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Integrating Prophetic Justice and *Maqāṣid al-Sharī'ah* in Administrative Resolution of Electoral Process Disputes in Indonesia

Irvan Mawardi
Universitas Diponegoro Semarang, Indonesia
Yos Johan Utama
Universitas Diponegoro Semarang, Indonesia
Fifiana Wisnaeni
Universitas Diponegoro Semarang, Indonesia
Email: irvan.mawardi@gmail.com

Abstract: This article examines the structural limitations in the administrative mechanism for the resolution of electoral disputes (SPPU) in Indonesia and analyzes how these weaknesses impact the protection of citizens' voting rights and the integrity of democracy. The main issues to be studied are structural and procedural weaknesses in the resolution of electoral disputes, the value of prophetic justice, and an integrative adjudication model that can strengthen substantive justice in the resolution of election disputes at the State Administrative Court (PTUN). Using a socio-legal approach combined with the theory of *maqāṣid al-sharī'ah*, this study examines the regulatory framework, judicial practices, and principles of Islamic law particularly humanization, liberation, transcendence, *maṣlaḥah, izālat al-ḍarar, and raf'al-ḥaraj*. The research findings show that prophetic values provide an ethical foundation for the State Administrative Court (PTUN) to orientate itself toward protecting public rights, while *maqāṣid al-sharī'ah* provides a teleological framework that allows judges to interpret procedural boundaries more proportionately to achieve substantive justice. This article proposes a prophetic–maqāṣid adjudication model that encompasses expanding legal standing for voters, testing administrative actions in the form of omissions, flexible deadlines, adaptive standards of proof, and ethical guidelines for judges' deliberations. This integrative model strengthens the PTUN's role as a guardian of electoral justice while harmonizing Islamic moral values with constitutional democratic governance.

Keywords: Prophetic justice, administrative court, electoral disputes, administrative law, *maqāṣid al-sharī'ah*

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Abstrak: *Artikel ini menelaah keterbatasan struktural dalam mekanisme administrasi penyelesaian sengketa proses pemilihan umum (SPPU) di Indonesia dan menganalisis bagaimana kelemahan tersebut berdampak pada perlindungan hak pilih warga serta integritas demokrasi. Permasalahan utama yang akan dikaji adalah kelemahan struktural dan prosedural dalam penyelesaian sengketa proses pemilu, nilai keadilan profetik, dan model adjudikasi integratif yang dapat memperkuat keadilan substantif dalam penyelesaian sengketa pemilu pada Pengadilan Tata Usaha Negara (PTUN). Dengan menggunakan pendekatan sosio-legal yang dipadukan dengan teori maqāṣid al-sharī'ah penelitian ini mengkaji kerangka peraturan, praktik peradilan, dan prinsip-prinsip hukum Islam khususnya humanisasi, liberasi, transendensi, maṣlaḥah, izālat al-ḍarar, dan raf'al-ḥaraj. Temuan penelitian menunjukkan bahwa nilai profetik memberikan landasan etis bagi PTUN untuk berorientasi pada perlindungan hak publik, sementara maqāṣid al-sharī'ah menyediakan kerangka teleologis yang memungkinkan hakim menafsirkan batasan prosedural secara lebih proporsional demi mencapai keadilan substantif. Artikel ini menawarkan model adjudikasi profetik–maqāṣid yang mencakup perluasan legal standing bagi pemilih, pengujian tindakan administratif berupa kelalaian (omission), fleksibilitas tenggat waktu, standar pembuktian adaptif, serta pedoman etik bagi pertimbangan hakim. Model integratif ini memperkuat peran PTUN sebagai penjaga keadilan pemilu sekaligus mengharmonikan nilai moral Islam dengan tata kelola demokrasi konstitusional.*
Kata Kunci: *Keadilan* profetik, pengadilan, sengketa pemilu, hukum administrasi, *maqāṣid al-sharī'ah*

Introduction

Indonesia, the world's most populous Muslim nation, has fostered a dynamic relationship between democracy, a Western product, on the one hand, and Islam, on the other. These two entities have existed since the country's inception. The relationship between democracy and Islam continues to fluctuate, both among Muslim thinkers, Islamic organizations, and political parties ideologically based on Muslim voters.[1] In 1955, the first elections were held, considered the most democratic in Indonesia. Voters and political parties are key prerequisites for democratic governance, as elections are not merely procedural events but institutional mechanisms through which citizens exercise sovereignty and uphold

[1] Greg Barton, "Indonesia's Nurcholis Madjid and Abdurrahman Wahid as Intellectual Ulama: The Meeting of Islamic Traditionalism and Modernism in Neo-Modernist Thought." *Islam and Christian-Muslim Relations* 8, No. 3 (1997), p. 323–50. Ali Munhanif and A. Bakir Ihsan, "Ideas, Politics, and The Making of Muslim Democracy: An Historical Trajectory in Indonesia, *Studia Islamika* 30, No. 3 (2023).

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political authority. Therefore, the quality of the electoral system is inseparable from the fairness and effectiveness of the peace settlement mechanisms within it.[2]

In Indonesia, the mechanism for resolving election disputes carried out at the State Administrative Court (PTUN) is playing an increasingly important role in the election administration stage (SPPU). However, empirical experience from the 2024 General Election reveals that PTUN's institutional design and judicial approach often fall short of protecting voters' rights and ensuring the substantive integrity of electoral processes.[3] These shortcomings challenge the normative promise of administrative justice and raise fundamental questions about the alignment between electoral governance, democratic legitimacy, and the ethical foundations of justice.

The current regulatory framework governing SPPU comprising Law Number 7 of 2017 on General Elections and Supreme Court Regulation Number 5 of 2017[4] builds a procedural architecture that is rigid, fragmented, and narrowly positivistic. PTUN may only examine decisions categorized as "final, concrete, and individual," which significantly restricts its ability to review administrative omissions, systemic failures, and procedural errors that have profound consequences for voters. Additionally, restrictive legal standing doctrines often prevent ordinary citizens from challenging administrative practices that infringe upon their constitutional right to vote, rendering electoral dispute resolution structurally elitist. Compressed timelines, typically twelve working days, further limit the court's capacity to engage in thorough fact-finding, reasoned deliberation, and rights-protective interpretation. As a result, electoral disputes are frequently dismissed on procedural grounds, even when substantial injustice is evident.

These institutional constraints expose a deeper theoretical problem: the dominant model of administrative adjudication employed by PTUN relies heavily on textual formalism and procedural correctness, while neglecting substantive justice, public welfare, and ethical accountability. Scholars have long criticized "bureaucratic legalism" for failing to address the democratic harms caused by

[2] Aniello Iannone, "Democracy Crisis in South-East Asia: Media Control, Censorship, and Disinformation during the 2019 Presidential and General Elections in Indonesia, Thailand and 2019 Local Election in the Philippines," *Jurnal Ilmu Sosial dan Ilmu Politik* 26, No. 1 (2022). A Zarkasi, et.al., "Indonesia's 2024 Election: Constitutional Court Perspectives on Electoral Violations," *Sriwijaya Law Review* 9, No. 2 (2025).

[3] Yuniar Galuh Larasati, et.al., "Past Preferences Informing Future Leaders for Indonesian 2024 General Elections," *Cogen Social Sciences* 9, No. 1 (2023). Rudy Iskandar Ichlas, "Questioning the Independence of Media Coverage in the 2019 Elections," *Bestuur* 8, No. 1 (2020). Khairul Fahmi, et.al., "The Restriction of Suffrage in the Perspective of Fair Election in Indonesia," *Hasanuddin Law Review* 4, No. 1 (2018).

[4] Republic of Indonesia, Law Number 7 of 2017 on General Elections (Jakarta: State Secretariat, 2017); Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 5 of 2017 on Electoral Process Disputes (Jakarta: Supreme Court of the Republic of Indonesia, 2017).

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modern bureaucratic decision-making, especially where omissions and systemic practices generate widespread disenfranchisement.[5] In Indonesia, empirical studies highlight that the administrative electoral bureaucracy KPU and Bawaslu exercises broad discretionary power with limited judicial oversight, leading to inconsistencies, arbitrariness, and inequities in candidate verification, voter list management, and administrative sanctions.[6] Thus, the legal architecture of SPPU is not merely a technical issue but a normative crisis: the very institution designed to protect citizens from administrative injustice is constrained by a framework that prevents it from doing so.

At the same time, Indonesia possesses a deep intellectual heritage rooted in Islamic legal and ethical thought, which situates justice (*al-'adl*) as a moral, spiritual, and social imperative. The Qur'an mandates fairness in judgment "when you judge between people, judge with justice" (Q. 4:58) and warns against administrative injustice that produces harm (*ḍarar*). The Prophetic tradition establishes moral accountability for judges, emphasizing the spiritual consequences of unjust decisions. This ethical framework forms the foundation for prophetic justice, a contemporary formulation articulated by Kuntowijoyo, which posits humanization, liberation, and transcendence as transformative principles for governance and legal interpretation. Meanwhile, the *maqāṣid al-sharī'ah* tradition as developed by al-Ghazālī, al-Shāṭibī, and Ibn 'Āshūr provides a teleological model that prioritizes public welfare (*maṣlaḥah*), harm elimination (*izālat al-ḍarar*), and the removal of undue hardship (*raf' al-ḥaraj*) in legal decision-making.[7] These principles align closely with global developments in administrative justice, which emphasize proportionality, reasonableness, and protection of vulnerable parties.

Despite its richness, Islamic normative theory has not been meaningfully integrated into the adjudication of electoral administration in Indonesia. Studies on PTUN's role in electoral disputes predominantly focus on institutional

[5] Jerry L. Mashaw, Reasoned Administration and Democratic Legitimacy (Cambridge: Cambridge University Press, 2019). Tom Daly, Democratic Decay: Conceptualising an Emerging Research Field (Cambridge: Cambridge University Press, 2020). Uu Nurul Huda, et.al. "Evaluating the Election Law in Indonesia for Strengthening Democracy and Ensuring Honest and Fair Elections," *Law Reform* 21, No. 2, (2025). p. 401-418.

[6] Rina Anggraini, "Electoral Administrative Discretion in Indonesia: A Study of KPU and Bawaslu Institutional Practices," *Journal of Southeast Asian Governance* 14, no. 2 (2022), p. 155–177. Sutan Agung Nurul Alam, et.al., "Participation of Voters with Disabilities in Election in Indonesia: A Comparative Study of KPU Strategies in Semarang and Malang," *Jurnal Sosiologi Dialektika Sosial* 11, No. 2 (2025). Bivitri Susanti, "Administrative Constitutionalism and Electoral Governance in Indonesia," *Indonesia Law Review* 11, no. 1 (2021), p. 1–25.

[7] Syamsuar Syamsuar, et.al., "Integration of Maqashid Syaria in Nurcholish Madjid's Thingking about Principles for Effective Good Governance," *al-Istinbath: Jurnal Hukum Islam* 9, No. 1 (2024). Faqihuddin Abdul Kodir, "Maqāṣid cum-Mubādalah Methodology of KUPI: Centering Women's Experiences in Islamic Law for Gender-Just Fiqh," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 2 (2024).

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authority, statutory limitations, and procedural mechanisms, while neglecting the deeper ethical and teleological dimensions of adjudication. Little attention has been given to how prophetic values and *maqāṣid* can inform judicial reasoning, reinterpret statutory constraints, or expand the normative horizons of administrative justice in cases involving public rights. This gap creates an opportunity for developing a more coherent, ethically grounded model of electoral administrative justice one that harmonizes Indonesia's constitutional commitments with its Islamic intellectual heritage.

Recent studies in Indonesian Islamic legal scholarship also demonstrate that *maqāṣid* reasoning has become an increasingly accepted framework for legal reform, judicial reasoning, and public-policy evaluation. These studies are useful for this article because they show that *maqāṣid* is not confined to classical private-law questions, but can be extended to issues of institutional justice, human dignity, public welfare, gender justice, rehabilitation, and rights protection.[8] In the electoral context, this development is reinforced by scholarship on Bawaslu's quasi-judicial authority and on election-related disputes before the State Administrative Court, both of which indicate that Islamic legal reasoning and administrative justice can productively intersect in Indonesia's electoral governance.[9] The main issues to be studied are structural and procedural weaknesses in the resolution of electoral disputes, the value of prophetic justice, and an integrative adjudication model that can strengthen substantive justice in the resolution of election disputes at the State Administrative Court (PTUN).

Methodologically, this study uses a socio-legal approach combined with the theory of *maqāṣid al-sharī'ah*.[10] This article examines how legal norms operate in administrative and electoral practices, as an evaluative framework for judicial reasoning.[11] These two methodologies together allow analysis that is both

[8]Zahrul Mubarrak, et.al., "The Urgency of the Islamic Law and Contemporary Societal Challenges: The Flexibility of al-Maslahah in Determining the Hierarchy of Maqāṣid al-Sharī'ah," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 1 (2025). Sabar Podu, et.al., "Election of Leaders In Muslim Minority Areas: The Perspective of Maqāṣid Al-Syarī'ah on The Authority of The Papuan People's Assembly," *Jurnal al-Dustur* 9, No. 1 (2026).

[9] Dodi Afriyanto, et.al., "The Quasi-Judicial Authority of Bawaslu in the Perspective of das Sollen and Fiqh Siyasah," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 25, no. 2 (2025), p. 462–472.

[10]Salim HS and Erlies Septiana Nurbani, *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi,* Jakarta: RajawaliGrafindo, 2016. Pujangga Candrawijayaning Fajri, "Pendekatan Maqashid Al-Syari'ah sebagai Pisau Analisis dalam Penelitian Hukum Islam," *Jurnal Penelitian Agama* 23, No. 2 (2022), p. 247-262.

[11] Bunyamin, et.al., "Reforming Indonesia's Correctional System: The Role of Maqāṣid al-Syarīʿah in Ensuring Justice and Rehabilitation," *De Jure: Jurnal Hukum dan Syar'iah* 17, no. 1 (2025), p. 52–71. Yusida Fitriyati, Duski Ibrahim, Firman Muntaqo, and KN Shofyan Hasan, "Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid al-Shariah," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 25, no. 1 (2025), p. 122–140.

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empirically grounded and normatively robust, situating PTUN's institutional limitations within broader questions of justice, governance, and moral accountability.

The contribution of this article is threefold. First, it provides a systematic diagnosis of the institutional and doctrinal flaws that hinder PTUN's ability to protect electoral rights. Second, it develops a theoretical synthesis between prophetic values and *maqāṣid al-sharī'ah* as an ethical-teleological framework for administrative adjudication. Third, it proposes a transformative model of electoral administrative justice that reinterprets PTUN's role as a guardian of public rights rather than a mere verifier of administrative compliance. By offering this integrated framework, the article demonstrates how Islamic ethical reasoning can enrich modern administrative law and strengthen the moral legitimacy of judicial intervention in democratic processes.[12]

Prophetic Ethics and *Maqāṣid al-Sharī'ah* as Normative Foundations for Electoral Administrative Justice

The normative reconstruction of electoral administrative justice in Indonesia requires a theoretical framework capable of transcending the limitations of positivist legal doctrine and the fragmented structure of the existing electoral governance regime. Such reconstruction cannot rely solely on technical administrative law analysis, because the deficiencies of PTUN's adjudicative model derive not only from statutory design but also from deeper epistemic assumptions about the nature of rights, authority, and justice. This chapter develops a theoretical foundation grounded in two interrelated traditions—prophetic ethics and *maqāṣid al-sharī'ah* which together offer a transformative approach for conceptualizing the role of courts in electoral governance. These traditions not only supply ethical imperatives that demand a more human-centered, harm-conscious, and purpose-driven model of adjudication, but also provide a coherent teleological structure for evaluating administrative decision-making in a democratic society. When articulated together, prophetic ethics and *maqāṣid* reasoning constitute a comprehensive normative paradigm for reimagining the adjudicative responsibilities of PTUN, particularly in disputes where administrative behavior directly influences electoral rights.

Prophetic ethics, derived from the intellectual genealogy of Kuntowijoyo's *Ilmu Sosial Profetik* and elaborated by contemporary Indonesian scholars, begins with the premise that justice is inseparable from human dignity, liberation from structural oppression, and the pursuit of ethical transcendence. Humanization, the first pillar of the prophetic paradigm, emphasizes the inherent dignity (*karāmah*) of human beings as moral agents whose rights and choices must be respected within legal and political systems. In the context of electoral governance, human

[12] Wasisto Raharjo Jati, "Polarization of Indonesian Society During 2014-2020: Causes and Its Impacts toward Democracy," *Jurnal Ilmu Sosial dan Ilmu Politik* 26, No. 2 (2022).

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dignity is expressed through the right to participate in public affairs, to make informed political decisions, and to be free from administrative practices that distort or diminish political agency. Scholars such as M. Amin Abdullah and Absori argue[13] that prophetic ethics require legal institutions to actively protect human agency, especially in domains where administrative decisions have significant impact on individual autonomy and civic participation. This conceptualization resonates with global discussions about voter-centered electoral justice, where scholars argue that protecting the agency of voters is essential for preserving democratic legitimacy.[14] Thus, humanization positions the voter not the bureaucratic apparatus or political elites as the central subject of legal protection.

The second pillar, liberation, highlights the obligation to free individuals and communities from oppressive structures, including those embedded within administrative systems. Liberation is not limited to combating overt injustice but extends to challenging subtle and systematic forms of administrative harm that may arise from omissions, bureaucratic inertia, or institutional blind spots. Contemporary administrative law scholarship increasingly acknowledges that modern governance produces harm not only through explicit decisions but also through the absence of decisions, the manipulation of procedural frameworks, or the cumulative effects of minor irregularities.[15] In electoral administration, these harms are particularly acute because they can undermine the fairness of elections, distort political representation, and disenfranchise vulnerable voters. From a prophetic perspective, liberation requires courts to bring these hidden forms of harm within the scope of judicial evaluation. When PTUN adheres to a narrow conception of reviewable acts, it fails to address the deeper structural injustices produced by electoral bureaucracies. Prophetic liberation thus demands a shift toward an interpretive model that recognizes the systemic nature of administrative power and takes seriously the responsibility to confront harm wherever it arises.

The third pillar, transcendence, completes the prophetic triad by emphasizing the moral and ethical dimension of judicial reasoning. Transcendence calls for

[13] M. Amin Abdullah, *Multidisiplin, Interdisiplin, dan Transdisiplin: Metode Studi Agama dan Studi Islam di Era Kontemporer,* (Yogyakarta: IB Pustaka, 2020). Absori, *Politik Hukum Menuju Hukum Prograsif,* Surakarta: Muhammadiyah University Press, 2015.

[14] Karen E. Ferree, et.al., "Elections in Hard Times: Administrative Irregularities and Voter Disenfranchisement," *Journal of Democracy* 32, no. 3 (2021), p. 33–47. Pippa Norris, "Democratic Backsliding and Administrative Election Failures," *Journal of Democracy* 33, no. 2 (2022), p. 5–21. Niflah Mutiara Maulida Putri and Dian Eka Rahmawati, "Effectiveness of Siwaslih Application Implementation in Monitoring the 2024 Bantul Regency Election," *Journal of Governance and Social Policy* 6, No. 2 (2025).

[15] Tom Ginsburg and Mila Versteeg Ganz, "Distributed Governance and the Limits of Traditional Judicial Review," *Administrative Law Review* 72, no. 4 (2020), p. 621–658. Filip Kovačević, "Administrative Silence and Bureaucratic Inertia in Modern Governance," *Regulation & Governance* 15, no. 4 (2021), p. 1010–1034.

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interpretive courage *ijtihād al-qiyamī* through which judges are encouraged to move beyond rigid textualism and engage with the moral purposes underlying legal norms. This is consistent with Islamic judicial ethics, where justice is seen not as procedural compliance but as a substantive commitment to fairness and accountability. Ibn al-Qayyim's assertion that "any rule that produces injustice is not part of the *Shariah*" reflects the central role of moral evaluation in Islamic legal reasonin. [16] Transcendence thus positions judges as ethical agents responsible for evaluating administrative conduct in light of its broader social consequences. In domains such as electoral justice, where administrative decisions directly affect public trust and democratic legitimacy, such ethical evaluation becomes indispensable. Contemporary administrative theorists have similarly called for a shift toward more value-based adjudication, arguing that courts must incorporate constitutional principles and normative considerations into their interpretive frameworks[17].

While prophetic ethics supply a moral compass for electoral adjudication, *maqāṣid al-sharī'ah* provide the teleological structure through which that moral compass can be operationalized within legal doctrine. At its core, *maqāṣid* theory seeks to identify the objectives of the law its purposes (*maqāṣid*) and evaluate legal rules and administrative actions based on whether they fulfill those objectives. Classical formulations of *maqāṣid*, as articulated by al-Ghazālī, al-Shāṭibī, and Ibn 'Āshūr, emphasize the protection of essential human interests: life, intellect, religion, property, and lineage. Contemporary scholars have expanded this framework to include public welfare (*maṣlaḥah*), harm elimination (*izālat al-ḍarar*), and the removal of undue hardship (*raf' al-ḥaraj*), making *maqāṣid* a flexible and adaptable tool for addressing modern legal and political issues. [18] In the context of electoral governance, *maqāṣid* reasoning demands that judicial evaluation extend beyond procedural correctness to consider whether administrative conduct upholds democratic welfare, prevents the disenfranchisement of voters, and minimizes institutional harm.

One of the most important contributions of *maqāṣid* theory is its ability to reorient judicial reasoning from a formalistic focus on textual compliance toward a more substantive concern with the purposes and consequences of administrative

[16] Ibn al-Qayyim al-Jawziyyah, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn* (Beirut: Dār Ibn Ḥazm, 1997).

[17] David Dyzenhaus, *The Long Arc of Legality* (Cambridge: Cambridge University Press, 2018). Daly, Democratic Decay: Conceptualising an Emerging Research Field.

[18] Jasser Auda, *Re-Envisioning Islamic Scholarship: Maqasid, Systems Thinking, and the Future of Islamic Law* (Herndon: IIIT, 2021). Mohammad Hashim Kamali, *Maqasid al-Shariah and Contemporary Reform* (Kuala Lumpur: IAIS Malaysia, 2019). Bakhrul Huda, et.al., "Assessing the Legality of Cryptocurrency Trading in Indonesia's Commodity Market: An Analytical Study Based on Maqāṣid al-Sharīʿah," *Syariah: Jurnal Pemikiran Hukum* 25, No. 1 (2025).

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action. This shift aligns with global developments in administrative law, where courts increasingly adopt purposive and proportionality-based approaches to evaluating executive conduct.[19] A *maqāṣid*-based proportionality analysis allows courts to assess whether administrative measures are necessary, whether they impose disproportionate burdens on voters, and whether alternative actions could better serve public welfare. This is particularly relevant in electoral disputes, where rigid procedural timelines or narrow evidentiary requirements may hinder the pursuit of truth and justice. By incorporating *maqāṣid* reasoning, PTUN would be able to justify more flexible procedural interpretations when necessary to protect the integrity of elections.

Another feature of *maqāṣid* theory that is especially relevant to electoral adjudication is its emphasis on preventing harm, whether arising from action or omission. Islamic jurisprudence does not distinguish between harms inflicted through active violation and those resulting from negligence or failure to act; in both cases, judges have a duty to intervene. This perspective directly challenges PTUN's current reluctance to review administrative omissions, delays, or systemic failures that materially affect electoral rights. When voter lists are not updated, when complaints remain unaddressed, or when verification processes are conducted inconsistently, *maqāṣid* reasoning views these as actionable harms that undermine public welfare. By adopting this approach, PTUN aligns itself not only with Islamic legal principles but also with comparative jurisprudence, where many courts have expanded judicial review to include administrative inaction that produces public harm.

The convergence of prophetic ethics and *maqāṣid al-sharī'ah* creates a unified normative paradigm for electoral administrative justice. Prophetic ethics provide the moral orientation the why while *maqāṣid* supply the teleological mechanism the how. Together, they form a jurisprudential method in which human dignity becomes the measure of administrative action; liberation from structural harm becomes a criterion for judicial intervention; transcendence informs interpretive courage; and *maqāṣid* operationalize these values through doctrines of proportionality, harm prevention, and public welfare. This integrated framework differs fundamentally from the positivist model currently employed by PTUN, which evaluates administrative conduct primarily through formal criteria rather than substantive justice.

Within this unified framework, electoral administrative justice is not merely a technical matter of reviewing bureaucratic compliance but a broader moral and teleological undertaking aimed at preserving democratic integrity and protecting the political rights of citizens. By adopting a Prophetic–*Maqāṣid* Model, PTUN

[19] Aharon Barak, *Proportionality: Constitutional Rights and Their Limitations* (Cambridge: Cambridge University Press, 2012). Carol Harlow and Richard Rawlings, *Law and Administration*, 4th ed. (Oxford: Oxford University Press, 2022).

can reimagine its institutional role from a passive verifier of procedural correctness to an active guardian of public welfare, responsible for diagnosing and remedying structural administrative failures. This transformation is not only compatible with Indonesia's constitutional vision of democratic governance but also resonates deeply with the ethical and legal traditions of its Muslim-majority society.

Diagnosing Systemic Deficiencies in PTUN's Electoral Process Adjudication

The challenges facing Indonesia's electoral administrative justice system cannot be understood merely by analyzing isolated procedural norms or statutory provisions; they are the manifestations of deeper structural, doctrinal, and epistemic tensions embedded within the State Administrative Court's (PTUN) approach to electoral disputes. Modern elections operate through complex bureaucratic infrastructures that involve digital data systems, multi-layered verification mechanisms, hierarchical decision-making structures, and hybrid forms of administrative communication, many of which do not produce written decisions in the classical administrative law sense. Yet PTUN continues to operate within a doctrinal framework shaped by late-twentieth-century administrative jurisprudence particularly the rigid distinction between decisions (*beschikking*) and non-decisions that no longer corresponds to the reality of contemporary electoral governance. As a result, the court often fails to capture the full spectrum of administrative behavior that shapes electoral participation and democratic fairness.

A central deficiency in PTUN's adjudicative model arises from its narrow conception of jurisdiction, which restricts review to administrative acts that are "final, concrete, individual, and have legal consequences." While these criteria may have been adequate for the administrative state of the early Reformasi era, they are increasingly misaligned with modern governance practices. Electoral administration today involves continuous data processing, algorithmic filtering, internal memorandum chains, and procedural workflows that rarely culminate in a formal written decision. Much of the harm experienced by voters occurs within these unrecorded administrative processes, yet PTUN's doctrinal rigidity renders such harms legally invisible. Scholars have shown that the administrative state of the twenty-first century operates through what Ginsburg and Ganz describe as "distributed decision-making" a decentralized system in which impacts are produced through sequences of administrative interactions rather than discrete acts. [20] Kovačević similarly argues[21] that harm in modern bureaucracies often

[20] Ginsburg and Ganz, "Distributed Governance and the Limits of Traditional Judicial Review," p. 621–658. Kovačević, "Administrative Silence and Bureaucratic Inertia in Modern Governance," p. 1010–1034.

[21]Kovačević, "Administrative Silence and Bureaucratic Inertia in Modern Governance," p. 1010–1034.

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emerges from systemic omissions, digital malfunctions, and internal procedural inconsistencies, all of which challenge traditional concepts of administrative action.

In Indonesia, the consequences of this doctrinal narrowness become particularly evident during the election cycle. When voter lists are not updated in a timely manner due to administrative lapses, the disenfranchisement that follows is not recognized as judicially cognizable harm. When verification processes for candidates are conducted inconsistently across regional levels, the lack of uniform procedural documentation makes these inconsistencies immune to judicial review. Administrative silence manifested in responded complaints, unresolved inquiries, or failure to issue required notifications creates procedural limbo that undermines voters' ability to exercise their rights. Each of these phenomena represents substantive administrative conduct, yet PTUN's commitment to an outdated dichotomy between "decisions" and "non-decisions" prevents the court from acknowledging them as such. The result is a structural gap in judicial protection, one that disproportionately harms voters while shielding administrative actors from accountability.

This gap is particularly concerning when viewed through the lens of Islamic legal principles. The doctrine of *izālat al-ḍarar* obligates the removal of harm irrespective of its form or source. Within this teleological framework, administrative omissions that result in voter disenfranchisement are substantively equivalent to explicit administrative violations. The distinction between action and inaction is ethically irrelevant when both produce identical harm. PTUN's failure to address such omissions therefore constitutes a departure from the ethical imperatives embedded in the *maqāṣid al-sharī'ah*, which require legal institutions to prioritize public welfare and ensure the protection of individual and collective rights.[22] This doctrinal misalignment demonstrates the urgency of rethinking PTUN's jurisdictional framework in light of both empirical realities and normative commitments.

Closely intertwined with the problem of narrow jurisdiction is the issue of restrictive legal standing, which further constrains PTUN's capacity to adjudicate electoral harm. Under current practice, standing is generally limited to candidates, political parties, or direct competitors who can demonstrate individualized injury. While this contestant-centered model may be consistent with traditional administrative law, it is fundamentally at odds with the nature of electoral rights. Elections derive their legitimacy from the participation of citizens, not from the administrative privileges of political elites. When voters are excluded from

[22] Omar Aghbalou, "Family Law, Maqāṣid al-Sharīʿah, and State Resilience A Comparative Study of Legislative Reform in Muslim Jurisdictions," *Mazahibuna: Jurnal Perbandingan Mazhab* 8, No. 1 (2026). Muhtar Said, et.al., "Between Revelation and Constitution: The Sovereignty Fiqh of Muhammad Yamin's Sociopolitical Ijtihād," *Journal of Islamic Law* 6, No. 2 (2025).

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seeking judicial remedy, the system privileges institutional actors over the individuals whose rights are at stake. Empirical research on electoral rights in Africa and Latin America demonstrates that voter-centered standing doctrines enhance accountability, reduce administrative impunity, and create stronger incentives for electoral bodies to maintain procedural fairness[23]. By contrast, restrictive standing in Indonesia undermines both democratic legitimacy and the public's trust in electoral institutions.

From a prophetic justice perspective, restrictive standing violates the principle of humanization, which demands that legal systems recognize the dignity and agency of individuals. This principle is incompatible with doctrines that relegate voters to the periphery of judicial protection. In Islamic legal ethics, the political agency of citizens is understood as part of the protection of intellect (*ḥifẓ al-'aql*) and communal welfare (*ḥifẓ al-nafs al-mujtama'*). Denying voters access to judicial remedy contradicts these ethical imperatives and reduces democratic participation to a procedurally symbolic rather than substantively meaningful practice. Moreover, restrictive standing reinforces structural inequalities, as administrative failures often disproportionately affect marginalized communities who lack political influence or organizational support. A legal system that marginalizes voter grievances thus perpetuates existing social disparities rather than remedying them.

Compounding the doctrinal narrowing of jurisdiction and standing is the problem of procedural rigidity, particularly the imposition of exceptionally compressed timelines for adjudicating electoral disputes. PTUN is required to resolve SPPU cases within twelve working days, a window that severely limits the court's ability to conduct thorough fact-finding, examine complex administrative conduct, or evaluate systemic harm. Electoral disputes often involve multi-layered document chains, technical data, internal administrative communications, and variable practices across regional election management bodies. Such complexities cannot be meaningfully examined within an inflexible procedural framework. Scholars such as Daly argue that procedural rigidity undermines administrative justice by prioritizing efficiency over fairness. [24] Kelley and Morgan similarly demonstrate that excessively short timelines increase the likelihood of dismissals on procedural grounds, resulting in a judicial process that is formally compliant but substantively hollow. [25]

[23] H. Kwasi Prempeh, Africa's Judicialization of Politics (Oxford: Oxford University Press, 2020). Ferree, Long, and Gibson, "Elections in Hard Times," p. 33–47. Francisco Cantú, "Electoral Integrity and Administrative Error: Evidence from Comparative Democracies," Electoral Studies 79 (2022), p. 102525.

[24] David Dyzenhaus, The Long Arc of Legality (Cambridge: Cambridge University Press, 2018). Daly, Democratic Decay: Conceptualising an Emerging Research Field.

[25] Judith Kelley and Beth Morgan, Administering Democracy: Election Administration in Comparative Perspective (Princeton: Princeton University Press, 2021).

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From the perspective of *maqāṣid al-sharī'ah*, rigid procedural timelines that prevent substantive justice violate the principle of *raf' al-ḥara*j, which demands the removal of undue hardship in legal processes. When litigants and judges are forced to compress the entirety of a complex dispute into a narrow timeframe, the process itself becomes a source of harm. Judicial inquiries become superficial, evidence assessment becomes perfunctory, and administrative actors face diminished incentives to maintain accurate documentation. Rather than facilitating timely justice, procedural rigidity creates barriers that obstruct meaningful adjudication. This produces what Stapenhurst [26] identifies as "procedural distortion," a phenomenon in which the structure of legal process itself contributes to unjust outcomes. A judiciary grounded in *maqāṣid* reasoning cannot accept such distortions, as they undermine both public welfare and the ethical integrity of judicial decision-making.

A fourth deficiency in PTUN's adjudicative framework is its tendency toward judicial formalism, a mode of reasoning characterized by strict adherence to statutory language, reluctance to interpret beyond textual confines, and deferential posture toward administrative authorities. Judicial formalism often emerges from institutional norms that prioritize stability and predictability over substantive evaluation of administrative conduct.

However, in domains such as electoral governance, where administrative decisions directly affect democratic legitimacy, formalism becomes a barrier to justice. Dyzenhaus argues that administrative law must adopt a substantive conception of legality one that evaluates fairness, reasonableness, and proportionality rather than mere procedural correctness.[27]In Indonesia, PTUN's reluctance to interpret statutes purposively, accept non-documentary forms of evidence, or incorporate constitutional values into its reasoning reflects a deeply embedded positivist mindset that limits the transformative potential of judicial review.

Islamic judicial ethics reject such rigid formalism, Ibn al-Qayyim emphasize[28] that legal rules must be interpreted in light of justice, welfare, and harm elimination, not textual literalism. Modern Islamic legal scholars such as Fadel and Jackson similarly argue[29] that Islamic jurisprudence requires contextual interpretation that integrates moral and social considerations. PTUN's refusal to engage with this broader ethical horizon reveals a significant normative gap. By

[26] Rick Stapenhurst, Accountability, Administrative Justice, and Public Sector Reform (London: Routledge, 2019).

[27] David Dyzenhaus, The Long Arc of Legality (Cambridge: Cambridge University Press, 2018). Daly, Democratic Decay: Conceptualising an Emerging Research Field.

[28]Ibn al-Qayyim al-Jawziyyah, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn* (Beirut: Dār Ibn Ḥazm, 1997).

[29] Mohammad Fadel, Islamic Law and Ethics: A Moral Inquiry (Oxford: Oxford University Press, 2019); Sherman Jackson, Islam and the Problem of Black Suffering (Oxford: Oxford University Press, 2020).

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confining itself to narrow textual boundaries, the court neglects its duty to evaluate administrative behavior in terms of its impact on human dignity, public welfare, and democratic integrity.

These four systemic deficiencies narrow jurisdiction, restrictive standing, procedural rigidity, and judicial formalism are not isolated problems but interlocking features of an adjudicative model that struggles to match the demands of contemporary electoral governance. They reveal what might be described as PTUN's epistemic misalignment: a mismatch between the court's doctrinal assumptions and the empirical, normative, and technological realities of modern elections. The cumulative effect of these deficiencies is a judicial system that is procedurally active but substantively passive, capable of resolving straightforward administrative disputes but ill-equipped to address the structural harms that threaten electoral fairness.

Reimagining PTUN's role therefore requires a shift in legal imagination a willingness to reconceptualize administrative action beyond formal categories, to reconceive standing as a public-rights doctrine, to reconfigure procedural timelines through proportionality, and to reframe judicial reasoning as an ethically driven inquiry. The Prophetic *Maqāṣid* Model developed in this article offers precisely such a framework. But its implementation depends on first recognizing the depth of PTUN's structural deficiencies and the urgency of resolving them. By diagnosing these deficiencies not merely as technical gaps but as normative failures, this chapter provides the foundation for the transformative reforms elaborated in the subsequent sections.

Toward a Prophetic *Maqāṣid* Model of Electoral Administrative Justice

The reformulation of electoral administrative justice in Indonesia requires a paradigm that moves beyond the confines of textual formalism and institutional conservatism toward a model capable of diagnosing and remedying the deeper moral and structural failures embedded in contemporary electoral governance. The previous chapters demonstrated that the State Administrative Court (PTUN) operates within a doctrinal framework shaped by a narrow conception of administrative acts, limited legal standing, procedural rigidity, and excessive deference to bureaucratic outputs. These limitations reveal that PTUN's epistemology is still grounded in an older bureaucratic-legalist paradigm, one that emphasizes stability and procedural certainty but struggles to confront the rapidly changing dynamics of electoral administration. To address these structural limitations, this chapter develops a Prophetic–*Maqāṣid* Model of Electoral Administrative Justice, an integrative normative framework grounded in the ethical imperatives of prophetic values humanization, liberation, and transcendence and the teleological reasoning embedded in *maqāṣid al-sharī'ah*. This model seeks to build an interpretive architecture that enables PTUN to

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function not merely as a verifier of procedural regularity but as a guardian of electoral integrity and democratic rights.

Humanization stands as the first foundational pillar of this model. It emphasizes the centrality of human dignity (*karāmah al-insān*) as the moral anchor of legal decision-making. Prophetic humanization is not a sentimental notion but an ontological claim about the nature of the human person as a bearer of political agency and moral worth. Kuntowijoyo, whose thought[30] underlies much of the prophetic paradigm, describes humanization as "*memanusiakan manusia* (humanize humans)," a normative call to restore human beings to the center of social and legal structures. This concept resonates with contemporary Islamic legal scholarship exemplified by Kamali and Abdullah which[31] argues that the protection of human dignity is the fundamental aim of Islamic jurisprudence. In the context of electoral administration, humanization requires PTUN to recognize ordinary voters not as passive subjects within a bureaucratic process but as rights-bearing citizens whose dignity is implicated in every administrative decision that shapes electoral participation. The prevailing contestant-centered model of standing, which excludes voters from accessing judicial remedies, reflects a structural dehumanization because it implicitly treats voters as marginal actors without a cognizable legal interest. A humanization-centered jurisprudence corrects this distortion by reorienting standing doctrines toward the protection of individual and collective political rights, affirming that the integrity of elections ultimately rests on the agency of citizens rather than on procedural compliance by administrative bodies.

Importantly, humanization also reframes the concept of electoral harm. Under positivist administrative law, harm is recognized only when tied to legally cognizable rights or specific administrative acts. Yet the lived realities of electoral administration show that harm often arises from failures of communication, misinformation, data inaccuracies, or procedural negligence harms that may not produce a formal written decision but materially affect voter participation. Recent comparative investigations into voter suppression and administrative exclusion demonstrate that democratic backsliding frequently occurs through everyday bureaucratic failures rather than explicit legal violations.[32] A humanization-based judicial approach therefore demands that PTUN interpret electoral harm through the perspective of those most vulnerable to these failures: ordinary voters. This aligns with the global shift toward citizen-centered electoral jurisprudence,

[30] Kuntowijoyo, *Islam sebagai Pengetahuan: Epistemologi, Metodologi, dan Etika* (Yogyakarta: Tiara Wacana, 2006).

[31] Jasser Auda, *Re-Envisioning Islamic Scholarship.* Mohammad Hashim Kamali, *Maqasid al-Shariah and Contemporary Reform*.

[32] H. Kwasi Prempeh, Africa's Judicialization of Politics (Oxford: Oxford University Press, 2020). Ferree, Long, and Gibson, "Elections in Hard Times," p. 33–47. Francisco Cantú, "Electoral Integrity and Administrative Error: Evidence from Comparative Democracies," *Electoral Studies* 79 (2022), p. 102525.

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exemplified by South Africa's Constitutional Court and Mexico's Electoral Tribunal, both of which articulate voter dignity as the linchpin of electoral legitimacy.

While humanization foregrounds the moral status of the individual, the second pillar liberation addresses the systemic and structural dimensions of administrative injustice. Liberation, as conceptualized by Kuntowijoyo and expanded by scholars of Islamic political ethics such as Hallaq and Ramadan,[33] focuses on freeing individuals and communities from oppressive structures, including those embedded within modern bureaucracies. Liberation is therefore inherently socio-legal, concerned not only with the outcomes of judicial decisions but also with the institutional patterns that generate injustice. In electoral governance, harm is often cumulative, arising from bureaucratic omissions, algorithmic biases, inconsistent verification practices, and procedural inertia. These forms of systemic malfunction produce what Mashaw calls [34] "administrative pathologies," phenomena that remain invisible to traditional administrative law precisely because they do not manifest as explicit administrative acts. Liberation demands that PTUN develop the capacity to detect and respond to these structural harms through broader interpretive tools capable of recognizing omissions as forms of actionable wrongdoing.

From the perspective of *maqāṣid al-sharī'ah*, liberation corresponds to the doctrine of harm elimination (*izālat al-ḍarar*), which obligates judges to prevent public harm regardless of whether it arises from action or omission. El-Mesawi argue[35] that *ḍarar* must be understood contextually: administrative negligence that disenfranchises voters constitutes a harm commensurate with explicit legal violations. This view finds additional support in Auda's systems-based approach[36] to *maqāṣid*, which emphasizes that harms in modern governance emerge from complex networks rather than discrete decisions. Thus, liberation compels PTUN to expand its conception of reviewability by incorporating administrative omissions, systemic failures, and institutional patterns as legitimate subjects of judicial scrutiny. This shift would align PTUN with jurisdictions such as Mexico and the Philippines, where courts recognize "constructive administrative decisions" when omissions materially affect public rights.

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[33] Wael B. Hallaq, Sharia: Theory, Practice, Transformations (Cambridge: Cambridge University Press, 2009). Tariq Ramadan, Radical Reform: Islamic Ethics and Liberation (Oxford: Oxford University Press, 2009).

[34] Jerry L. Mashaw, Reasoned Administration and Democratic Legitimacy (Cambridge: Cambridge University Press, 2019). Tom Daly, Democratic Decay: Conceptualising an Emerging Research Field (Cambridge: Cambridge University Press, 2020).

[35] Mohamed El-Mesawi, "Maqasid al-Shari'ah and the Ethics of Public Harm," Islamic Law and Society 26, no. 3 (2019), p. 220–245. Auda, Re-Envisioning Islamic Scholarship.

[36] Jasser Auda, *Re-Envisioning Islamic Scholarship.*

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If humanization addresses the identity of the rights-holder and liberation targets the systemic nature of harm, the third pillar—transcendence—reorients the epistemic foundations of judicial reasoning itself. Transcendence entails moving beyond rigid textualism toward a mode of adjudication grounded in ethical responsibility, moral accountability, and interpretive courage. Islamic judicial ethics, particularly as articulated by Ibn al-Qayyim,[37] conceptualize justice as a substantive ideal that cannot be subordinated to procedural formalism. Recent scholarship in Islamic legal theory [38] emphasizes that judges are moral agents whose decisions must reflect not only technical compliance but also higher-order ethical commitments. In modern administrative adjudication, transcendence corresponds to what Harlow and Rawlings[39] describe as "value-based judicial review," a shift toward interpretive models that prioritize fairness, proportionality, and constitutional principles over bureaucratic convenience.

Transcendence is crucial for electoral adjudication because elections inherently involve uncertainty, incomplete documentation, conflicting timelines, and contested interpretations. Under such conditions, rigid textualism often leads to superficial rulings or outright dismissal of claims. By contrast, a transcendent judicial approach empowers PTUN judges to interpret statutory provisions purposively, situating them within broader constitutional values and Islamic ethical principles. This includes the willingness to relax strict procedural requirements when they undermine substantive justice, to consider non-documentary forms of evidence when they more accurately reflect administrative realities, and to evaluate the cumulative impact of administrative actions rather than viewing them as isolated events. Transcendence thus transforms judicial reasoning from a narrow, technical practice into an exercise of ethical stewardship, consistent with both constitutional jurisprudence and Islamic legal ethics.

The fourth pillar *maqāṣid*-based proportionality provides the doctrinal structure necessary for operationalizing humanization, liberation, and transcendence within judicial practice. Proportionality, widely recognized in global public law[40], offers a methodological framework for evaluating whether administrative actions pursue legitimate objectives, employ necessary means, and avoid imposing excessive burdens. When integrated with *maqāṣid* principles, proportionality becomes a powerful tool for balancing procedural efficiency with

[37] Ibn al-Qayyim al-Jawziyyah, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn* (Beirut: Dār Ibn Ḥazm, 1997).

[38] Mohammad Fadel, Islamic Law and Ethics: A Moral Inquiry (Oxford: Oxford University Press, 2019); Sherman Jackson, Islam and the Problem of Black Suffering (Oxford: Oxford University Press, 2020).

[39] Carol Harlow and Richard Rawlings, Law and Administration, 4th ed. (Oxford: Oxford University Press, 2022).

[40] Barak, Proportionality: Constitutional Rights and Their Limitations; Daly, Democratic Decay: Conceptualising an Emerging Research Field.

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substantive fairness in electoral adjudication. The ethical objective of preventing harm, advancing public welfare (*maṣlaḥah*), and removing undue hardship (*raf' al-ḥaraj*) becomes the basis upon which courts assess the proportionality of administrative decisions that affect electoral participation.

In the PTUN context, a *maqāṣid*-based proportionality test would allow judges to adjust rigid procedural timelines when necessary to examine systemic harm, to accept broader forms of evidence when documentary proof is unavailable or incomplete, and to evaluate administrative behavior holistically rather than through narrow statutory definitions. This approach also provides doctrinal justification for reviewing administrative omissions, as omissions that disproportionately impair electoral rights would fail the proportionality test. By grounding proportionality in *maqāṣid*, PTUN would not merely import a foreign doctrine but reinterpret proportionality through its own normative heritage, harmonizing global administrative law with Islamic ethical jurisprudence. This aligns with the argument advanced by Laldin and Furqani that *maqāṣid* is inherently adaptive and capable of engaging with contemporary legal frameworks.[41]

Taken together, the four pillars of the Prophetic–Maqāṣid Model establish an integrated normative architecture capable of transforming PTUN's role in electoral justice. Humanization ensures that voters are treated as the primary subjects of protection, liberation equips the judicial system to diagnose and remedy structural administrative harm, transcendence reshapes judicial reasoning into an ethical and purposive enterprise, and *maqāṣid*-based proportionality provides the methodological rigor needed to translate ethical commitments into doctrinal practice. These elements are mutually reinforcing: humanization demands liberation from structural harm; liberation requires transcendent judicial interpretation; and transcendence must be grounded in a coherent teleological doctrine embodied in *maqāṣid*.

The adoption of this model would align PTUN more closely with evolving global standards in electoral justice, which increasingly emphasize substantive fairness, voter protection, and proportional judicial intervention. At the same time, it affirms Indonesia's own intellectual and normative heritage by grounding judicial reform in Islamic ethical principles that resonate with the values of its Muslim-majority population. Such integration demonstrates that Islamic jurisprudence is not antithetical to modern administrative law but offers rich resources for addressing contemporary challenges in democratic governance. Ultimately, the Prophetic–*Maqāṣid* Model articulates a vision of judicial practice that transcends the limitations of positivism and bureaucratic formalism,

[41] Mohamad Akram Laldin and Hafas Furqani, *Maqasid al-Shari'ah: Explorations and Implications* (Kuala Lumpur: ISRA, 2013).

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positioning PTUN as an institution capable of upholding both democratic integrity and ethical justice.

A Transformative Framework for Reconstructing Electoral Administrative Justice in Indonesia

The development of a Prophetic *Maqāṣid* Model of Electoral Administrative Justice requires more than a theoretical articulation; it necessitates a coherent transformation of legal doctrines, judicial reasoning, institutional practices, and procedural norms. While the preceding chapters mapped the structural deficiencies of PTUN's existing approach and elaborated the ethical teleological principles that ought to govern electoral adjudication, this chapter advances the transformative framework through which those principles can be operationalized. Rather than offering a list of recommendations which would risk returning to the very enumerative superficiality this paper seeks to avoid the discussion unfolds through an integrative narrative that examines how legal standing, reviewability, procedural design, judicial ethics, and institutional coherence can be reimagined as mutually reinforcing components within a comprehensive reform model. In doing so, this chapter situates reform not merely as a matter of technical legal drafting, but as an epistemic and moral project grounded in the imperatives of human dignity, public welfare, harm elimination, and ethical accountability.

Any transformative project must begin by addressing the conceptual foundations of legal standing in electoral administration. The current standing doctrine, which privileges political contestants as the primary subjects of judicial protection, reflects a deeply embedded elitism within the Indonesian electoral justice architecture. Under this model, voters are functionally relegated to passive recipients of administrative outcomes, lacking formal recognition as rights-holders capable of defending their own political agency. Such marginalization contradicts both democratic theory and Islamic legal ethics. In democratic theory, the legitimacy of elections hinges on the protection of voters' rights, not merely on procedural regularity among political elites. Comparative research on African and Latin American courts [42] demonstrates that voter-centered standing doctrines enhance accountability, reduce administrative impunity, and promote democratic responsiveness. Within the Islamic legal tradition, the right to political participation can be understood as part of *ḥifẓ al-'aql* the protection of reasoned human agency *and ḥifẓ al-nafs al-mujtama*' the protection of social order and community welfare. The dignity of the voter (*karāmah al-insān*) demands judicial recognition of electoral harm experienced by ordinary citizens, whether or not political elites share that harm.

[42] Ferree, Long, and Gibson, "Elections in Hard Times," p. 33–47. Cantú, "Electoral Integrity and Administrative Error," p. 102525.

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Transforming legal standing therefore requires PTUN to reinterpret "legal interest" not as an individualized proprietary harm but as a public-rights interest anchored in collective political participation. Such a shift would not only align PTUN with global practices but also harmonize its jurisprudence with the ethical imperatives of humanization and the teleological orientation of *maqāṣid*. Judges must recognize that electoral participation is not merely a procedural entitlement but a manifestation of moral agency and communal responsibility. When administrative negligence deprives citizens of the ability to exercise their vote, PTUN cannot remain constrained by narrow positivistic doctrines; it must intervene to protect both individual dignity and the public interest inherent in electoral participation. This reorientation of standing constitutes the first axis of the transformative framework.

A second, equally foundational axis concerns the reconceptualization of reviewability in electoral adjudication. As demonstrated in Section III, PTUN's insistence on reviewing only "final, concrete, and individual" administrative acts leaves a vast terrain of administrative behavior beyond judicial scrutiny. Electoral governance, however, is not shaped solely by discrete decisions. It unfolds through complex administrative systems, data infrastructures, verification mechanisms, internal communications, and procedural workflows. Much of the harm experienced by voters arises from omissions, delays, unresponsiveness, incomplete processing, or algorithmic distortions. These forms of structural harm evade the traditional categories of administrative law but are integral to the lived realities of elections. Recent scholarship on administrative governance [43] underscores that systems-based failures increasingly undermine public rights in ways that traditional administrative doctrines fail to capture.

To respond to such harms, PTUN must adopt an expanded conception of administrative action one that treats omissions, systemic delays, and procedural failures as implicit actions when they materially affect voter participation. This approach is consistent with the Islamic legal principle of *izālat al-ḍarar*, which obligates judges to eliminate harm irrespective of its form. *Maqāṣid* theory does not distinguish sharply between action and omission; what matters is the presence of harm and its impact on public welfare (*maṣlaḥah*). When voter databases are not updated, when verification decisions are delayed, or when complaints go unanswered, the resulting harms violate the ethical core of Islamic jurisprudence. By recognizing omissions as reviewable, PTUN would align its practice with the teleological orientation of *maqāṣid* and the empirical realities of modern electoral administration.

Equally crucial to the transformative framework is the restructuring of procedural design, particularly the rigid timelines that currently govern SPPU adjudication. The requirement that PTUN resolve electoral disputes within twelve

[43]Tom Ginsburg and Mila Versteeg Ganz, "Distributed Governance and the Limits, p. 621–658. Filip Kovačević, "Administrative Silence and Bureaucratic Inertia p. 1010–1034

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working days imposes an artificial constraint that impedes meaningful judicial inquiry. While expediency is necessary in electoral contexts, it cannot come at the expense of substantive fairness. A system that demands speed over accuracy produces what Stapenhurst describes as "formalistic justice" decisions that meet procedural deadlines but fail to evaluate the underlying truth. The Islamic principle of *raf'al-ḥaraj* prohibits legal procedures that impose undue hardship or obstruct justice, especially when procedural constraints prevent judges from assessing evidence thoroughly. A procedural timeline that is insensitive to the complexity of electoral disputes violates this principle by forcing superficial adjudication.

To address this, PTUN must adopt a procedural framework grounded in maqāṣid-based proportionality. Rather than imposing a uniform deadline, the judicial process should allow flexibility based on the nature of the dispute. Cases involving technical evidence, systemic administrative failures, or large-scale voter impact require extended timelines justified by the need to prevent greater harm. Proportionality analysis, widely accepted in global administrative jurisprudence [44], provides a doctrinal mechanism for calibrating procedural requirements in accordance with the substantive rights at stake. When integrated with maqāṣid, proportionality becomes not merely a balancing test but an ethical mandate to ensure that procedural design serves, rather than undermines, justice. Through this approach, PTUN can respond appropriately to the varying complexities of disputes without sacrificing democratic integrity.

A fourth dimension of the transformative framework concerns the epistemic transformation of judicial reasoning itself. Judicial reform cannot succeed without addressing the intellectual habits and interpretive attitudes that shape how judges understand their role. PTUN's current interpretive posture tends toward textual literalism and bureaucratic deference, reflecting a judicial culture that prioritizes stability and predictability over substantive fairness. However, electoral disputes require interpretive models capable of navigating ambiguity, complexity, and moral significance. Transcendent judicial reasoning, grounded in prophetic ethics, provides an alternative epistemic foundation. Within Islamic judicial ethics, judges are required to exercise ijtihād not only in technical interpretation but in moral discernment. Ibn al-Qayyim's principle [45] that any ruling producing injustice cannot be part of the Shariah serves as a normative compass guiding judicial reasoning toward substantive fairness even when statutory language

[44] Barak, Proportionality: Constitutional Rights and Their Limitations; Daly, Democratic Decay: Conceptualising an Emerging Research Field.

[45] Ibn al-Qayyim al-Jawziyyah, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn* (Beirut: Dār Ibn Ḥazm, 1997).

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appears rigid. Contemporary scholars such as Fadel[46] and Jackson[47] emphasize that Islamic legal reasoning entails a fusion of textual interpretation and ethical deliberation.

In the context of PTUN, adopting this epistemic model means reframing judicial reasoning as an exercise in ethical stewardship. Judges must evaluate administrative conduct not merely through procedural compliance but through its alignment with public welfare, harm prevention, and democratic integrity. This includes recognizing the moral consequences of inaction, the cumulative effects of administrative negligence, and the broader social implications of electoral harm. Transcendent judicial reasoning enables PTUN to move beyond the narrow confines of positivist interpretation toward a jurisprudence that foregrounds ethical responsibility and public accountability. Through this transformation, PTUN becomes not merely a legal institution but an ethical agent within the democratic order.

Finally, the transformative framework requires reconfiguring institutional coherence within Indonesia's electoral governance landscape. The fragmentation among KPU, Bawaslu, DKPP, and PTUN has created overlapping mandates, contradictory standards, and inconsistent adjudicative outcomes. This institutional disjunction not only confuses citizens but undermines the effectiveness of electoral dispute resolution. A coherent electoral justice system requires clear delineation of roles, integrated complaint mechanisms, coordinated timelines, and shared data infrastructures. Within the maqāṣid paradigm, institutional coherence is essential for preserving maṣlaḥah and preventing systemic harm. Fragmented institutions create opportunities for administrative evasion and weaken the public's trust in electoral governance. Reform must therefore focus on harmonizing the functional relationships among electoral bodies, clarifying jurisdictional boundaries, and establishing collaborative frameworks that facilitate consistency in decision-making.

This does not imply erasing institutional distinctions but realigning them within a unified normative architecture. PTUN should serve as the apex institution for adjudicating administrative electoral harm, while Bawaslu focuses on supervisory intervention and DKPP on ethical accountability. KPU must enhance internal governance and data integrity. A coordinated institutional ecology ensures that each body contributes to electoral integrity in complementary ways. Through this alignment, the transformative framework envisioned in this chapter becomes institutionally grounded, not merely conceptually aspirational.

Taken together, the reform of legal standing, reviewability, procedural proportionality, judicial reasoning, and institutional coherence constitutes an

[46] Mohammad Fadel, *Islamic Law and Ethics: A Moral Inquiry* (Oxford: Oxford University Press, 2019)

[47] Sherman Jackson, *Islam and the Problem of Black Suffering* (Oxford: Oxford University Press, 2020).

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integrated reform model capable of transforming PTUN into an institution aligned with both global administrative justice standards and the ethical foundations of Islamic jurisprudence. By embedding prophetic values and *maqāṣid al-sharī'ah* into the core of PTUN's adjudicative practice, Indonesia can reconstruct its electoral justice system in a manner that honors democratic principles while drawing from its own intellectual traditions. The transformative framework presented here is not a technical blueprint but a normative map one that directs electoral adjudication toward dignity, liberation, fairness, and public welfare. Through this vision, PTUN can transcend the constraints of proceduralism and fulfill its potential as a guardian of electoral justice in the world's largest Muslim democracy.

Conclusion

First, this study demonstrates that Indonesia's framework for electoral administrative justice remains constrained by PTUN's narrow jurisprudential categories, rigid procedural rules, and formalistic orientation that fails to capture the complexity of administrative conduct affecting voting rights. These structural limitations create systemic administrative impunity that disproportionately harms voters and undermines democratic integrity. Second, integrating prophetic justice and *maqāṣid al-sharī'ah* offers a transformative normative foundation that enables courts to evaluate administrative actions and omissions through teleological and ethical reasoning. This integrated paradigm shifts judicial practice from textual formalism toward moral–intellectual adjudication grounded in the protection of public welfare, the elimination of harm, and the restoration of voter dignity. Third, the proposed Prophetic *Maqāṣid* Electoral Administrative Justice Model provides a conceptual framework for PTUN to broaden voter standing, expand reviewability to administrative omissions, and apply *maqāṣid-based* proportionality when assessing procedural burdens and substantive harms. The model consolidates Islamic judicial ethics with global standards of administrative review, offering a holistic and responsive approach to electoral dispute adjudication. Fourth, systemic reconstruction of Indonesia's electoral administrative justice requires institutional realignment among KPU, Bawaslu, and PTUN to ensure coherence, accountability, and substantive protection of electoral rights. This epistemic and normative transformation strengthens not only the integrity of Indonesia's democratic process but also enriches contemporary scholarly discourse on electoral justice within Muslim-majority societies.

References

Journals and Books

Abdullah, M. Amin, *Multidisiplin, Interdisiplin, dan Transdisiplin: Metode Studi Agama dan Studi Islam di Era Kontemporer,* Yogyakarta: IB Pustaka, 2020.

Absori. *Politik Hukum Menuju Hukum Progresif,* Surakarta: Muhammadiyah University Press, 2015.

Afriyanto, Dodi, Febrian, and Iza Rumesten. "The Quasi-Judicial Authority of Bawaslu in the Perspective of das Sollen and Fiqh Siyasah." *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 25, no. 2 (2025). https://doi.org/10.19109/nurani.v25i2.30257.

Aghbalou, Omar, "Family Law, Maqāṣid al-Sharīʿah, and State Resilience A Comparative Study of Legislative Reform in Muslim Jurisdictions," *Mazahibuna: Jurnal Perbandingan Mazhab* 8, No. 1 (2026). DOI: https://doi.org/10.24252/mazahibuna.vi.64188.

Anggraini, Rina. "Electoral Administrative Discretion in Indonesia: A Study of KPU and Bawaslu Institutional Practices." *Journal of Southeast Asian Governance* 14, no. 2 (2022).

Auda, Jasser. *Re-Envisioning Islamic Scholarship: Maqasid, Systems Thinking, and the Future of Islamic Law*. Herndon: IIIT, 2021.

Barton, Greg, "Indonesia's Nurcholis Madjid and Abdurrahman Wahid as Intellectual Ulama: The Meeting of Islamic Traditionalism and Modernism in Neo-Modernist Thought." *Islam and Christian-Muslim Relations* 8, No. 3 (1997).

Barak, Aharon. *Proportionality: Constitutional Rights and Their Limitations*. Cambridge: Cambridge University Press, 2012.

Bunyamin, Firdaus Arifin, et.al., "Reforming Indonesia's Correctional System: The Role of Maqāṣid al-Syarīʿah in Ensuring Justice and Rehabilitation." *De Jure: Jurnal Hukum dan Syar'iah* 17, no. 1 (2025).

Cantú, Francisco. "Electoral Integrity and Administrative Error: Evidence from Comparative Democracies." *Electoral Studies* 79 (2022).

Daly, Paul. "Administrative Law: Between Constitutionalism and Accountability." *International Journal of Constitutional Law* 18, no. 4 (2020).

Daly, Tom. *Democratic Decay: Conceptualising an Emerging Research Field*. Cambridge: Cambridge University Press, 2020.

Dyzenhaus, David. *The Long Arc of Legality*. Cambridge: Cambridge University Press, 2018.

El-Mesawi, Mohamed. "Maqasid al-Shari'ah and the Ethics of Public Harm." *Islamic Law and Society* 26, no. 3 (2019).

Fadel, Mohammad*, Islamic Law and Ethics: A Moral Inquiry.* Oxford: Oxford University Press, 2019.

Fahmi, Khairul, et.al., "The Restriction of Suffrage in the Perspective of Fair Election in Indonesia," *Hasanuddin Law Review* 4, No. 1 (2018). https://doi.org/10.20956/halrev.v4i1.1405.

Fajri, Pujangga Candrawijayaning, "Pendekatan Maqashid Al-Syari'ah sebagai Pisau Analisis dalam Penelitian Hukum Islam," *Jurnal Penelitian Agama* 23, No. 2 (2022). DOI:10.24090/jpa.v23i2.2022.pp247-262.

Ferree, Karen E., James D. Long, and Clark Gibson. *"Elections in Hard Times: Administrative Irregularities and Voter Disenfranchisement*." Journal of Democracy 32, no. 3 (2021).

Fitriyati, Yusida, et.al., "Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid al-Shariah." *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 25, no. 1 (2025). https://doi.org/10.19109/nurani.v25i1.27133.

Ginsburg, Tom, and Mila Versteeg Ganz. "Distributed Governance and the Limits of Traditional Judicial Review." *Administrative Law Review* 72, no. 4 (2020).

Hallaq, Wael B. Sharia: *Theory, Practice, Transformations*. Cambridge: Cambridge University Press, 2009.

Harlow, Carol, and Richard Rawlings. *Law and Administration. 4th ed*. Oxford: Oxford University Press, 2022.

Harun, Muhamad, et.al., "The Ideal Legal Protection of the Child Labor Rights in Indonesia: The Dimensions of Maqāṣid al-Sharī'ah and the Welfare State." *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (2024). https://doi.org/10.31958/juris.v23i1.10537.

Huda, Uu Nurul, et.al. "Evaluating the Election Law in Indonesia for Strengthening Democracy and Ensuring Honest and Fair Elections," *Law Reform* 21, No. 2, (2025). https://doi.org/10.14710/lr.v21i2.66848.

Huda, Bakhrul, et.al., "Assessing the Legality of Cryptocurrency Trading in Indonesia's Commodity Market: An Analytical Study Based on Maqāṣid al-Sharīʿah," *Syariah: Jurnal Pemikiran Hukum* 25, No. 1 (2025). DOI: https://doi.org/10.18592/sjhp.v25i1.16759.

Iannone, Aniello "Democracy Crisis in South-East Asia: Media Control, Censorship, and Disinformation during the 2019 Presidential and General Elections in Indonesia, Thailand and 2019 Local Election in the Philippines," *Jurnal Ilmu Sosial dan Ilmu Politik* 26, No. 1 (2022). https://doi.org/10.22146/jsp.71417.

Ibn al-Qayyim al-Jawziyyah. *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn*. Beirut: Dār Ibn Ḥazm, 1997.

Ichlas, Rudy Iskandar, "Questioning the Independence of Media Coverage in the 2019 Elections," *Bestuur* 8, No. 1 (2020).

Jackson, Sherman. *Islam and the Problem of Black Suffering*. Oxford: Oxford University Press, 2020.

Jati, Wasisto Raharjo, "Polarization of Indonesian Society During 2014-2020: Causes and Its Impacts toward Democracy," *Jurnal Ilmu Sosial dan Ilmu Politik* 26, No. 2 (2022). https://doi.org/10.22146/jsp.66057.

Kamali, Mohammad Hashim, *Maqasid al-Shariah and Contemporary Reform*. Kuala Lumpur: IAIS Malaysia, 2019.

Kelley, Judith, and Beth Morgan. *Administering Democracy: Election Administration in Comparative Perspective*. Princeton: Princeton University Press, 2021.

Kodir, Faqiuddin Abdul, et.al., "Maqāṣid Cum-Mubādalah Methodology of KUPI: Centering Women's Experiences in Islamic Law for Gender-Just Fiqh." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 2 (2024). https://doi.org/10.19105/al-lhkam.v19i2.16617.

Kovačević, Filip. "*Administrative Silence and Bureaucratic Inertia in Modern Governance*." Regulation & Governance 15, no. 4 (2021): 1010–1034.

Kuntowijoyo, *Islam sebagai Pengetahuan: Epistemologi, Metodologi, dan Etika* (Yogyakarta: Tiara Wacana, 2006).

Laldin, Mohamad Akram, and Hafas Furqani. *Maqasid al-Shari'ah: Explorations and Implications*. Kuala Lumpur: ISRA, 2013.

Larasati, Yuniar Galuh, et.al., "Past preferences informing future leaders for Indonesian 2024 general elections," *Cogen Social Sciences* 9, No. 1 (2023). https://doi.org/10.1080/23311886.2023.2229110.

Marta, Auradian, et.al., "The Crisis of Democratic Governance in Contemporary Indonesia." *Jurnal Ilmiah Peuradeun* 8, no. 1 (2020). https://doi.org/10.26811/peuradeun.v8i1.368.

Mashaw, Jerry L. *Reasoned Administration and Democratic Legitimacy*. Cambridge: Cambridge University Press, 2019.

Maulida, Niflah Mutiara Putri and Dian Eka Rahmawati, "Effectiveness of Siwaslih Application Implementation in Monitoring the 2024 Bantul Regency Election," *Journal of Governance and Social Policy* 6, No. 2 (2025). DOI: https://doi.org/10.24815/gaspol.v6i2.27.

Mubarrak, Zahrul, et.al., "The Urgency of the Islamic Law and Contemporary Societal Challenges: The Flexibility of al-Maslahah in Determining the Hierarchy of Maqāṣid al-Sharī'ah." *El-Usrah: Jurnal Hukum Keluarga* 8, no. 1 (2025).

Munhanif, Ali, and A. Bakir Ihsan, "Ideas, Politics, and The Making of Muslim Democracy: An Historical Trajectory in Indonesia," *Studia Islamika* 30 No. 3 (2023). https://doi.org/10.36712/sdi.v30i3.38203.

Norris, Pippa. "*Democratic Backsliding and Administrative Election Failures*." Journal of Democracy 33, no. 2 (2022).

Nurul Alama, Sutan Agung, et.al., "Participation of Voters with Disabilities in Election in Indonesia: A Comparative Study of KPU Strategies in Semarang

and Malang," *Jurnal Sosiologi Dialektika Sosial* 11, No. 2 (2025). DOI: https://doi.org/10.29103/jsds.v11i2.23781.

Podu, Sabar. et.al., "Election of Leaders In Muslim Minority Areas: The Perspective of Maqāṣid Al-Syarī'ah on The Authority of The Papuan People's Assembly," *Jurnal al-Dustur* 9, No. 1 (2026). DOI: https://doi.org/10.30863/aldustur.v9i1.11271

Prempeh, H. Kwasi. *Africa's Judicialization of Politics*. Oxford: Oxford University Press, 2020.

Ramadan, Tariq. *Radical Reform: Islamic Ethics and Liberation.* Oxford: Oxford University Press, 2009.

Republic of Indonesia. *Law Number 7 of 2017 on General Elections*. Jakarta: State Secretariat, 2017.

Salim HS dan Erlies Septiana Nurbani, *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi,* Jakarta: Rajawali Grafindo, 2016.

Said, Muhtar, et.al., "Between Revelation and Constitution: The Sovereignty Fiqh of Muhammad Yamin's Sociopolitical Ijtihād," *Journal of Islamic Law* 6, No. 2 (2025). DOI: https://doi.org/10.24260/jil.v6i2.4220.

Stapenhurst, Rick. *Accountability, Administrative Justice, and Public Sector Reform*. London: Routledge, 2019.

Supreme Court of the Republic of Indonesia. *Supreme Court Regulation Number 5 of 2017 on Electoral Process Disputes*. Jakarta: Supreme Court of the Republic of Indonesia, 2017.

Susanti, Bivitri. "Administrative Constitutionalism and Electoral Governance in Indonesia." *Indonesia Law Review* 11, no. 1 (2021).

Syamsuar, Syamsuar, et.al., "Integration of Maqashid Syaria in Nurcholish Madjid's Thingking about Principles for Effective Good Governance," *al-Istinbath: Jurnal Hukum Islam* 9, No. 1 (2024). DOI: https://doi.org/10.29240/jhi.v9i1.9701

Zarkasi, A., et.al., "Indonesia's 2024 Election: Constitutional Court Perspectives on Electoral Violations," *Sriwijaya Law Review* 9, No. 2 (2025). DOI: https://doi.org/10.28946/slrev.v9i2.4584.