

Disputes Over the Number of Votes in the Simangambat Village Head Election from the Perspective of *Siyasah Qadhaiyah*

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Abstract

The village head election in Simangambat has sparked a dispute over the number of votes that has attracted the attention of the community, authorities and legal experts. The conflict reflects the challenges of local democracy, which is often characterized by dissatisfaction and conflict. This research explores the complexity of the dispute through the perspective of Siyasah Qadhaiyah, an Islamic legal framework that emphasizes justice, benefit and peaceful conflict resolution. Using a descriptive-analytical qualitative approach, data was collected through in-depth interviews, direct observation, and analysis of official documents, taking into account the local social and cultural context. The results show that the application of Siyasah Qadhaiyah principles can provide a fair and effective solution in resolving disputes in Simangambat. The principle of deliberation allows all parties to express their views openly and reach a mutually acceptable agreement, reduce tension, and prevent conflict escalation, creating an atmosphere conducive to peaceful resolution. The findings of this research not only enrich the legal literature on village head elections, but also offer a model of harmonious and sustainable dispute resolution. This model can be adopted by other villages facing similar situations, increasing public trust in the election process and village governance. This research opens new avenues for the application of Siyasah Qadhaiyah in local governance, potentially making a significant contribution to the development of legal systems and democracy at the village level in Indonesia.

Keyword: *Dispute, Village Head Election, Siyasah Qadhaiyah.*

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Abstrak

Pemilihan Kepala Desa di Simangambat telah memicu sengketa perselisihan jumlah suara yang menarik perhatian masyarakat, otoritas, dan para pakar hukum. Konflik ini mencerminkan tantangan demokrasi lokal yang sering kali diwarnai ketidakpuasan dan konflik. Penelitian ini menyelami kompleksitas sengketa tersebut melalui perspektif *Siyasah Qadhaiyah*, kerangka hukum Islam yang menekankan keadilan, kemaslahatan, dan penyelesaian konflik secara damai. Dengan pendekatan kualitatif deskriptif-analitis, data dikumpulkan melalui wawancara mendalam, observasi langsung, dan analisis dokumen resmi, serta mempertimbangkan konteks sosial dan budaya setempat. Hasil penelitian menunjukkan bahwa penerapan prinsip *Siyasah Qadhaiyah* dapat memberikan solusi adil dan efektif dalam menyelesaikan sengketa di Simangambat. Prinsip musyawarah memungkinkan semua pihak menyampaikan pandangan secara terbuka dan mencapai kesepakatan yang diterima bersama, meredam ketegangan, dan mencegah eskalasi konflik, menciptakan suasana yang kondusif untuk penyelesaian damai. Temuan penelitian ini tidak hanya memperkaya literatur hukum pemilihan kepala desa, tetapi juga menawarkan model penyelesaian sengketa yang harmonis dan berkelanjutan. Model ini dapat diadopsi oleh desa-desa lain yang menghadapi situasi serupa, meningkatkan kepercayaan masyarakat terhadap proses pemilihan dan pemerintahan desa. Penelitian ini membuka jalan baru bagi penerapan *Siyasah Qadhaiyah* dalam pemerintahan lokal, berpotensi memberikan kontribusi signifikan bagi pengembangan sistem hukum dan demokrasi di tingkat desa di Indonesia.

Kata Kunci: Sengketa, Pemilihan Kepala Desa, *Siyasah Qadhaiyah*.

Introduction

Village head elections are a crucial form of local democracy in Indonesia's governance system. Simangambat Village, like many other villages in Indonesia, organizes village head elections as an effort to elect a leader at the smallest unit who is able to accommodate the aspirations and needs of the people in the village. This election process not only reflects the participation of the community in determining their leaders, but it is also a reflection of the implementation of democratic principles at the level of the lowest unit of government. The Pilkades process currently involves several stages, starting from socialization, nomination, voting, to the determination of the village head through an inauguration ceremony and taking the oath of office. Community participation in Pilkades is closely related to the principle of village autonomy, which provides the freedom to organize and manage local government affairs on the condition that such measures are in line with the higher hierarchy of government. This principle is also rooted in fundamental values such as representation, transparency, accountability, and participation (Gusmansyah, 2019).

However, village head elections are often inseparable from various problems, one of which is disputes over the number of votes. These disputes generally arise due to differences in views between the parties involved in the election regarding the results of the vote count. Such disputes can cause tension in

the community, damage relations between residents, and even hamper the running of the village government. This was the case in Simangambat Village, Saipar Dolok Hole, South Tapanuli (Tapsel), North Sumatra where there was a dispute over the results of the same vote between the two candidates. Whereas previously, as it was known that the candidate for village head named Harianto Ritonga was one vote ahead, but after a re-agreement related to the superior ballot had been punched in four different points so that the committee and witnesses concluded that the ballot was canceled.

Through the official report issued by the PPKD (Village Head Election Committee) of Simangambat Village and Tapsel Regency, which then concluded that the village head candidate named Johannes Tatar Simatupang was the winner in the Simangambat Village Pilkades. Following up on this, as the official report received, the Regent of South Sumatra through his authority as a state administrative official issued his decision by determining the elected village head candidate based on the official report intended by PPKD. Whereas previously the candidate for village head named Harianto Ritonga had made negotiation efforts and submitted a motion objecting to the results of the minutes issued by PPKD, but still. This motion was not considered, which then made Harianto and his supporters make more serious legal efforts by filing a lawsuit at the State Administrative Court (PTUN) Medan (Ritonga, 2023).

The case of a dispute over the number of votes in the Simangambat village head election is a clear example of the dynamics of election disputes at the smallest unit level. In this context, it is important to find a solution that is not only based on the applicable positive law, but also considers various aspects. This research tries to offer an alternative solution that is often ignored or even abandoned by our society. In fact, if we glance back, the reflection of the culture and norms of society in Indonesia often intersects with values that are in accordance with the teachings of Islamic law. This research aims to examine the dispute over the number of votes in the Simangambat village head election through the perspective of *Siyasah Qadhaiyah*.

Thus, this research is expected to provide a deeper understanding of the application of Islamic legal principles in dispute resolution at the local level. In addition, this study is also expected to contribute to the development of fairer and more effective regulations in handling election dispute issues in the future. This study is not only relevant to the Simangambat community, but also to the academic community and legal practitioners who are interested in the integration between Islamic law and positive law in dispute resolution. Through a holistic approach, this study seeks to find a solution that can maintain justice and social stability in the context of village head elections. This research will further discuss the principles of *Siyasah Qadhaiyah*, the procedure of village head election, as well as an in-depth analysis of the dispute case that occurred in Simangambat. Thus, it is hoped that the results of this research can be a useful reference in an effort to improve the quality of the village head election process in Indonesia.

Literature Review

The author asserts that this research focuses on the juridical analysis of the Medan State Administrative Court's decision regarding the dispute over the appointment of the Village Head in Simangambat Village, Saipar Dolok Hole, South Tapanuli (Tapsel), North Sumatra. This research aims to demonstrate its originality and originality by stating that no previous research has reviewed the same issue. The author has conducted a thorough review to ensure that this research is not a duplication of other people's existing work or research. The results of the review are as follows:

Roby Destami Sudirman, in his article titled; "*Analisis Yuridis Penyelesaian Gugatan Pembatalan SK Bupati Bangkalan Terkait Penetapan Kepala Desa Banyuajuh*," has extensively narrated and provided constructive and comprehensible research results, particularly on how lawsuits can be retroactive even though the regional head has been officially elected and is in office (Sudirman, 2023). The above article shares similarities with the author's study in the context of juridical analysis of local government elections. The difference is that while Roby conducts a positive law review, the author relates it to Islamic Law perspectives.

Furthermore, Hulaimi, in his publication titled; "*Analisis Yuridis Penyelesaian Sengketa Pemilihan Kepala Desa Yang Mendapatkan Suara Sama Di Desa Masbagik Selatan Kabupaten Lombok Timur*," has identified and analyzed in depth the shortcomings in the procedure for resolving village head election disputes in East Lombok Regency. This article highlights the lack of clarity in the dispute resolution mechanism that was not considered by the Mataram Administrative Court judges, as well as the lack of examination of objections and recounting of votes (Hulaimi, 2021). The above study shares similarities with the author in the context of juridical analysis related to village head vote disputes. The difference is that while Hulaimi conducted a case study in East Lombok Regency, the author uses Simangambat Village as the study object.

Wahyu Cahyanudin, in his publication titled; "*Penyelesaian Sengketa Hasil Pemilihan Kepala Desa dalam Perspektif Fiqh Siyasah (Studi Kasus Pemilihan Kepala Desa Suranengala Kulon Tahun 2019)*," has thoroughly elaborated on how weaknesses in the dispute resolution procedure that overly rely on the Bupati's decision can potentially create new conflicts due to political interests. Additionally, this research demonstrates the relevance of Fiqh Siyasah in the context of dispute resolution by prioritizing musyawarah and mufakat and considering maslahat, and emphasizes the need for the judiciary to play a final role in resolving disputes fairly and objectively (Cahyanudin, 2022). This study shares similarities with the author's research, particularly in the resolution of village head disputes from an Islamic Law perspective. The difference is that while Wahyu examines Fiqh Siyasah from a general perspective, the author focuses more specifically on Siyasah Qadhaiyah

From the three literature reviews above, there are several significant differences with this research. The previous works only focused on the juridical analysis of the cases they reviewed. In contrast, this research not only analyzes the juridical aspects but also includes analysis from the perspective of *Fiqh Siyasah*, particularly the concept of *Siyasah Qadhaiyah*, to examine whether the elements

and values of *Fiqh Siyasa* have been applied in the case raised. In addition, the object and location of this research are different from previous studies, strengthening its originality and uniqueness. This research makes a new contribution by integrating juridical analysis and the perspective of *Fiqh Siyasa* in the context of a dispute over the appointment of a Village Head, which has never been done before.

Research Method

This research offers a unique and in-depth approach by adopting a descriptive-analytical qualitative concept, based on two main directions: the statute approach and the case approach. The statute approach, which focuses on legislation related to State Administrative Decisions (KTUN), not only highlights procedural and substantial aspects but also explores the authority of state administrative officials in issuing decisions regarding the appointment and ratification of the Simangambat village head for the 2023-2029 term (Amiruddin & Asikin, 2016/2018, p. 118). In addition, the case approach is used to analyze cases related to issues in the field (Soerjono Soekanto & Sri Mamudji, 2015). In this context, the case that becomes the object of research is the decision in the case determined by the PTUN Medan numbered 43/G/2023/PTUN.MDN. Furthermore, the research focuses on analysis based on the concept of *siyasa qadhaiyah*, where this perspective is an Islamic legal framework that emphasizes justice and benefit (Judicial Institutions) (Tanjung, 2009).

The data presented consists of primary and secondary data, where primary data refers to the KTUN and the chronology of cases that occur in the field as well as other legal documents relevant to the issue at hand. Meanwhile, secondary data is sourced from literature studies and information related to the issues that occurred in the village head election (Pilkades) in Simangambat village. The existing data is then comprehensively analyzed using data analysis techniques based on Miles and Huberman's theory. Additionally, the researcher conducted validity tests on the existing data using the data triangulation method. Thus, this research is expected to produce high-quality findings that are useful in providing breakthrough solutions (Rijali, 2018).

Over the Number of Votes in Simangambat Village

The dispute over the number of votes in Simangambat Village, located in Saipar Dolok Hole, South Tapanuli (Tapsel), North Sumatra, has drawn significant attention due to its complexity and the controversies surrounding it. The issue began when the Village Head Election Committee (PPKD) issued an official report numbered 186.45/14/KPTS/2023, declaring Johannes Tatar Simatupang as the winner of the Village Head Election (Pilkades) for the 2023-2029 term. This decision came as a surprise to many, given that the initial vote count showed that the candidate numbered 2, Harianto Ritonga, had won with 258 votes, only one vote ahead of his competitor, Johannes Tatar Simatupang, who received 257 votes.

The tension escalated when PPKD decided to cancel one of the valid ballots for Harianto Ritonga, citing that the ballot was damaged. The ballot was deemed

damaged because it had a symmetrical through-punch mark in the photo column of Harianto Ritonga. However, according to the provisions stipulated in KPU Regulation Number 15 of 2010, PPKD's decision was not in accordance with the applicable rules. The regulation clearly states that ballots with through-punch marks should still be considered valid as long as the punch is symmetrical or parallel to the layout of the ballot when the paper is unfolded (Amiruddin & Asikin, 2016/2018, p. 118). This error highlights the importance of a proper understanding of the rules by election officials, as mistakes like this can lead to conflicts and disputes, as seen in this case. Furthermore, if the officials at the polling stations fail to provide clear instructions to voters about the importance of unfolding their ballots before voting, it could result in valid ballots being unfairly invalidated.

In the minutes issued by PPKD, it was also noted that the decision to cancel the through-punched ballot was only approved by one witness, who was representing the candidate number 1, Johannes Tatar Simatupang. The witness assigned by Harianto Ritonga was not consulted, raising serious concerns about the integrity and transparency of the election process in Simangambat Village. This incident has led many to question the fairness of the election, as well as the impartiality of the PPKD (Soerjono Soekanto & Sri Mamudji, 2015). Despite the controversy, Harianto Ritonga initially attempted to negotiate and filed objections to the minutes issued by the PPKD. However, with the issuance of the Regent's Decree affirming the PPKD's decision, the dispute over the Simangambat Village Head Election became even more contentious. As a result, Harianto Ritonga and his supporters decided to pursue legal action by filing a lawsuit with the State Administrative Court (PTUN) Medan (Tanjung, 2009).

In the lawsuit, it was argued that PPKD's actions violated Regent Regulation Number 27 of 2022, specifically Article 43 Paragraph 1 Subsection (e), as well as the procedures established during the Pilkades socialization conducted by BPD and the Simangambat Village community on December 9, 2022. The issuance of the official report by PPKD, declaring Johannes Tatar Simatupang as the winner of the 2022 Pilkades, was alleged to have violated the General Principles of Good Governance (AUPB). The actions of the Chairman of the Simangambat PPKD and the PPKD at the Tapsel district level were also called into question, as they were accused of violating the AUPB as stipulated in Article 10 Paragraph 1 of Law Number 30 of 2014 concerning Government Administration, particularly the principles of legal certainty and the prohibition against abusing authority in issuing the minutes. Additionally, PPKD was accused of abusing its authority for the benefit of certain parties without conducting proper discussions and reviews regarding the issues outlined in the minutes, and for failing to appropriately address Harianto Ritonga's objection letter.

Based on the court's decision numbered 43/G/2023/PTUN.MDN, dated July 26, 2023, the verdict ruled in favor of the plaintiff, Harianto Ritonga. The court declared the Decree of the Regent of South Tapanuli Number 188.45/14/KPTS/2023, which appointed Johannes Tatar Simatupang as the Village Head of Simangambat, null and void. The court also ordered the defendant to revoke the State Administrative Decree and imposed court costs on the defendant amounting to Rp597,500. This ruling was further upheld by the Medan

High Administrative Court in an appeal decision numbered 124/B/2023/PT.TUN.MDN, dated October 25, 2023. The court reaffirmed the previous decision, dismissed the appeal, and ordered the appellant to bear the court costs for both levels of the court, amounting to Rp250,000.00.

Despite the legal victory for Harianto Ritonga, the Regent of South Tapanuli has yet to demonstrate compliance with the court's decision, raising concerns about the professionalism and integrity expected of state administrative officials. This case underscores the critical importance of clear understanding and adherence to regulations by election committees to ensure a fair and transparent process. The community is calling for a just resolution to restore trust in the democratic process at the village level (Rijali, 2018).

***Siyasah Qadhaiyah* Perspective on Disputes Over Village Head Elections in Simangambat Village**

Siyasah Qadhaiyah is a concept that combines two Arabic terms: *siyasah* and *qadhaiyah*. *Siyasah* etymologically derives from the root word *سأس* (*sasa*) and the term *سياسة - يسوس* (*siyasah-yasus*), meaning to organize, manage, control, or make decisions, and can also be interpreted as politics or governance. In a broader sense, *siyasah* refers to the act of organizing or leading with the aim of promoting goodness. *Qadhaiyah*, on the other hand, pertains to judicial or legal matters. Thus, *Siyasah Qadhaiyah* integrates the concept of governance with judicial principles. According to Ibn Qayyim, who quotes from Ibn 'Aqil, *Siyasah Qadhaiyah* embodies the principles of leadership that are both just and beneficial, ensuring that governance aligns with the moral and ethical imperatives of justice and public welfare. This perspective emphasizes the importance of governance that not only adheres to legal norms but also upholds the values of fairness and the well-being of the community (Mulia Sari et al., 2023).

Siyasah refers to actions that guide people towards goodness and away from harm, even though such actions are neither explicitly mandated by the Messenger nor directly regulated by Allah SWT. In general, *siyasah* can be understood as a set of rules established by the government to manage human life within a state. On the other hand, the term *qadhaiyah* is derived from the word *qadha*, which means to settle, fulfill, or adjudicate according to the law. A person who makes these legal determinations is known as a *qadi* (judge). In Islamic jurisprudence, *qadha* signifies the process of resolving disputes between conflicting parties in accordance with Allah's law. Scholars of Islamic jurisprudence (*fuqaha'*) define *qadha* as the judicial or legal process through which disputes are settled.

According to Muhammad Salam Madkur, the term *qada* is used to describe the role of a judge because the primary function of a judge is to prevent injustice. From the various meanings of *qada*, it is evident that it refers to the judicial process in which a judge, or *qadhi*, resolves disputes. In Shari'ah terminology, *qada* involves settling disputes and preventing conflicts, rather than creating new laws. The judge's role is to apply existing laws to specific cases, ensuring that justice is upheld (Aziz, 2016). In the context of Islamic law, *siyasah and al-qadhaiyah* are integral components of the overall legal framework. The combination of these

terms creates the concept of *siyasah qadhaiyah*, which encompasses the provisions within Islam for performing judicial functions. Specifically, *siyasah qadhaiyah* deals with the management of public affairs through the judiciary, focusing on the enforcement of laws and regulations established by legislative authorities (*tasyri'iyah*).

The concept of *qadhaiyah* within the Islamic constitutional system underscores the principle of equality before the law, which is a foundational element of the judicial process. The Islamic judicial system is designed to operate independently, free from external influences. Judges are expected to treat all parties equally under the law. Before rendering a decision, a judge must listen to the arguments of both parties involved, and cannot show favoritism or bias. The judge's conduct should be impartial, ensuring that the decision reflects fairness and justice for all parties involved.

In general, the judiciary (*qadhaiyah*) in the Islamic constitutional system is divided into three types of power: *First, wilayah al-Qadha*. *Wilayah al-Qadha* is a judicial institution in charge of resolving disputes between citizens, both related to criminal and civil matters. This institution has existed since the time of the Prophet Muhammad and continued to develop after his death, especially during the Umayyad and Abbasid dynasties. During the time of the Prophet Muhammad SAW, he himself held the role of *qadhi*, deciding cases based on the revelations he received. After that, during the Khulafaur Rashidin period, judicial practice continued by appointing *qadhi* in various regions. They decided cases based on the Qur'an, Sunnah and *ijtihad*. During the Umayyad and Abbasid dynasties, the judiciary became more structured and formalized, with *qadhis* stationed in different regions to handle legal cases independently. *Wilayah al-Qadha* handled criminal justice, such as criminal cases including theft and murder, as well as civil justice, such as property and contract disputes. In Indonesia today, *qadha* courts are equivalent to religious courts (for Muslims) and general courts.

Second, wilayah al-Hisbah. *Wilayah al-Hisbah* is a judicial institution that handles cases of moral transgressions and is concerned with the implementation of *amar makruf nahi mungkar*, which means advocating the good and preventing the bad. Hisbah's actions are carried out to ensure that people follow Islamic norms in daily life. Imam al-Mawardi explained that *hisbah* is an effort to invite to the good and prevent evil that is widely ignored by the community. Ibn Taymiyyah added that *hisbah* covers matters that are not within the authority of the ordinary judiciary and *Wilayah al-Mazhalim*. *Wilayah al-Hisbah* functions to ensure that people abide by Islamic law in social life, supervise the implementation of the law to maintain public order, prevent violations of individual rights, including the rights of neighbors, and enforce Islamic shari'a in various aspects of life. The individual who carries out this duty is called the *muhtasib*, responsible for overseeing the implementation of law and morality in society.

Third, wilayah al-Mazhalim. *Wilayah al-Mazhalim* is an independent judiciary that handles cases between the people and the state. This institution has higher authority than *Wilayah al-Qadha* and *Wilayah al-Hisbah*. During the Abbasid Dynasty, this institution developed rapidly with broad authority to

prosecute injustices committed by officials and rulers. *Wilayah al-Mazhalim* handled cases of injustice committed by state officials, nobles, wealthy people and the caliph's family. It had a high degree of independence, with the authority to prosecute even caliphs for irregularities in running the government. They were tasked with overseeing the actions of rulers to ensure they did not act arbitrarily, and encouraging wrongdoers to be just. The judges of *Wilayah al-Mazhalim* must be of high integrity, clean, not greedy, and possess the trait of *wara'* (caution in religion). They should be strong, honorable, respected by the people, authoritative, and firm, so that no one is able to intervene with them, including the rulers themselves.

Based on the *fiqh* rules used in the field of *fiqh siyasah* studies, this principle prioritizes benefit as the main objective of all policies or relationships with the people being led. Furthermore, the formation of a state also aims to achieve benefits for mankind, both in the life of the world and the hereafter (Maulana & Suparmin, 2023). The enforcement of justice in common life has a crucial meaning in building a high and dignified national civilization. The civilization of a nation cannot develop if it is not based on a just life. Justice is the ultimate goal of a legal system, which functions as a tool to distribute and maintain values in society. The general view of truth usually leads to justice, making it essential in the formation and implementation of law (Khaled Abou El Fadl et al., 2015).

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

“Verily, Allah enjoins you to deliver the trust to those who are entitled to it, and (enjoins you) when you set a law among men to set it justly. Indeed, Allah gives you the best teaching. Indeed, Allah is the All-Hearing, the All-Seeing.”

The State Administrative Court (PTUN) is part of the State Administrative Justice system, located in the capital city of a regency or city. As an institution of the Court of First Instance, the PTUN has a major role in handling and resolving disputes that occur in the realm of State Administration. In accordance with Law Number 5 of 1986 concerning the State Administrative Court, this court is an integral part of the judicial power that provides justice to the public in resolving State Administrative disputes. PTUN is tasked with adjudicating cases involving State Administrative Decisions issued by State Administrative institutions or officials (Shelia Ristiana Agustin & Made Warka, 2022). PTUN has special authority to decide cases of administrative decisions (*beschikking*). Hans Kelsen explained that administrative decisions have the nature of “concrete and individual norm”. Jimly added that administrative decisions must also come from pure executive power (Asshiddiqie, 2015).

Settlement of administrative or State Administration disputes in the context of Pilkades can be done through two methods: directly through the courts and indirectly through administrative remedies. A direct lawsuit to the PTUN can be made if the regulations do not require settlement through administrative remedies first. In the judicial process, judges assess State Administration decisions based on the legality aspect (*rechtmatigheid*). Meanwhile, dispute resolution through

administrative remedies is regulated in Article 48, which includes administrative objections and administrative appeals. If the administrative objection is unsatisfactory, the disputing party may file a lawsuit with the State Administrative Court. The process of resolving administrative appeals is equivalent to the process at the PTUN (Tampubolon, 2022).

Analysis of Disputes over the Number of Votes in Simangambat Village in the Perspective of *Siyasah Qadhaiyah*

The presence of the State Administrative Court (PTUN) since 1986 is indeed an important milestone in the Indonesian judicial system. PTUN was established to handle disputes between citizens or legal entities and government officials or bodies, a function that was previously not accommodated by other institutions. In the Simangambat Village case, the Medan State Administrative Court granted a challenge to the Regent's decision to appoint the village head, showing that the State Administrative Court plays an active role in upholding justice. (Hulaimi, 2021). Within the framework of Indonesia's constitutional system, the Administrative Court is the last judicial institution established through Law Number 5 of 1986. Being under the auspices of the Supreme Court, the PTUN has an important role in maintaining judicial justice, similar to the concept of *wilayah al-Mazhalim* in *fiqh siyasah* which deals with abuse of power by the ruler.

The PTUN has an important role similar to the concept of *wilayah al-Mazhalim* in *fiqh siyasah*, which deals with the abuse of power by the ruler. *Wilayah al-Mazhalim* is an institution in Islamic law tasked with resolving public complaints against the arbitrary actions of the ruler. The State Administrative Court, in this case, is authorized by Law No. 51/2009 to examine, decide and resolve State Administrative disputes. Their main purpose is to protect the constitutional and people's rights, and to promote justice and truth. In the concrete case of Simangambat Village, although PTUN Medan had granted the lawsuit against the Regent's decision and the appeal decision upheld the decision, the Regent of South Tapanuli did not comply with the PTUN decision. This highlights the challenges in implementing legal decisions to uphold justice and order. This kind of challenge is also found in the history of dispute resolution in the *Siyasah Qadhaiyah* system, where compliance with court decisions has often been problematic.

In the perspective of *Siyasah Qadhaiyah*, the principles of justice, transparency and accountability are highly emphasized. These principles can be applied in the case of the dispute in Simangambat Village as follows:

- 1) Justice (*Al-'Adl*): Ensuring that all parties are treated fairly in the judicial process, impartially, and that decisions are based on valid evidence.
- 2) Transparency (*Ash-Shafaiyyah*): The judicial process should be conducted in an open manner by giving all parties the opportunity to present their evidence and arguments.
- 3) Accountability (*Al-Mas'uliyah*): All parties involved, including government officials, must be held accountable for their actions. In this case, the Regent who did not comply with the PTUN's decision must be faced with a clear accountability mechanism.

From the analysis of the Simangambat Village case, it appears that the village head election process did not follow the principles expected in the legislation. This shows that despite the binding decision of the PTUN, challenges in the implementation of legal decisions remain. The *Siyasah Qadhaiyah* perspective can provide guidance to improve this system by emphasizing the importance of fairness, transparency, and accountability. Analysis based on the *Siyasah Qadhaiyah* perspective shows that both approaches share the goal of upholding justice and truth.

The presence of the Administrative Court and the principles of *Siyasah Qadhaiyah* can work together to resolve disputes over vote counts in a fairer and more effective manner. Challenges in the implementation of legal decisions, as seen in the Simangambat Village case, highlight the need for stronger mechanisms to ensure compliance with court decisions and the enforcement of true justice. From the analysis of this case, it is also apparent that the Pilkades process in Simangambat village did not follow the principles expected in the legislation, highlighting the challenges in the implementation of legal decisions to uphold justice and order.

Conclusion

Village head elections are a fundamental aspect of democratic governance at the village level and are guided by established legal frameworks. However, these elections can encounter complex issues, such as disputes over vote counts, which may affect social stability and the effective operation of village administration. Addressing these disputes is essential for maintaining the integrity of the democratic process. From the perspective of *fiqh siyasah*, there are parallels between the role of the State Administrative Court (PTUN) and the concept of Wilayah al-Mazhalim. Both institutions are tasked with resolving disputes and protecting citizens' constitutional rights against misuse of authority. This is evident in the Simangambat Village case, where PTUN Medan's decision was pivotal in ensuring legal justice. The involvement of various parties, including the Regent of South Tapanuli, is crucial in upholding and implementing the PTUN's ruling. Compliance with this legal decision is vital for reinforcing the fairness of the legal process and maintaining public trust in a just and accountable governance system.

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