

# LEGAL REVIEW OF ISLAMIC STATE ADMINISTRATION ON THE PERFORMANCE OF STATE CIVIL APPARATUS IN PUBLIC HEALTH SERVICE ACCORDING TO LAW NUMBER 25 OF 2009 (CASE STUDY: PUTRI HIJAU HOSPITAL)

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**Abstract.** The aim of this research is to explore the concept of Islamic Constitutional Law in public healthcare services, examining Law Number 25 of 2009 regarding public services in relation to public healthcare, as well as reviewing the application of Islamic Constitutional Law to the performance of civil servants in providing public healthcare services according to Law Number 25 of 2009, specifically focusing on the case of Putri Hijau Hospital. The research methodology employed in this study is library research, utilizing a statutory approach to examine how Islamic Constitutional Law views the performance of civil servants in delivering public healthcare services based on the provisions of Law Number 25 of 2009 (a case study of Putri Hijau Hospital). Based on the research findings, it was observed that the performance of civil servants in providing healthcare services has been diligently pursued to the best of their abilities, yet it remains imperfect and incomplete. Furthermore, with regard to Law Number 25 of 2009 on Public Services in Putri Hijau Hospital, it was found that the hospital has implemented the provisions outlined in the law, although there are still members of the public who express dissatisfaction with the quality of the services provided.

**Keywords:** Islamic constitutional law; civil servant performance; public healthcare services

## I. INTRODUCTION

Health development is one of the elements of public welfare that must be realized by the government in accordance with the aspirations of the Indonesian nation as stated in the 1945 Constitution, which protects all Indonesian people and the entire Indonesian bloodline and aims to advance public welfare, educate the nation, and contribute to maintaining global order based on independence, eternal peace, and social justice [1]. The implementation of health development, including health efforts and its resources, must be carried out in an integrated and sustainable manner to achieve optimal results. Health efforts, which initially focused on gradual patient treatment, have evolved towards comprehensive health integration. Therefore, the implementation of health insurance that encompasses health improvement (promotive), disease prevention (preventive), disease treatment (curative), and health recovery (rehabilitative) should be conducted comprehensively, integrated, and sustainable between the government and society [2]. The role of the government primarily focuses on fostering, regulating, and supervising to achieve equal distribution of healthcare services and the attainment of harmonious and balanced conditions between the health efforts carried out by the government and the society, including the private sector. It is the government's responsibility to ensure equal distribution and improvement of healthcare services for all segments of society [3].

The government is fully responsible for the welfare of its people and providing quality public services to its citizens. This applies to various sectors such as healthcare, education, and other public services. The government has a role and obligation to provide good public services to its population. Article 1 of the 1945 Constitution states that the state is obliged to serve every citizen and resident to fulfill their basic needs in order to improve the welfare of society. The government, as the state organizer, is responsible for carrying out all public interests, especially those related to the basic needs of the population, across various service sectors [4] [5]. Based on Law Number 25 of 2009 concerning public services, public services refer to activities or a series of activities in fulfilling service needs in accordance with the regulations for every citizen and resident, regarding goods, services, or administrative services provided by public service providers [6]. According to Lewis and Gilman, public service is a public trust. Public services are carried out responsibly and in accordance with existing provisions and regulations. The value of accountability in the services provided can build trust in the community regarding the services rendered. Being accountable for the aspects served is part of fulfilling public service to uphold the trust of the community. The trust of the community serves as the foundation for achieving good governance [7].

In Law Number 25 of 2009 concerning public services, Article 1, paragraph (6) states that the community refers to all

parties, including citizens and residents as individuals, groups, or legal entities who are beneficiaries of public services, both directly and indirectly. Paragraph (7) defines "service standards" as the benchmark used as a guide for service provision and as a reference for assessing the quality of services, which is the obligation and promise of service providers to the community in order to provide quality, fast, easy, affordable, and measurable services. According to Abdul, public service refers to activities or a series of activities in fulfilling service needs in accordance with legal provisions for every citizen and resident regarding goods, services, and/or administrative services provided by public service providers [4]. Effective and efficient improvement of public services will support the realization of desired outcomes for society. This means that when public services provided by service providers are in line with the actual conditions and the procedural mechanisms are straightforward, it will reduce costs or burdens for both the service providers and recipients. In Islamic Constitutional Law, the implementation of Public Service is similar to the principle of "amar ma'ruf nahy munkar." Scholars of fiqh siyasah formulated the definition of amar ma'ruf nahy munkar as enjoining good and forbidding evil, which involves performing acts of goodness and avoiding that which is morally wrong [8]. From these observations, considering that public services in Indonesia have not shown effective performance, this is influenced by various factors, including a bureaucratic culture that is paternalistic, a work environment that is not conducive to changing times, a low-quality service system within the Indonesian bureaucracy, and a lack of commitment from local governments to provide optimal services to service recipients in hospitals. In Law Number 36 of 2009 concerning health, Article 1, point 1 defines health as a state of well-being, both physically, mentally, spiritually, and socially, that enables every person to live socially and economically productive lives [9].

Meanwhile, healthcare workers are defined as individuals with high moral standards because the community/patients entrust them with everything related to healthcare or matters of privacy. Health efforts are carried out to achieve the highest possible level of health for individuals or communities, guided by minimum health service standards and outlined in the form of regulations such as ministerial regulations (permenkes) or regulations by governors or regents/mayors (government regulations and/or regional head regulations) [10]. Based on the observation results, researchers have found facts that indicate that public services at Rumah Sakit Putri Hijau are not meeting the expectations of the community. It has been reported by the community that there are differences in service and delays during examinations, which can lead to violations in public service at the hospital. One crucial aspect that should be seriously addressed by Rumah Sakit Putri Hijau is the provision of services and facilities, including infrastructure and equipment, for patients, visitors, and healthcare personnel. According to Minister of Health Regulation Number 75 of 2014 concerning Community Health Centers, Article 7, paragraph (4), it states,

"Providing healthcare services that prioritize the safety and security of personnel and visitors."

## II. RESEARCH METHODS

The research method used is library research, utilizing the statute approach to examine how the Islamic Constitutional Law views the performance of civil servants in public health services according to Law Number 25 of 2009 (case study: Rumah Sakit Putri Hijau). The analysis employed is a juridical-normative analysis, where the author describes an event by providing analysis through the lens of theories, principles, concepts, and interconnected aspects [11].

## III. RESULTS AND DISCUSSION

Islamic Constitutional Law is one aspect of Islamic law that discusses the regulation and administration of human life in a state to achieve benefits for humanity. The examination of Islamic Constitutional Law on the effectiveness of public health services can be viewed from two perspectives: siyasah syar'iyah (Islamic policy) and siyasah dusturiyyah (constitutional policy). Siyasah syar'iyah refers to the provisions of governance and policy-making based on Shariah principles. It involves examining the conformity of public health services with Islamic principles, values, and ethics. This perspective assesses whether the implementation of public health services aligns with Islamic teachings and promotes the well-being of individuals and society. Siyasah dusturiyyah, on the other hand, refers to constitutional policies and legal frameworks within an Islamic constitutional system. It involves evaluating the legal and institutional aspects of public health services, including the role of civil servants, the allocation of resources, the protection of citizens' rights, and the enforcement of regulations. This perspective focuses on the constitutional and legal framework that governs public health services in accordance with Islamic principles. By considering both siyasah syar'iyah and siyasah dusturiyyah, the examination of Islamic Constitutional Law provides insights into how the effectiveness of public health services can be enhanced, ensuring that they are in line with Islamic principles and legal requirements [12], [13]. According to Ibn 'Aqil al-Hambali (d. 513 AH), he stated that "siyasah syar'iyah is the actions that bring people closer to goodness and keep them away from harm, even if there is no specific text from the Prophet Muhammad (peace be upon him) or revelation regarding them." In this context, siyasah syar'iyah refers to the application of principles and policies that are in line with the objectives and values of Islamic teachings. It involves making decisions and taking actions that aim to promote the welfare and well-being of society, even if there is no explicit textual guidance on a particular matter. This understanding emphasizes the importance of using reasoning and intellect to address contemporary issues and challenges in a manner consistent with the broader objectives of Shariah. [8].

According to Ibn Nujaim al-Hanafi (d. 1005 AH), he stated that "siyasaḥ syar'iyah is the act of a leader doing something for the benefit (maslahah) that he deems good, even if there is no specific legal evidence (dalil syar'i) that explicitly addresses it." [4]. Based on the views of the scholars mentioned above, it can be said that the essence of siyasaḥ syar'iyah always relates to the regulation and management of human life, and this regulation is carried out by the government or those in authority with the aim of creating benefit (kemaslahatan) and preventing harm (kemudharatan) based on the sources of the Qur'an and Sunnah, without contradicting Islamic law (syariat Islam). Maqashid al-Shariah refers to the exploration of Allah's objectives in establishing laws, and it deserves significant attention from a logical perspective. When these objectives are understood by a mujtahid (a qualified jurist), it forms the basis for understanding Islamic law and addressing new legal issues in Islam [6]. This is due to the limited number of legal sources found in the Qur'an and the Sunnah of the Prophet Muhammad (peace be upon him), while the issues faced by the Muslim ummah are endless. However, it should be emphasized that the objectives of establishing laws are ultimately based on human interests (maslahah). This is because maslahah, or benefits, can result from the implementation of laws and can protect individuals from harmful situations. Another fundamental value of Islamic Constitutional Law is trustworthiness (amanah), which includes the concept of accountability in serving the public. Accountability is an important criterion in healthcare services. Factors influencing the implementation of Islamic Constitutional Law in assessing the performance of healthcare services in hospitals come from regulations based on laws that are adhered to by the leaders (ulil amri) and the employees themselves. From the perspective of Islamic Constitutional Law, the effectiveness of healthcare services in Rumah Sakit Putri Hijau does not align with the aforementioned principles. This can be seen in the fact that the concept of trustworthiness in serving the public and accountability, which are crucial criteria in healthcare services, have not been fully optimized by the Civil Servants in providing healthcare services.

To achieve the performance of Civil Servants in that aspect, several values are needed, and through these values, the desired performance of Civil Servants can be realized by society. By considering the verses of the Qur'an and the Sunnah of the Prophet Muhammad (peace be upon him), several fundamental values can be found that can contribute to the establishment of good performance of Civil Servants. These values include justice, abandoning what is futile, fostering brotherhood (ukhuwah), and trustworthiness (amanah) [14]. The factors influencing the implementation of the examination of Islamic Constitutional Law on the performance of Civil Servants in providing healthcare services at Rumah Sakit Putri Hijau are derived from regulations based on the law and adhered to by both the leaders (ulil amri) and the Civil Servants themselves (tabi'in). For example, Civil Servants arrive at the office in an orderly and timely manner, demonstrating work discipline. By dressing neatly in the workplace, the work environment

becomes comfortable, and the confidence in carrying out tasks is high. Having a high sense of responsibility, being accountable for all assigned tasks, reflects good performance of Civil Servants [15].

The definition of public service in Chapter 1, Article 1, Paragraph 1 of Law Number 25 of 2009 states that public service refers to activities or a series of activities aimed at fulfilling the service needs of every citizen and resident in accordance with the prevailing laws and regulations. It encompasses the provision of goods, services, and administrative services by public service providers [16]. The researcher wants to focus on Article 34 of Law Number 25 of 2009 concerning Public Service, which consists of 15 paragraphs. This article pertains to the behavior of public service providers in relation to public service at Rumah Sakit Putri Hijau. The provisions of Article 34 regarding the behavior of public service providers are as follows:

- a. Fair and non-discriminatory.
- b. Diligent.
- c. Polite and friendly.
- d. Firm, reliable, and avoids prolonged decision-making.
- e. Professional.
- f. Does not complicate matters.
- g. Obeys lawful and reasonable orders from superiors.
- h. Upholds the values of accountability and institutional integrity.
- i. Maintains confidentiality of information or documents as required by laws and regulations.
- j. Transparent and takes appropriate measures to avoid conflicts of interest.
- k. Does not misuse facilities and infrastructure provided for public service.
- l. Does not provide false or misleading information in response to information requests and proactively serves the interests of the public.
- m. Does not abuse information, position, and/or authority.
- n. Conducts oneself appropriately.

These provisions outline the expected behavior and conduct of public service providers in delivering services to the public in accordance with the law. [17]. The provision of public services by government officials to the public is actually an implication of the role of the state apparatus in serving the community. Therefore, the position of government officials in public service is highly strategic as it will greatly determine the extent to which the government is able to provide the best possible services to the society. This, in turn, will determine how well the state fulfills its role according to its founding principles [18]. In Law Number 25 of 2009 regarding Public Services, it is stated that public service itself refers to activities or a series of activities aimed at fulfilling the service needs of every citizen and resident in accordance with the law, regarding goods, services, and/or administrative services provided by public service providers. The law consists of 62 articles, but the researcher wants to focus on Article 34, which contains 15 clauses regarding the conduct of service providers in public service, specifically related to public service in hospitals [19].

Regarding the author's discussion on public services, this thesis focuses on the legal basis for public services in Law Number 25 of 2009 concerning Public Services, specifically Article 34. Based on the data obtained by the researcher, it can be described that some members of the community, as service users, are satisfied with the services provided by Rumah Sakit Putri Hijau (Green Princess Hospital). However, there are still some individuals who are dissatisfied with the services provided [20]. So in this case the researcher describes this in the form of a table below as follows:

Table 1. Public Complaints Regarding the Services of RS. Putri Hijau Based on Article 34 of Law Number 25 of 2009 on Public Services

No	Article 34 of Law Number 25 of 2009	The Implementation of Healthcare Services at RS Putri Hijau
1	Fair and non-discriminatory	Whereas public services must be fair and non-discriminatory in providing good service without differentiating between services with social guarantees and those without. Based on the interview results obtained by the author, the community perceives that the service provided is lacking in good and fair treatment based on several aspects
2	Firm, reliable, and not providing prolonged decisions	Based on the interview results, it was found that the community expects the service providers to be decisive, reliable, and able to make prompt decisions without unnecessary delays.
3	Not making things difficult	There are some instances where the hospital's services experience slight delays, which can create some difficulties in the service process

Source: Author's Data Analysis (2023)

Based on Article 34 of Law Number 25 of 2009 on Public Services, the management of RS Putri Hijau has made efforts to implement the mentioned principles to the community, as reflected in the results of the interviews presented in the previous sub-chapter. They have shown fairness and non-discrimination, professionalism, courtesy, and have avoided unnecessarily complicating the healthcare services provided to the public. RS Putri Hijau has made maximum efforts to serve the community in terms of healthcare services. In the study of Islamic Constitutional Law, it implies that the services provided by the government and the bureaucracy, who are the providers of these services, should be transparent and open to the public, regarding any issues unrelated to the amendment or alteration of laws in the country's constitution [7]. Thus, there should be a reciprocal relationship and openness between the government and the public in the public service system to avoid negative perceptions between them. By considering the verses of the Qur'an and the teachings of Prophet Muhammad (SAW), several fundamental values can be found that contribute to good service, such as justice, abandoning what is useless, brotherhood, and trustworthiness. Equality and justice are inseparable when establishing Islamic Constitutional Law; both must be realized to uphold human dignity (basyariyah insaniyah). In relation to healthcare services at RS Putri Hijau, the quality of service and the response from the public will

reflect these principles [21]. Based on the interview results, the researcher reveals that healthcare services at RS Putri Hijau, provided by the healthcare workers, have made efforts to follow existing procedures. However, there are still complaints from the local community regarding the quality of public service. The complaints mainly revolve around the poor performance of healthcare service providers, their lack of professionalism, and their failure to deliver services effectively and appropriately to the public. In this regard, Islam teaches its followers to always advise and exercise control over authority to ensure the preservation of goodness in society. Public service in Islamic Constitutional Law is similar to the principle of amar ma'ruf nahi munkar, which encourages doing good and preventing evil, in order to fulfill general provisions [22].

As for the efforts to improve strategic services, every public service is required to demonstrate professionalism (itqan) in performing their tasks and comply with the established affairs by the authorities (ulil amri). Here is the analysis of Law Number 25 of 2009 regarding Public Service and Islamic Constitutional Law in the form of the table below:

Table 2. Analysis of Law Number 25 of 2009 regarding Public Service and Islamic Constitutional Law

No	Review of Law Number 25 of 2009 Concerning Public Services	Review of Islamic Constitutional Law
1	In the review of Law Number 25 of 2009 concerning Public Services, RS Putri Hijau has made efforts to implement the aforementioned principles in serving the community, as based on the results of interviews presented by the researcher in the previous sub-section. They have strived to provide the best possible healthcare services to the community. However, it is important to note that there are still some individuals who are not satisfied with the form of services provided.	In the review of Islamic Constitutional Law on the performance of healthcare services at RS Putri Hijau, in terms of justice, the hospital has made efforts to provide services to the community to the best of their abilities, although it may not be perfect and comprehensive. However, there are still complaints from certain individuals regarding the services provided. In terms of trustworthiness, the hospital has made every effort to fulfill their responsibilities and be accountable for the entrusted tasks.

Source: Researcher's Analysis of Healthcare Services at RS Putri Hijau (2023)

Both legal perspectives are aligned in emphasizing the importance of fair, professional, non-discriminatory, transparent, and value-added public services. They both emphasize the importance of integrity, accountability, and the obligation of service providers to fulfill the interests of the public. However, it should be noted that there are differences in legal foundations and contexts between the Law Number 25 of 2009 on Public Services, which applies in Indonesia, and Islamic Constitutional Law, which refers to principles within the Islamic religion.

#### IV. CONCLUSION

Based on the explanation provided above, it can be concluded that when viewed from the perspective of Islamic Constitutional Law regarding the performance of civil servants in providing healthcare services to the public according to Law Number 25 of 2009 (case study: Rumah Sakit Putri Hijau), in terms of justice, the hospital has made efforts to provide services to the public as best as possible, but it is not yet perfect and comprehensive. There are still complaints from the community regarding the services provided. Meanwhile, in terms of trustworthiness, the hospital has made every effort to remain accountable for the trust placed upon them. Furthermore, in relation to the Law Number 25 of 2009 on Public Services, concerning healthcare services at Rumah Sakit Putri Hijau, the hospital has implemented the necessary measures as stated in the law, although there are still individuals who are not satisfied with the form of services provided.

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