umum/KPU) of Seluma Regency. The case involved Maskun, S.E., a legislative candidate representing the National Awakening Party (Partai Kebangkitan Bangsa/PKB), who claimed to have been adversely affected by the decision of the Seluma Regency General Elections Commission to revoke his candidacy.⁴ From a legal perspective, this dispute illustrates the role of the Administrative Court (Pengadilan Tata Usaha Negara/PTUN) in resolving administrative disputes between individuals and state institutions. In addition, this analysis examines the resolution of the dispute through the principles of Siyasah Qadhaiyyah in Islamic law, which emphasize justice and the promotion of public welfare in judicial proceedings.⁵

In Case No. 1/G/SPPU/2019/PTUN.BKL concerning the determination of a legislative candidate by the Seluma Regency General Elections Commission (KPU Seluma), the panel of judges of the Administrative Court (Pengadilan Tata Usaha Negara/PTUN) examined the authority and procedural validity underlying the issuance of the Seluma Regency KPU decision that amended the Final List of Candidates (Daftar Calon Tetap/DCT) for the 2019 General Election. The Plaintiff argued that the decision was inconsistent with the applicable regulations, particularly with regard to the completeness of the required administrative documents and, more specifically, the Plaintiff's status as a State Civil Apparatus (Aparatur Sipil Negara/ASN). The Court found that the Seluma Regency KPU had failed to exercise due care in verifying the administrative data, had violated the principles of good governance, and had failed to comply with the prescribed procedural time limits.⁶

As a result, the Court annulled the KPU decision amending the Final List of Candidates (Daftar Calon Tetap/DCT) and ordered the KPU to revoke the decision and restore the previously established Final List of Candidates. The panel of judges also ordered the Defendant to pay court costs amounting to IDR 416,000. The decision underscores the importance of careful verification of administrative requirements in the electoral process and the need to ensure compliance with the applicable.⁷

Research Method

This study employs a normative legal research method using a library research approach. The study relies on secondary legal data relating to Decision No. 01/G/SPPU/2019/PTUN.BKL of the Bengkulu Administrative Court (Pengadilan Tata Usaha Negara/PTUN Bengkulu), concerning the dispute over the determination of a legislative candidate by the Seluma Regency General Elections Commission (KPU Seluma). The data were obtained through an examination of the court decision, relevant laws and regulations, books, academic journals, legal literature, and other relevant sources. The collected materials were subsequently analyzed using a juridical

⁴ Putusan Nomor 01/G/SPPU/2019/PTUN.BKL, Pengadilan Tata Usaha Negara Bengkulu

⁵ Aldi Sajian and Ardan Alif, "Sengketa Pertanahan Dan Peran Peradilan Tata Usaha Negara Dalam Penyelesaiannya: Analisis Hukum Agraria," *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum* 3, no. 4 (2024): 148–200.

⁶ Putusan Nomor 01/G/SPPU/2019/PTUN.BKL, Pengadilan Tata Usaha Negara Bengkulu

⁷ Putusan Nomor 01/G/SPPU/2019/PTUN.BKL, Pengadilan Tata Usaha Negara Bengkulu

approach to examine the judges' legal reasoning in resolving the dispute and to assess the decision in light of the principles of *Siyasah Qadhaiyyah*..

Discussion and Analysis

1. Judicial Considerations of the Administrative Court in Adjudicating Case No. 1/G/SPPU/2019/PTUN.BKL Concerning the Determination of a Legislative Candidate by the Seluma Regency General Elections Commission.

An administrative dispute refers to a dispute arising in the field of state administration between an individual or a private legal entity and a state administrative body or official, whether at the national or regional level, as a result of the issuance of an administrative decision. Such disputes may also include civil service disputes, subject to the applicable laws and regulations.⁸ The subject matter of the dispute is an Administrative Decision (Keputusan Tata Usaha Negara/KTUN), namely a written decision issued by a state administrative body or official. Such a decision constitutes a legal act based on the applicable laws and regulations and is concrete, individual, and final in nature, thereby producing legal consequences for a particular party.⁹

Based on this definition, administrative disputes are confined to written decisions issued by state administrative bodies or officials. Acts or measures undertaken by such bodies or officials that do not take the form of an administrative decision do not fall within the scope of disputes in this context.¹⁰ Under the Indonesian legal system, the authority to adjudicate material acts or conduct by state administrative bodies or officials does not fall within the jurisdiction of the Administrative Court (Pengadilan Tata Usaha Negara/PTUN). Instead, such matters fall within the jurisdiction of the ordinary courts under the civil law framework, particularly Article 1365 of the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata/KUHPerdata), which governs unlawful acts (*perbuatan melawan hukum*).¹¹ Administrative decisions that are concrete, individual, and final in nature may be challenged before the Administrative Court (Pengadilan Tata Usaha Negara/PTUN), where the dispute is subsequently adjudicated by administrative court judges.¹² Prior to the enactment of Law No. 30 of 2014 on Government Administration, legal claims against the government were generally divided into two categories: claims challenging Administrative Decisions (Keputusan Tata Usaha Negara/KTUN) that adversely affected the public, and claims concerning unlawful acts committed by government authorities, which fell within the jurisdiction of the ordinary courts. Following the enactment of the law, however, disputes concerning unlawful

⁸ Al Fauza Marpaung, Zaid, et al. Re-Voting for The Election of Regents and Deputy Regents (Analysis Study of The Constitutional Court Decision Number: 58/Php. Bup-Xix/2021 *Siyasah Qadhaiyyah* Perspective). *Journal Equity of Law and Governance*, 2024, 6.1: 113-120.

⁹ Siboy, Ahmad, et al. "The effectiveness of administrative efforts in reducing state administration disputes." *Journal of Human Rights, Culture and Legal System (JHCLS)* 2.1 (2022): 14-30.

Dola Riza, "Keputusan Tata Usaha Negara Menurut Undang-Undang Peradilan Tata Usaha Negara Dan Undang-Undang Administrasi Pemerintahan," *Jurnal Bina Mulia Hukum* 3, no. 1 (2018): 85-102.

¹¹ Sulaeman, Eman Achmad, et al. "Reconstruction of the Absolute Competence of Civil Courts in the Settlement of Unlawful Acts by the Government in Indonesia." *Journal of Cultural Analysis and Social Change* (2025): 1726-1737.

¹² Ade Irawan Taufik, "Keputusan Direksi Badan Usaha Milik Negara (Bumh) Sebagai Keputusan Tata Usaha Negara," *Jurnal Rechtsvinding* 3, no. 2 (2020): 331-47.

acts by government authorities were also brought within the jurisdiction of the Administrative Court.¹³

A relevant case in this context concerns the Decision of the Seluma Regency General Elections Commission (KPU Seluma) No. 54/PL-01.4-Kpt/1705/KPU-Kab/X/2018, issued on October 25, 2018, which amended a previous decision concerning the determination of the Final List of Candidates (*Daftar Calon Tetap/DCT*) for members of the Seluma Regency Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah/DPRD*) for the 2019 General Election. The Plaintiff argued that the issuance of the decision was inconsistent with the applicable laws and regulations and the principles of good governance. The Defendant, however, contested this position, maintaining that the decision had been issued in accordance with the applicable legal provisions.

In this case, the Court first examined the Defendant's authority to issue the contested decision by referring to the relevant legal framework, including Law No. 7 of 2017 on General Elections and General Elections Commission Regulation No. 20 of 2018. In conducting this review, the Court considered whether the Seluma Regency General Elections Commission had the legal authority to issue the decision and whether the procedures followed complied with the applicable requirements.

Based on the examination of the case and the relevant legal considerations, the Court held that the Seluma Regency General Elections Commission had the authority to issue the decision challenged in the proceedings and that the procedural steps undertaken by the Defendant were legally valid under the applicable regulations.

Based on the documentary evidence and the statements presented by the parties during the proceedings, the Panel of Judges established the following legal facts concerning the procedure for issuing the contested decision. First, the Seluma Regency General Elections Commission issued Decision No. 44/PL.01.4-Kpt/1705/KPU-Kab/IX/2018 on September 20, 2018, concerning the determination of the Final List of Candidates (*Daftar Calon Tetap/DCT*) for members of the Seluma Regency Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah/DPRD*) for the 2019 General Election.

Subsequently, the Election Supervisory Body (*Badan Pengawas Pemilihan Umum/Bawaslu*) of Seluma Regency submitted Letter No. 114/K.BE-09/PM.00.02/IX/2018 on September 25, 2018, requesting a copy of the dismissal decision. This was followed by Bawaslu Seluma Regency Letter No. 118/K.BE-09/PM.00.02/X/2018 requesting clarification regarding the dismissal status of the State Civil Apparatus (*Aparatur Sipil Negara/ASN*) concerned. In response, the Chairperson of the Seluma Regency General Elections Commission issued Letter No. 448/PP.01.4-SD/1705/KPU-Kab/X/2018 on October 3, 2018, providing an explanation to the Chairperson of Bawaslu Seluma Regency. Subsequently, the Chairperson of the Seluma Regency General Elections Commission issued Letter No. 455/PL.01/1705/KPU-Kab/X/2018 on October 5, 2018, requesting clarification from the Regional Secretary of Seluma Regency. The Seluma Regency General Elections Commission subsequently convened a plenary meeting. The minutes of the meeting, recorded as Document No. 98/PL.01.4-BA/1705/KPU-Kab/X/2018,

¹³ Bambang Arwanto, *Kewenangan PTUN Dalam Menyelesaikan Sengketa Perbuatan Melanggar Hukum Oleh Pemerintah (Onrechtmatige Overheidsdaad)*, (Jurnal Hukum Jatiswara, Universitas Mataram, 2018), hal. 2

concerning the candidacy status of Maskun, S.E., a legislative candidate from the Seluma Regency Branch Leadership Council (DPC) of the National Awakening Party (Partai Kebangkitan Bangsa/PKB), representing Electoral District Seluma 2 for the 2019 General Election, were issued on October 24, 2018. Finally, on October 25, 2018, the Seluma Regency General Elections Commission issued Decision No. 54/PL.01.4-Kpt/1705/KPU-Kab/X/2018 concerning the amendment to Decision No. 44/PL.01.4-Kpt/1705/KPU-Kab/IX/2018 on the Determination of the Final List of Candidates (DCT) for Members of the Seluma Regency Regional House of Representatives (DPRD) for the 2019 General Election.¹⁴

In assessing the procedure for issuing the contested decision, the Court referred to the applicable laws and regulations, including Law No. 7 of 2017 on General Elections. Article 256 paragraph (3) provides that the Regency/Municipal General Elections Commission (KPU Kabupaten/Kota) is responsible for determining the Final List of Candidates for members of the Regency/Municipal Regional House of Representatives (DPRD Kabupaten/Kota), while Article 257 paragraph (1) stipulates that the Final List of Candidates for DPRD members must be publicly announced by the General Elections Commission. The Court also referred to General Elections Commission Regulation of the Republic of Indonesia No. 20 of 2018 concerning the Nomination of Members of the House of Representatives, Provincial Regional House of Representatives, and Regency/Municipal Regional House of Representatives. This regulation governs, among other matters, the verification of the completeness of prospective candidates' administrative documents and the publication of the Final List of Candidates.

After examining the established legal facts and considering them in light of the applicable laws and regulations governing the procedure for issuing the contested decision, the Court held that the subject matter of the dispute was an amendment to the decision determining the Final List of Candidates (Daftar Calon Tetap/DCT). The amendment essentially removed the Plaintiff, Maskun, S.E., from the Final List of Candidates for membership of the Seluma Regency Regional House of Representatives (DPRD Kabupaten Seluma) in the 2019 General Election. The amendment was prompted by concerns and/or information submitted by members of the public regarding the prospective candidate's eligibility documents, particularly the document evidencing the Plaintiff's dismissal from or retirement as a State Civil Apparatus (Aparatur Sipil Negara/ASN). According to the Court, this issue should have been addressed during the verification and correction stage of the candidate eligibility requirements and should not have disrupted the electoral schedule established under Article 18 paragraphs (8), (9), (10), and (11) of General Elections Commission Regulation of the Republic of Indonesia No. 20 of 2018.¹⁵

The Panel of Judges held that the contested decision concerned an amendment to the Final List of Candidates issued by the Seluma Regency General Elections Commission following a plenary meeting, as documented in the corresponding minutes. Furthermore, the contested amendment had not been publicly announced through mass media or electronic media as required by the applicable regulations. Instead, it was merely communicated to the Liaison Officer (LO), without notification to the Plaintiff. After examining the procedure followed in issuing the contested decision, the Panel of Judges concluded that the Defendant's issuance of the decision

¹⁴ Putusan Nomor 01/G/SPPU/2019/PTUN.BKL, Pengadilan Tata Usaha

¹⁵ Putusan Nomor 01/G/SPPU/2019/PTUN.BKL, Pengadilan Tata Usaha Negara Bengkulu

was inconsistent with the applicable laws and regulations, particularly General Elections Commission Regulation of the Republic of Indonesia No. 20 of 2018 concerning the Nomination of Members of the House of Representatives and Regional House of Representatives.

The Court also examined the substantive basis for issuing the contested decision by considering the documentary evidence and witness testimony presented during the proceedings. The substantive issue concerned the Plaintiff's status as a State Civil Apparatus (Aparatur Sipil Negara/ASN) at the time he was included in the Final List of Candidates for membership of the Seluma Regency Regional House of Representatives (DPRD Kabupaten Seluma) for the 2019 General Election. The evidence presented before the Court indicated deficiencies in the completeness of the documents required for the nomination process for members of the Seluma Regency DPRD. The record also included a decision issued by the Regent of Seluma concerning the Plaintiff's dismissal and entitlement to retirement benefits in August 2018.

The Court also examined the substantive grounds for issuing the contested decision, taking into account the documentary evidence and witness testimony presented during the proceedings. The central issue concerned the Plaintiff's status as a State Civil Apparatus (Aparatur Sipil Negara/ASN) at the time his name was included in the Final List of Candidates for the Seluma Regency Regional House of Representatives (DPRD Kabupaten Seluma) for the 2019 General Election. The evidence presented before the Court revealed deficiencies in the completeness of the documents required for the nomination of candidates for the Seluma Regency DPRD. The case record also contained a decision issued by the Regent of Seluma in August 2018 concerning the Plaintiff's dismissal from public service and entitlement to retirement benefits.¹⁶

With regard to the Plaintiff's eligibility requirements as a candidate, a verification process was conducted based on the available evidence (T-46 and P-18). The verification revealed an outstanding document, namely the Plaintiff's dismissal letter from his position as a State Civil Apparatus (Aparatur Sipil Negara/ASN), in the form of a decision granting Civil Servant retirement benefits dated August 24, 2018. According to the witness testimony and the Defendant's own statements, the document was submitted by Yoki Wosah Putra, acting as the Liaison Officer (LO) for the National Awakening Party (Partai Kebangkitan Bangsa/PKB), on August 24, 2019, and was received by the Defendant, as recorded in the minutes dated January 24, 2019.¹⁷ The submission of the document was made within the prescribed deadline, namely one day before the determination of the Final List of Candidates on September 20, 2018, as stipulated in General Elections Commission Regulation No. 32 of 2018 concerning the Stages, Programs, and Schedule of the 2019 General Election.

The issuance of Seluma Regent Decree No. 07/21705/AZ/VIII/2018 concerning the Granting of Service-Based Promotion, Dismissal, and Retirement Benefits for Civil Servants on August 24, 2018, provided administrative evidence that the Plaintiff had been formally dismissed from his position as a State Civil Apparatus (ASN). This finding was corroborated by the testimony of Ikhwan Effendy, Head of the Regional Personnel Agency (BKD), who confirmed that the Regent's decree remained valid. It was further supported by the testimony of Wazirudin, Head of the General and Personnel Subdivision at Talo Kecil District, who stated that the Plaintiff had

¹⁶ Putusan Nomor 01/G/SPPU/2019/PTUN.BKL, Pengadilan Tata Usaha Negara Bengkulu

¹⁷ Putusan Nomor 01/G/SPPU/2019/PTUN.BKL, Pengadilan Tata Usaha Negara Bengkulu

ceased reporting for duty since August, as evidenced by the attendance records, which contained no signature from the Plaintiff.¹⁸

The Panel of Judges held that the Defendant's issuance of the contested decision on the ground that the Plaintiff was still serving as a State Civil Apparatus (ASN) was erroneous, as the Plaintiff had already been administratively dismissed from public service or granted retirement status before the determination of the Final List of Candidates. Accordingly, the issuance of the contested decision a quo was contrary to the applicable laws and regulations, particularly Law No. 7 of 2017 on General Elections and General Elections Commission Regulation No. 20 of 2018.

The Defendant's issuance of the contested decision also violated the applicable legal provisions because the Defendant failed to properly verify the accuracy of the Plaintiff's dismissal status as a State Civil Apparatus and failed to comply with the prescribed electoral timetable. The Panel of Judges therefore found that the Defendant had failed to exercise due care in issuing the contested decision, thereby violating the principles of good governance, particularly the principle of due care and diligence.

Based on the established legal facts and the applicable legal framework, the Panel of Judges held that the issuance of the contested decision a quo was contrary to the applicable laws and regulations and the principles of good governance, as provided for in Article 53 paragraph (2) letters (a) and (b) of Law No. 9 of 2004 concerning the First Amendment to Law No. 5 of 1986 on Administrative Courts, as well as Article 52 of Law No. 30 of 2014 on Government Administration. Pursuant to Article 97 paragraphs (8) and (9)(a) of Law No. 5 of 1986, the Panel of Judges therefore had sufficient legal grounds to declare the contested decision a quo null and void and to order the Defendant to revoke the contested decision.¹⁹

Since the contested decision a quo was declared null and void and the Defendant was ordered to revoke it, the Decision of the Seluma Regency General Elections Commission (KPU Seluma) No. 44/PL.01.4-Kpt/1705/KPU-Kab/IX/2018 concerning the Determination of the Final List of Candidates (DCT) for Members of the Seluma Regency Regional House of Representatives (DPRD) for the 2019 General Election, dated September 20, 2018, must consequently be reinstated and remain in effect. Accordingly, the Plaintiff's fourth claim for relief (petitum) was deemed to have been accommodated and was therefore found to lack sufficient legal grounds.

Taking into account the Defendant's actions, which were contrary to the applicable laws and regulations and the principles of good governance, as well as the determination that the Plaintiff's fourth claim for relief lacked sufficient legal grounds, the Panel of Judges decided to grant the Plaintiff's lawsuit in part.

As the Plaintiff's lawsuit was granted in part, the Defendant, as the unsuccessful party, was ordered pursuant to Article 110 of Law No. 5 of 1986 on Administrative Courts to pay the litigation costs incurred in the dispute, the amount of which would be determined in the operative part of the judgment.

Pursuant to Article 107 of Law No. 5 of 1986, the Panel of Judges was vested with discretion to determine the matters requiring proof, allocate the burden of proof, and assess the

¹⁸ Putusan Nomor 01/G/SPPU/2019/PTUN.BKL, Pengadilan Tata Usaha Negara Bengkulu

¹⁹ Putusan Nomor 01/G/SPPU/2019/PTUN.BKL, Pengadilan Tata Usaha Negara Bengkulu

evidentiary value of the evidence presented. Relevant evidence, including documentary evidence and the testimony of witnesses and the parties at trial, was duly considered, whereas other evidence deemed irrelevant was not taken into consideration, although it remained attached to the case file.

Having regard to Law No. 5 of 1986 on Administrative Courts, Law No. 9 of 2004 concerning the Amendment to Law No. 5 of 1986, and other relevant laws and regulations pertaining to the dispute, the Panel of Judges rendered its decision in accordance with the applicable legal provisions.[1] The judgment reflects a careful judicial review of the actions taken by the Seluma Regency General Elections Commission in determining and subsequently amending the Final List of Candidates (DCT) for the 2019 General Election. In this case, the actions of the Defendant (Seluma Regency KPU) were found to have violated several applicable legal provisions, particularly those concerning the completeness of the administrative requirements that candidates were required to fulfill in order to participate in the election.

Annulment of the Defendant's Decision: The Panel of Judges ordered the annulment of Seluma Regency General Elections Commission (KPU Seluma) Decision No. 54/PL-01.4-Kpt/1705/KPU-Kab/X/2018, which amended Decision No. 44/PL-01.4-Kpt/1705/KPU-Kab/IX/2018 concerning the Determination of the Final List of Candidates (DCT). The annulment was based on procedural deficiencies in the issuance of the contested decision. **Obligation of the Defendant to Revoke the Decision:** The Defendant was ordered to revoke the decision that had been issued and rectify the procedural deficiencies, thereby restoring the valid Final List of Candidates (DCT).

Administrative Violations and Principles of Good Governance: The Panel of Judges found that, in issuing the amendment to the decision, the Defendant failed to exercise due care in verifying the accuracy of the relevant administrative data, particularly with regard to the Plaintiff's status following his resignation from the State Civil Apparatus (ASN). This failure constituted a violation of the principles of good governance, particularly the principle of due care and diligence.

Litigation Costs: The Defendant was ordered to pay the litigation costs incurred in the dispute, which were set at IDR 416,000.²⁰ **Procedure for Issuing the Decision:** The Panel of Judges emphasized that all applicable administrative requirements, including the requirement for a candidate to resign from their status as a State Civil Apparatus (ASN), must be fulfilled before the determination of the Final List of Candidates (DCT). Although the Plaintiff had submitted a valid resignation letter, the document was not properly taken into consideration at the time the Final List of Candidates was determined.

2. A Siyasa Qadhaiyyah Perspective on Administrative Court Decision No. 1/G/SPPU/2019/PTUN.BKL Concerning the Determination of a Legislative Candidate by the Seluma Regency General Elections Commission.

The concept of judicial administration in Islam has been recognized since the early development of Islamic law through the institution of qadha, encompassing adjudication, the enforcement of judicial decisions, and the resolution of disputes. Fundamental principles of Islamic adjudication, including judicial independence (*istiqlal al-qadha'*), equality before the law (*al-*

²⁰ Putusan Nomor 01/G/SPPU/2019/PTUN.BKL, Pengadilan Tata Usaha Negara Bengkulu

musawah amam al-qadha'), and the right to seek appellate review (at-taqadhi 'ala darajatayn or al-isti'naf), remain highly relevant in contemporary legal systems.²¹ During the time of the Prophet Muhammad (peace be upon him), he served as the sole judicial authority, rendering decisions based on divine revelation from Allah and his own exercise of *ijtihad*. As the Islamic territories expanded, the judicial system became increasingly institutionalized and structured. This development became particularly evident during the caliphate of Umar ibn al-Khattab, who distinguished executive authority from judicial authority and established a more systematic and organized framework for the administration of justice.²²

During the Umayyad and Abbasid dynasties, the judicial system became increasingly independent, and judges were afforded greater autonomy in adjudicating cases without interference from political authorities.²³ This judicial system drew upon the Qur'an, the Hadith, and juristic reasoning (*ijtihad*) as its principal sources of law. During the reign of Harun al-Rashid, the institution of Islamic judiciary reached a significant stage of development with the establishment of the office of *qadi al-qudat*, which held the highest judicial authority within the Islamic legal system.²⁴

In contemporary Indonesia, the administration of justice is carried out by judicial institutions, including the Supreme Court and the Administrative Courts (Pengadilan Tata Usaha Negara/PTUN).²⁵ The Administrative Court (Pengadilan Tata Usaha Negara/PTUN) plays an important role in resolving administrative disputes, including disputes concerning decisions issued by the Seluma Regency General Elections Commission (KPU Seluma), which may be subject to judicial review. The concept of *Siyasah Qadhaiyyah*, which encompasses the authority of judges to adjudicate disputes and uphold justice, may also provide a relevant conceptual framework for understanding the Indonesian judicial system.²⁶ In this context, judicial proceedings are conducted openly, providing both parties to the dispute with an opportunity to present their respective arguments, while the resulting decision is rendered in accordance with the applicable law to ensure a fair and just resolution.

The Role of the Bengkulu Administrative Court in Adjudicating the Dispute Concerning Seluma Regency General Elections Commission Decision No. 54/PL-01.4-Kpt/1705/KPU-Kab/X/2018 on the Amendment of the Previous Decision.²⁷ This reflects the application of the principles of *Siyasah Qadhaiyyah*, particularly those concerning judicial authority and jurisdiction. The Bengkulu Administrative Court acted as an independent judicial institution, free from

²¹ D E A Novita Sari, Busman Edyar, and Habiburrahman Habiburrahman, "Tinjauan Yuridis Tentang Kode Etik Dan Pedoman Perilaku Hakim Dalam Perspektif *Siyasah Syar'iyah*" (INSTITUT AGAMA ISLAM NEGERI (IAIN) CURUP, 2024).

²² Awal Rifai Wahab, Asni Asni, and Muh Saleh Ridwan, "Peradilan Islam Pada Masa Rasulullah Dan Khulafaurasyidin: Studi Komparatif Peradilan Islam Era Klasik," *BUSTANUL FUQAH: Jurnal Bidang Hukum Islam* 3, no. 1 (2022): 32–46.

²³ Miftakhus Sifa'Bahrul Ulumiyah, "Perkembangan Hukum Dan Pengadilan Pada Era Abbasiyah," *Qurthuba: The Journal of History and Islamic Civilization* 3, no. 2 (2020): 210–20.

²⁴ Loecy Farlia Ugiasari et al., *SEJARAH PERADABAN ISLAM* (Penerbit Berseri, 2025).

²⁵ Setiawan, Deni, and Siti Rodhiyah Dwi Istinah. "Executorial Power of State Administrative Court Decisions Associated with General Principles of Good Government." *Jurnal Daulat Hukum* 6.3 (2023): 251-268.

²⁶ Gustian Hafizh Hilmy, "Pertimbangan Hakim PTUN Surabaya Pada Sengketa Keterbukaan Informasi Publik Perspektif *SIYASAH Qadhaiyyah* (Studi Putusan Nomor 32/G/KI/2021/PTUN. SBY)" (Universitas Islam Negeri Maulana Malik Ibrahim, 2024).

²⁷ Putusan Nomor 01/G/SPPU/2019/PTUN.BKL, Pengadilan Tata Usaha Negara Bengkulu

interference by other institutions, in adjudicating the dispute in accordance with the principle of *Istiqlal al-Qadha'* (judicial independence). This demonstrates that the Court's authority to adjudicate the case was exercised without external interference, reflecting a principle that has been recognized in Islamic judicial practice since the time of the Prophet Muhammad (peace be upon him).

The principle of *Al-Musawah Amam al-Qadha'* (equality before the law) is likewise reflected in this decision, as all parties to the dispute were treated equally by the judges without discrimination.²⁸ The Prophet Muhammad (peace be upon him) and the Rightly Guided Caliphs consistently upheld the principle of equality in the adjudication of disputes. This principle has continued to inform modern judicial practice, as reflected in the proceedings of the Bengkulu Administrative Court.²⁹ Furthermore, although Indonesian courts operate within the framework of applicable positive law, the principle of *Sulthah al-Qadha' fi al-Fiqh al-Islami* (judicial authority in Islamic jurisprudence) remains a relevant normative foundation for the exercise of judicial power. In exercising its jurisdiction, the Bengkulu Administrative Court also takes into consideration Islamic legal values, as articulated in *Siyasah Qadhaiyyah*, particularly in rendering decisions that are just and consistent with the public interest.

The proceedings before the Bengkulu Administrative Court likewise reflect the principle of *Alaniyyat Majlis al-Qadha'* (open court proceedings), whereby judicial proceedings are conducted publicly and transparently, consistent with the practice attributed to the Prophet Muhammad (peace be upon him) in administering justice in the mosque. These principles serve to ensure that judicial decisions are rendered in accordance with the applicable law and uphold the interests of justice for the public.³⁰

Decision No. 01/G/SPPU/2019/PTUN.BKL of the Bengkulu Administrative Court, concerning the Decision of the Seluma Regency General Elections Commission on the Determination of the Final List of Candidates for Members of the Seluma Regency Regional House of Representatives (DPRD) in the 2019 General Election, is consistent with the principles of *Siyasah Qadhaiyyah*, which emphasize justice and the promotion of the public interest. The decision was rendered on the basis of the judges' *ijtihad*, grounded in the applicable legal framework, while also taking into consideration the interests and equitable treatment of the Indonesian public.

Conclusion

The analysis of Bengkulu Administrative Court Decision No. 01/G/SPPU/2019/PTUN.BKL indicates that the judges carefully considered the applicable legal framework in resolving the dispute concerning the determination of a legislative candidate by the Seluma Regency General Elections Commission (KPU Seluma). In its judgment, the Court ensured the proper application of the principles of justice and equality before the law in accordance with the applicable legal provisions. The decision also reflects judicial independence and

²⁸ Miftakhul Huda, "Kepastian Hukum, Keadilan Dan Kemanfaatan Putusan Hakim Bagi Para Pihak Dalam Penyelesaian Sengketa Ekonomi Syariah Studi Pada Pengadilan Agama Di Wilayah Hukum PTA Surabaya" (UIN Sunan Gunung Djati Bandung, 2024).

²⁹ Indah Nur Shanty Saleh et al., *Buku Referensi Sistem Peradilan Di Indonesia: Proses, Hak, Dan Keadilan* (PT. Sonpedia Publishing Indonesia, 2024).

³⁰ Siska Lis Sulistiani, *Peradilan Islam* (Bumi Aksara, 2021).

transparency in the adjudication process, while providing legal protection for the political rights of the individual whose interests were adversely affected by the electoral process.

Viewed from the perspective of *Siyasah Qadhaiyyah*, the decision reflects the application of several fundamental principles, including judicial independence, equality before the law, and transparency in judicial decision-making. The Court exercised its adjudicative authority independently in resolving the dispute concerning the determination of the legislative candidate by the Seluma Regency General Elections Commission, while providing the parties involved with an equal opportunity to present their respective arguments.

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