



# Legal Analysis of Exemption from Obstetrician's Duties from the Perspective of Fiqh Siyasah Qadhaiyyah (PTUN Study NO. 55/G/2023/MDN.)

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**Abstract:** The presence of Dr. Erwynson in the RDP was the reason for the Dairi Regent to impose a disciplinary penalty in the form of a 12-month dismissal from office, on the basis of alleged violation of Article 4 letter C of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. Fiqh Siyasah Qadhaiyyah, which regulates the procedures for trial in Islamic law, emphasizes the principles of al-'adalah (justice) and al-maslahah (public interest). This study aims to analyze the Medan PTUN decision Number 55/G/2023/PTUN.MDN regarding the dismissal of Dr. Erwynson Saut Halomoan Simanjuntak by the Dairi Regent, with a normative legal approach through the Siyasah Qadhaiyyah perspective. This approach examines positive legal decisions and the principles of justice in Islam, especially regarding the authority of public officials to take administrative actions. The primary data used include PTUN decisions and relevant laws and regulations, while secondary data include legal literature and Fiqh Siyasah studies. The results of the study indicate that the dismissal of Dr. Erwynson is not in accordance with the principles of justice in both state administrative law and Islamic law. This study offers a critical view of the application of the principle of justice in administrative actions in Indonesia.

**Keywords:** PTUN; Siyasah Qadhaiyyah; Justice; Release from duties.

## 1. Introduction

dr. Erwynson Saut Halomoan Simanjuntak, Sp. OG, as the only obstetrician and gynecologist at Sidikalang Hospital after the retirement of dr. Bonar Sinaga at the end of 2022, has a big responsibility in handling childbirth and obstetric operations at the hospital. Every month, on average he handles 80 to 100 maternity operations and around 20 to 30 patients who undergo daily check-ups. In addition, in his daily duties, he collaborates with dr. Tarmizi, a pediatrician who handles newborns, so that maternal and child health services at Sidikalang Hospital can run optimally. Considering the importance of dr. Tarmizi's expertise, especially in supporting obstetric services, dr. Erwynson and his colleague, dr. Eston I. Tarigan, submitted a request to the Dairi DPRD to extend dr. Tarmizi's contract. Based on this request, on January 9, 2023, dr. Erwynson attended the Public Hearing (RDP) held by Commission III of the Dairi DPRD to discuss the fate of the medical personnel.

The presence of Dr. Erwynson in the RDP then became the reason for the Dairi Regent to impose a disciplinary penalty in the form of a 12-month dismissal from office, on the basis of alleged violation of Article 4 letter C of Government Regulation Number 94 of 2021 concerning Civil Servant Discipline. Without any examination or provision of an opportunity for clarification in accordance with the provisions of the State Civil

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Service Agency Regulation Number 6 of 2022, this punishment was determined through the Decree of the Dairi Regent Number 34/800.1.6.2/I/2023, followed by a letter of temporary dismissal by the Director of Sidikalang Hospital. The impact of this decision was very significant, considering that Dr. Erwynson was no longer able to carry out his duties in serving pregnant women's deliveries at Sidikalang Hospital. The cessation of midwifery services and the non-renewal of Dr. Tarmizi's contract had a serious impact, with four babies recorded as having died during that time.

The Medan State Administrative Court (PTUN) Decision Number 55/G/2023/PTUN.MDN involved Dr. Erwynson Saut Halomoan Simanjuntak who sued the Regent of Dairi and the Director of Sidikalang Hospital. The lawsuit was filed against two decisions: 1) the Regent's decision to impose a disciplinary penalty in the form of a 12-month suspension from office, and 2) the decision of the Director of Sidikalang Hospital to temporarily dismiss Dr. Erwynson from his duties as an obstetrician and gynecologist.

Dr. Erwynson argued that both decisions were unlawful and violated the general principles of good governance. According to the plaintiff, the dismissal has the potential to harm public health services, especially maternal and child health services in Dairi Regency, because Sidikalang Hospital will lose expert medical personnel. This lawsuit is based on the plaintiff's right to obtain justice and maintain professionalism in health services.

The Medan PTUN case Number 55/G/2023/PTUN.MDN has become an important focus in the study of state administrative law and leadership ethics in Islam. This case involves Dr. Erwynson Saut Halomoan Simanjuntak, an obstetrician at Sidikalang Hospital, who was dismissed by the Dairi Regent through Decree Number 34/800.1.6.2/I/2023. This decision was followed by the Decree of the Director of Sidikalang Hospital Number 440/01/555/DIR/SK/I/2023 which confirmed the temporary dismissal from his position as an Associate Specialist Doctor. The lawsuit filed by the plaintiff, namely Dr. Erwynson, was successfully granted by the PTUN, stating that the dismissal was invalid and requiring the Dairi Regent and the Director of Sidikalang Hospital to rehabilitate the plaintiff's position and good name.

This phenomenon raises important questions regarding the mechanism for dismissing officials or civil servants in the context of administrative law, as well as how these decisions are in line with or contrary to the principles of Islamic law, especially in *Siyasah Qadhaiyyah*. *Siyasah Qadhaiyyah* is a branch of *Fiqh Siyasah* which regulates government governance and decision making from the perspective of Islamic justice. (Pasaribu & Khalid, 2024)(Hilmy, 2024). According to Imam al-Mawardi, a public official may only be dismissed if there is a defect in justice or a significant physical disability, both of which must be clearly and clearly proven. (Ramadhani & Sativa, 2024).

However, in this case, no evidence was found to indicate any defect in justice or serious violations that could be the basis for Dr. Erwynson's dismissal from his position. Administrative actions taken without going through the examination process as stipulated in the State Civil Service Agency (BKN) Regulation No. 6 of 2022 are an indication of a violation of the principle of justice. (Sri Hartini & Tedi Sudrajat, 2022). In

Islam, the principle of justice is the main foundation in the management of public administration, as stated in the concept of Fiqh Siyasah (Matondang, 2024) (Hilmy, 2024).

Fiqh Siyasah, as a branch of Islamic law, plays a role in regulating relations between rulers and society based on sharia principles. (Fikriana & Rezki, 2024). One aspect is Siyasah Qadhaiyyah, which focuses on the procedures for trial and the application of law by government officials or institutions. (Sari et al., 2023). The basic principles in Siyasah Fiqh, including justice (al-'ilah), public benefit (al-maslahah), and responsibility (amanah), require that every government action must be based on fulfilling individual rights while taking into account the interests of the wider community. (Shofiyah et al., 2024) (Junaedi & Rohmah, 2020).

In this case, the decision to dismiss Dr. Erwynson can be examined through the principles of tadbir al-maslahah, namely management oriented towards public welfare, and al-hisbah, namely supervision to prevent actions that are detrimental to society. Decisions taken without a valid examination not only violate state regulations, but also contradict the principle of shura (deliberation) in Islam, which requires decisions to be made based on consultation and participation of related parties.

## 2. Materials and Methods

This study uses a normative legal method with a statutory regulatory approach and Siyasah Qadhaiyyah. The statutory regulatory approach is applied to analyze the protection of constitutional rights and the authority of the State Administrative Court (PTUN). Meanwhile, Siyasah Qadhaiyyah is used as a framework to examine the authority of the PTUN's decision results in ensuring legal certainty related to the protection of citizens' constitutional rights. This study utilizes secondary data, consisting of primary and secondary legal materials. Primary legal materials include relevant statutory regulations and jurisprudence, while secondary legal materials are in the form of literature such as books, scientific journals, and previous research that discuss the analysis of PTUN and Siyasah Qadhaiyyah.

## 3. Results and Discussion

### 3.1 Doctor Terminology and Its Authority

In medical and legal terminology, "doctor" refers to a professional health worker who has received formal education in the field of medicine, has mastered the theoretical and practical medical sciences, and has obtained an official practice permit in accordance with state regulations to provide health services to the public (Indonesia, 2019) (Veronica Komalawati, 2018) (Mudakir Iskandar Syah, 2019). Based on Law Number 29 of 2004 concerning Medical Practice, a doctor has a role and responsibility in carrying out preventive, curative, and rehabilitative actions in order to improve the health of the community (Koswara, 2018) (Komalawati & Triswandi, 2022). Doctors also have an obligation to carry out their profession based on medical ethics and applicable legal provisions, which include patient rights and professional standards regulated by medical professional organizations (Bachri, 2024). Astuti (2009) defines a doctor as a person who has the authority and proper permission to carry out health services, especially examining and treating diseases and is carried out according to the law and health services (Astuti & Sh, 2009).

The identity of a doctor can be identified through a series of symbols and specific attributes, such as the white coat he wears, neat appearance, use of medical terminology in communication, use of a stethoscope when examining a patient, and interaction with a

gentle touch on the chest to check breathing. According to Hect, this sense of identity encompasses more than just the dimensions of self or visual attributes; it involves interactions that make up four layers of identity (Mulyana & Vazza, 2023). (a) *Personal layer*, includes awareness of one's presence in social interactions, where the doctor, wearing his white coat, always acts friendly and empathetic towards anyone he meets. (b) *Enactment layer*, includes how other individuals understand the doctor's identity based on the actions he or she takes, such as placing a stethoscope on a patient's chest to check breathing or explaining a medical condition and treatment plan in medical language that reflects his or her medical expertise. (c) *Relationale* explains the position of doctors in relation to other individuals, where doctors are seen as figures who have mastered knowledge about disease and health, acting as a source of information and understanding in the health sector. (d) *Communal Level* relates to the physician's embeddedness in a wider community or culture. Physicians are members of professional associations, such as the Indonesian Doctors Association (IDI) or specialist organizations such as the Indonesian Obstetrics and Gynecology Association (POGI), which serve to support and protect the profession and foster collaboration in carrying out professional duties ethically and professionally.

In medical terminology, an obstetrician and gynecologist is a health professional with a specialization in obstetrics and gynecology (Manuaba, 1998). Obstetrics deals with the management of pregnancy, childbirth, and the postpartum period, while gynecology focuses on women's reproductive health, including the prevention, diagnosis, and treatment of various diseases that affect the female reproductive system (Kartini et al., 2023)(Bahar et al., 2022). Doctors with this specialty generally obtain a specialist degree in obstetrics and gynecology (SpOG) after undergoing medical education and further training in related fields.

According to reproductive health experts such as Dr. Prawirohardjo in the book "Ilmu Kebidanan" (2014), obstetricians and gynecologists have the authority to handle various aspects of women's health, starting from pregnancy monitoring, managing pregnancy complications, childbirth operations (such as cesarean section), to reproductive health services such as contraception and treatment of gynecological diseases (cysts, myomas, endometriosis)(Purwati et al., 2021). dr. Prawirohardjo emphasized that the competence of obstetricians includes preventive measures, diagnostics, and management of health conditions specific to women's reproductive organs, and they have the responsibility to ensure the welfare of mothers and children on an ongoing basis.

This authority is also regulated in medical regulations, which state that obstetricians have special rights and responsibilities in providing services related to pregnancy, childbirth, and women's health, including handling complications such as preeclampsia, bleeding, and postpartum infections.

The profession held by Dr. Erwynson in this case study carries additional responsibilities in caring for maternal and child health, including handling pregnancy, childbirth, and various other reproductive health conditions. The profession of obstetrician is not only focused on medical actions, but also demands compliance with legal standards that regulate their practice in society. Given the central role of doctors in the field of public health, administrative decisions such as the release of doctors from their duties, especially by the government, often have significant implications. This can have an impact on the rights and professional status of doctors and invites study from a legal and ethical perspective, especially when related to discipline and governance, as explored in *fiqh siyasah qadhaiyyah*.

### 3.2 Scope of PTUN Court

The State Administrative Court (PTUN) has a special scope in the Indonesian judicial system, namely handling state administrative disputes arising between citizens or civil legal entities with state administrative bodies or officials. Based on Law No. 5 of 1986 concerning State Administrative Courts which has been amended by Law No. 51 of 2009, the PTUN has the main authority to examine, decide, and resolve disputes caused by the issuance of state administrative decisions that are concrete, individual, and final and have legal consequences for a person or legal entity (Akbar, 2021).

According to constitutional law expert, Prof. Dr. Philipus M. Hadjon, PTUN is an instrument of legal protection for citizens against state administrative actions that have the potential to harm individual rights (Ridwan et al., 2018). Hadjon emphasized that in a democratic constitutional state, every action of a public official must be subject to the principle of due process of law and the principle of administrative objection or administrative objection, which means that decisions or actions of state officials must be legally accountable. Based on Hadjon's opinion, the scope of the PTUN includes all state administrative decisions that violate the law or general principles of good governance (AAUPB), such as justice, proportionality, and legal certainty.

The scope of PTUN's authority covers four main aspects in accordance with Law No. 30 of 2014 concerning State Administration, namely the assessment of the validity of state administrative decisions, testing of administrative actions, reviewing the authority of public officials, and evaluating the implementation of AAUPB (Wahyunadi, 2016). PTUN has the authority to cancel unlawful state administrative decisions, change decisions, or ask officials to issue new decisions. In addition, PTUN can order rehabilitation or restoration of rights for the injured party.

In practice, disputes handled by the PTUN range from personnel cases, business permits, to the cancellation of administrative decisions. Hadjon stated that the PTUN is a very important court in the legal state system to ensure that state officials act within the limits of the authority given and in the public interest. The existence of the PTUN guarantees citizens that decisions that are arbitrary and exceed the limits of authority can be canceled by law.

### 3.3 Analysis of PTUN Medan No. 55/G/2023/MDN. Reviewed through *Siyasah Qadhaiyyah Fiqh*

In this case, the Medan State Administrative Court tried the lawsuit of Dr. Erwynson Saut Halomoan Simanjuntak, Sp. OG., against the Regent of Dairi and the Director of Sidikalang Hospital. Dr. Erwynson sued two decisions: first, the decision of the Regent of Dairi which imposed a disciplinary penalty in the form of a 12-month suspension from office, and second, the decision of the Director of Sidikalang Hospital which temporarily suspended Dr. Erwynson's authority in carrying out his medical duties at the hospital. These two decisions raised allegations of violations of administrative law and general principles of good governance (AAUPB). In this case, a study based on *Fiqh Siyasah Qadhaiyyah* can provide additional perspectives on justice, legitimate procedures, and the limits of the authority of state officials.

### **3.4 Chronology and Substance of Medan PTUN Decision**

This case began with the presence of Dr. Erwynson in a Hearing Meeting (RDP) with Commission III of the Dairi Regency DPRD which discussed the issue of extending the work contract of Dr. Tarmizi, Sp.A. The Medan PTUN reviewed that the presence of Dr. Erwynson in the meeting was used as a basis for the Dairi Regent to impose disciplinary sanctions for alleged violations of Government Regulation No. 94 of 2021 concerning Civil Servant Discipline. However, in its legal considerations, the Medan PTUN stated that Dr. Erwynson's action in attending the RDP was not a violation that could be directly used as a basis for dismissal without going through an examination as stipulated in the State Civil Service Agency Regulation No. 6 of 2022. This also strengthens the argument that legal procedures must be fulfilled before a decision is made.

### **3.4 Fiqh Siyasah Qadhaiyyah: Justice in Decision Making**

Fiqh Siyasah Qadhaiyyah, which regulates the procedures of the trial in Islamic law, emphasizes the principles of al-'adalah (justice) and al-maslahah (public interest). In this perspective, administrative decisions made must consider the interests of individuals and society proportionally and must not be based on policies that do not go through fair and transparent procedures. According to Ibn Taimiyah, every decision issued by the government must be in line with the principles of justice and not harm parties who should receive the right to legal protection. In this case, the procedure for summoning and granting the right to clarification to Dr. Erwynson that was not carried out violates the principle of justice upheld in Fiqh Siyasah Qadhaiyyah.

The decision of the Regent and Director of Sidikalang Hospital to temporarily suspend Dr. Erwynson without examination is contrary to this principle. The process of proof and clarification is the right of every individual to obtain justice, and in the context of Islam, this principle is in line with the concept of Al-Hujjah (argument/clarification) in Fiqh Siyasah, which means that the accused party must be given the opportunity to defend themselves. By not carrying out the proper procedure, the decision is legally flawed and loses its legitimacy in terms of Fiqh Siyasah Qadhaiyyah.

### **3.5 The Concept of Authority and Trust in Siyasah Qadhaiyyah**

Fiqh Siyasah Qadhaiyyah also emphasizes the importance of leaders in carrying out their duties and mandates in accordance with the limits of the authority given. In the book "Al-Ahkam al-Sultaniyyah," Al-Mawardi emphasizes that government officials are trustees who must act in accordance with the principle of wilayah (authority) and may not act outside the limits given by law or regulations. The decision of the Dairi Regent to relieve Dr. Erwynson from his position without an internal examination process violates the principle of wilayah, because the Regent must first verify disciplinary violations in accordance with applicable legal provisions.

For example, the Medan PTUN noted that the decision ignored Article 34 of BKN Regulation no. 6 of 2022 which requires a written summons and examination before sanctions are imposed. In Siyasah Qadhaiyyah Fiqh, administrative actions like this

must follow the rules of *tadbir al-maslahah* or management that supports the public benefit. Therefore, decision making that ignores inspection and clarification procedures is contrary to the principles of trust and justice.

### **3.5 Impact of Decisions on the Public Good**

Fiqh Siyasaah Qadhaiyyah emphasizes that every government decision must be oriented towards the welfare of the community. In the context of health services, the role of obstetricians and gynecologists such as Dr. Erwynson is very strategic in supporting maternal and child health. The decision to temporarily suspend his duties without a valid procedure actually has an impact on the obstruction of health services, as evidenced by the case of a baby who died due to limited services at Sidikalang Hospital during the period of Dr. Erwynson's dismissal. Ibn Khaldun's view in the *Muqaddimah* strengthens this, where he states that a government that acts to the detriment of the interests of its people is a government that has failed to carry out its mandate.

The decision of the Medan PTUN to cancel the policy imposed by the Dairi Regent and the Director of the Sidikalang Hospital against Dr. Erwynson Saut Halomoan Simanjuntak shows harmony with the principles of Fiqh Siyasaah Qadhaiyyah which place justice (*al-'adalah*) and public interest (*al-maslahah*) as the main foundations. In the view of the PTUN, the implementation of administrative authority that does not comply with legal procedures and ignores individual rights is a form of abuse of power that is unacceptable, both within the framework of positive law and from the perspective of Islamic law which demands a balance between proportionality, justice, and protection of community rights.

However, on the other hand, the resistance given by the Regent and the Director of Sidikalang Hospital shows the use of power that is suspected to be motivated by subjective factors, including elements of displeasure with Dr. Erwynson's personality in the internal dynamics of the institution. This poses a serious challenge to the principle of *hisbah* in Fiqh Siyasaah, namely supervision of abuse of power to ensure that government actions remain within the corridor of justice and welfare. The decision of the Medan PTUN, therefore, is not only an affirmation of the supremacy of law, but also a form of correction against the use of authority that is not in accordance with the values of morality and law that should be upheld by public officials.

## **4. Conclusions**

Based on the research that has been conducted, it can be concluded that the decision of the Medan State Administrative Court (PTUN) in the case between Dr. Erwynson Saut Halomoan Simanjuntak against the Regent of Dairi and the Director of Sidikalang Hospital shows that the enforcement of state administrative law must always be based on the principles of justice, transparency, and procedures in accordance with statutory provisions. The decision of the Medan PTUN which granted Dr. Erwynson's lawsuit shows that ignoring the examination procedure, as required by the State Civil Service Agency Regulation No. 6 of 2022, can harm individual rights and have a negative impact on public services.

From a normative legal perspective, this study shows that the dismissal is not in accordance with the provisions of the laws and regulations governing civil servant discipline. The process of imposing administrative sanctions was not based on strong evidence, and the necessary procedures were not followed properly, so that the action was declared null and void by the PTUN. This proves the importance of enforcing due process of law in administrative decision making.

From the perspective of *Siyasah Qadhaiyyah*, dismissal that is not based on valid reasons violates the principle of substantive justice, where an official or employee may not be dismissed unless there is clear evidence of moral or physical defects. The arbitrary actions of the Dairi Regent and the Director of Sidikalang Hospital in this case are contrary to the principle of justice taught in *Siyasah Qadhaiyyah*. Therefore, the PTUN decision to annul the decision to dismiss can be seen as an appropriate step in upholding substantive and procedural justice.

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