Fiqh of Bureaucracy and Public Governance in Indonesia: A New Paradigm Based on Maqasid al-Shariah

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Abstract

Inefficiency in bureaucracy, corruption, and weak governance are global problems that impact societal welfare. This research introduces *fikih birokrasi* (bureaucratic jurisprudence) as a new concept that bridges the gap between modern public administration theory and normative Islamic law by using the *maqashid syariah* (objectives of Islamic law) as its foundational value. The principle of *maslahah* (public interest) is positioned both as an ethical norm and a practical instrument for creating governance that is just, ssustainable, and accountable. The methodology employed is a descriptive-qualitative approach, utilizing the Miles and Huberman model for analysis. The research findings indicate that *fikih birokrasi* contributes a practical framework for public administration based on maqashid syariah, which can be operationalized through indicators of Islamic governance. This research presents a discourse offering an alternative paradigm in bureaucracy that connects the worldly-spiritual hereafter dimension, the individual-collective aspect, and material-spiritual needs with the practical demands of modern governance.

Inefisiensi birokrasi, korupsi, dan lemahnya tata kelola pemerintahan merupakan problem global yang berdampak pada kesejahteraan masyarakat. Penelitian ini menawarkan fikih birokrasi sebagai konsep baru yang menjembatani celah antara teori administrasi publik modern dan hukum Islam normatif dengan menjadikan maqashid syariah sebagai landasan nilai. Prinsip maslahat diposisikan sebagai norma etis sekaligus juga sebagai instrumen praktis untuk menciptakan tata kelola yang berkeadilan, berkelanjutan, dan akuntabel. Metode yang digunakan adalah studi kepustakaan dengan analisis kualitatif-deskriptif melalui model Miles dan Huberman. Temuan penelitian menunjukkan bahwa fikih birokrasi memberikan kontribusi praktis berupa kerangka konseptual bagi administrasi publik berbasis maqashid syariah, yang dapat dioperasionalkan melalui indikator tata kelola Islami. Penelitian ini menghadirkan wacana berupa paradigma alternatif dalam

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birokrasi yang menghubungkan dimensi duniawi-ukhrawi, individu-kolektif, dan materi-spritual dengan kebutuhan praktis tata kelola modern.

Keywords: Fiqh Bureaucracy; Maqashid Syariah; Governance; Islamic Public Administration

Introduction

In recent decades, a crisis of governance has emerged as a consequence of the failure of global development models. Both academic forums and civil society have increasingly voiced the need to strengthen advocacy for improving the quality of public administration. Research indicates[1] that corruption remains the primary factor behind this crisis,[2] while the abuse of bureaucratic power has triggered a multidimensional breakdown that hinders social welfare.[3] Despite various reform efforts, Indonesia's bureaucracy continues to exhibit deep-rooted pathologies. The Indonesian Ombudsman reported that in 2023, approximately 40 percent of public complaints were related to sluggish, complicated, and non-transparent public services.[4]

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[1] Research indicates that the corruption case amounting to IDR 271 trillion at PT Timah Tbk was caused by weak supervision, poor governance, and greed, resulting in the loss of public trust, environmental degradation, and social inequality. Indra Iskandar and Hamdan Azhar Siregar, "The Prosecutor's Authority to Conduct Investigations into Corruption Crimes Causing State Financial Losses (Case Study in PT. Timah Tbk)," *Law Development Journal* 7, no. 3 (2025): 392–402, https://doi.org/10.30659/ldj.7.3.392-402.

[2] Dewi Asri Yustia and Firdaus Arifin, "Bureaucratic Reform as an Effort to Prevent Corruption in Indonesia," *Cogent Social Sciences* 9, no. 1 (2023): 2166196, https://doi.org/10.1080/23311886.2023.2166196; Nafila Riska et al., "Etika Profesi Dalam Perspektif Islam: Analisis Konseptual Terhadap Pencegahan Korupsi Di Kalangan ASN," *Scientific Journal for Nation Building* 1, no. 1 (2025): 1, https://ejournal.ynam.or.id/index.php/jn/article/view/45.

[3] Rodame Monitorir Napitupulu et al., "Governance of Islamic Social Finance: Learnings from Existing Literature," *International Journal of Islamic and Middle Eastern Finance and Management* 17, no. 3 (2024): 552–71, https://doi.org/10.1108/IMEFM-06-2023-0222; Jhon Afrizal, "Islam Sebagai Prinsip Tata Birokrasi Negara," *Kutubkhanah* 18, no. 2 (2016): 2, https://doi.org/10.24014/kutubkhanah.v18i2.1477.

[4] Ombudsman Republik Indonesia, "Data.Ombudsman.Go.Id/Ombudsman-Republik-Indonesia/Persentase-Dugaan-Maladministrasi-Dalam-Penyelenggaraan-Pelayanan-Publik-Menurut-Jenis," Persentase Dugaan Maladministrasi Dalam Penyelenggaraan Pelayanan Publik Menurut Jenis, accessed August 13, 2025, https://data.ombudsman.go.id/ombudsman-republik-indonesia/persentase-dugaan-maladministrasi-dalam-penyelenggaraan-pelayanan-publik-menurut-jenis.

The implications of these facts are global, drawing the world's attention to the urgency of establishing a sustainable civilization.[5] At present, a great responsibility rests upon the shoulders of Muslim intellectuals to revive the universal values of good governance, what Andi Faisal Bakti refers to as the "lost property" of Islamic civilization,[6] through a collective consciousness that must continually be upheld in every bureaucratic practice.

Departing from this reality, the discourse on "fiqh of bureaucracy" emerges as a response to the need for integrating Sharia values into governance systems. This concept can be regarded as a proliferation, or an advanced development, of the idea of "good governance in the Islamic perspective,"[7] offering a more systematic and normative framework grounded in Islamic law and *usul al-fiqh*. The term "fiqh of bureaucracy"[8] represents a contemporary elaboration of Islamic ethics and law within the bureaucratic structure of Indonesia, founded upon the *maqasid al-shariah* with its ultimate orientation toward public welfare (*maslahah*).

The present study arises from the author's intellectual concern and reflective background in formulating this inquiry, based on at least four considerations that underscore the importance of developing *fiqh of bureaucracy* as a field of study. First, the worsening global governance crisis demands the active role of Islamic teachings through the conceptual framework of *fiqh of bureaucracy*.[9] This

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[5] Dewi Fatmawati et al., "Shariah Governance in Islamic Banks: Practices, Practitioners and Praxis," *Global Finance Journal* 51 (February 2022): 100555, https://doi.org/10.1016/j.gfj.2020.100555.

[6] Andi Faisal Bakti, "Good Governance Dalam Islam: Gagasan Dan Pengalaman," in *Islam, Negara Dan Civil Society: Gerakan Dan Pemikiran Islam Kontemporer*, ed. Komaruddin Hidayat and Ahmad Gaus (Paramadina, 2005), 349.

[7] Among the notable works in this field is the inaugural professorial oration of Prof. Dr. H. Syamsul Anwar, M.A. (2005), Syamsul Anwar, "Membangun Good Governance dalam Penyelenggaraan Birokrasi Publik di Indonesia: Tinjauan dari Perspektif Syari'ah dengan Pendekatan Ilmu Usul Fikih," (Yogyakarta), UIN Sunan Kalijaga, 2005; B This study can also be compared with the work of a professor at UIN Syarif Hidayatullah, who examined the relationship between constitutional law and *fiqh al-siyasah*. See: Nur Rohim Yunus, "Menciptakan Good and Clean Government Berbasis Syariah Islamiyah Dalam Tatakelola Pemerintahan Republik Indonesia," *Nur El-Islam* 3, no. 1 (2016): 143–75. Ibnu Rusydi, "Good Governance According To Islamic Perspective," *Munaddhomah: Jurnal Manajemen Pendidikan Islam* 4, no. 4 (2023): 1001–7, https://doi.org/10.31538/munaddhomah.v4i4.727.

[8] The author adopts the term *fiqh of bureaucracy* as a fresh discursive proposal arising from an epistemological need to systematically position the values of Islamic law in responding to the dynamics of governance.

[9] This can be seen, for example, in the studies conducted by Andi Faisal Bakti (2005) and Syamsul Anwar (2005) mentioned above. For further details, see: Yunus, "Menciptakan Good and Clean Government Berbasis Syariah Islamiyah Dalam Tatakelola Pemerintahan Republik Indonesia," 165–67.

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concept requires further practical elaboration within bureaucratic systems and is expected to strengthen governance while embedding a spiritual dimension into public policy formulation.

Second, the Muslim community requires a comprehensive conceptual foundation regarding both the worldview and the mode of engagement in improving governance systems. Third, *fiqh of bureaucracy* has not yet been recognized as an independent discipline and is still regarded merely as a subfield of public administration. Admittedly, *fiqh al-mu'amalah* discusses leadership, justice, and public responsibility; however, its treatment remains largely normative and therefore requires further elaboration to adequately respond to the complexities of modern governance.

Fourth, *fiqh of bureaucracy* as an Islamic-based framework for public administration should be integrated into educational programs, since collective awareness of the importance of an ideal government is more effectively cultivated through processes of education and cultural internalization. In this way, the development of *fiqh of bureaucracy* can generate both scholarly legitimacy and broader social acceptance, thereby supporting the realization of a just and beneficial government for all citizens.

The discourse on *fiqh of bureaucracy* is currently expanding and beginning to attract scholarly attention. Khasanah's (2016) study explores the ethical-spiritual dimension of bureaucracy through Sayyid Quthb's exegesis, emphasizing trustworthiness (*amānah*), justice (*'adl*), honesty, and responsibility as the moral foundations of bureaucrats.[10] Jahar's (2019) research analyzes the transformation of *sharī'ah* norms, such as those governing *zakāt*, *waqf*, and family law, into positive law through state bureaucratization as a form of Islamic legal modernization.[11] The article by Alfian et al. (2022) examines bureaucracy from the perspective of the philosophy of public administration, grounded in *norms*, *ethics*, *maṣlaḥah mursalah*, and *maqāsid al-sharī'ah*. The study emphasizes that Islamic bureaucracy is an ethical-spiritual entity that upholds justice and accountability.[12]

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[10] Nur Khasanah, "Kesalehan Birokrasi Dalam Perspektif Al-Qur'an (Kajian Tafsir Fi Zhilal al-Qur'an)" (Skripsi Sarjana, Institut Ilmu Al-Qur'an (IIQ) Jakarta, 2016).

[11] Asep Saepudin Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law," *Studia Islamika* 26, no. 2 (2019): 2, https://doi.org/10.15408/sdi.v26i2.7797.

[12] Alfian et al., "Islamic Bureaucracy in the Philosophy of Public Administration: A Narrative Literature Review," *Open Access Indonesia Journal of Social Sciences* 5, no. 6 (2022): 6, https://doi.org/10.37275/oaijss.v5i6.139.

Indira's et al. (2023) research explores the importance of Islamic ethics in governmental bureaucracy[13] and Haruna (2024) discusses how Islamic civilization has made significant contributions to modern governance through administrative innovations and legal-political thought.[14] Feramahdalena et al. (2025) asserts that the application of Islamic ethics in Banten strengthens bureaucratic integrity. The values of honesty, trustworthiness, justice, and responsibility are considered capable of enhancing public service and shaping an accountable bureaucracy.[15]

The series of studies mentioned above represents only a small portion of the scholarship on *fiqh al-būruqrātiyyah* (bureaucratic jurisprudence). In recent years, attention to this issue has grown significantly, marked by the emergence of works examining the relationship between Islam, governance, and just public service. This article seeks to fill that research gap while strengthening the discourse on Fiqh of Bureaucratic within both academic and governmental practices.

Research Method

This study employs a library research method with a qualitative-descriptive approach. The primary sources consist of the Qur'an, Hadith, and *Kutub al-Turāth*, while the secondary sources include academic literature, books, and journals. References are drawn from Indonesian sources, supported by Arabic and Western literature. This strategy aims to maintain the study's relevance and ensure objectivity. The selection of sources is based on thematic relevance, authoritativeness, and publication recency. Classical literature serves as a normative reference, whereas contemporary works are utilized to analyze the dynamics of modern bureaucracy.

Data analysis follows the interactive model of Miles and Huberman, comprising reduction, presentation, and conclusion drawing. The literature is mapped into key thematic clusters such as jurisprudence, leadership, public welfare, and bureaucratic governance. This mapping is followed by manual coding to categorize ideas according to the five *maqāsid al-sharī'ah*. Data reduction involves summarizing the core arguments of each source, data

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[13] Gianni Indira et al., "Penguatan Karakter Etika Islam Dalam Birokrasi," *YUDABBIRU JURNAL ADMINISTRASI NEGARA* 5, no. 1 (2023): 1, https://ejournal.uniks.ac.id/index.php/YUDABBIRU/article/view/2630.

[14] Sanusi Lafiagi Haruna, "Islamic Civilization's Contributions to Modern Governance," *Jurnal Penelitian Dan Pengembangan Sains Dan Humaniora* 8, no. 1 (2024): 1, https://doi.org/10.23887/jppsh.v8i1.81551.

[15] Elsa Feramahdalena et al., "Penguatan Etika Islam Dalam Birokrasi Di Banten," *ANTASENA: Governance and Innovation Journal* 3, no. 1 (2025): 29–39, https://doi.org/10.61332/antasena.v3i1.292.

presentation is conducted through a comparative mapping of classical and contemporary perspectives, and conclusions are drawn concerning the construction of *fiqh al-bīrūqrātiyyah* based on the *maqāsid al-sharī'ah*. The author ensures data validity through content triangulation, comparing and confirming findings across different sources to avoid partial bias.

Results and Discussion

Islamic Jurisprudence of Bureaucracy (*Fikih Birokrasi*): Ideas, Concepts, and Epistemological Landscape

The fiqh of bureaucracy can be understood as a conceptual framework that examines the interconnection between Islamic law and bureaucracy, namely, the science of governance and public administration.[16] It represents the embodiment of fiqh-based good governance, through which every policy and administrative practice is expected to realize an effective, participatory, and welfare-oriented system of governance for the entire society.[17]

From an etymological perspective, the term fiqh of bureaucracy consists of two words: fiqh and bureaucracy. The term fiqh, in relation to bureaucracy, refers to its general meaning, comprehensive understanding of Islamic teachings, as reflected in the Prophet's supplication for Ibn 'Abbas: *"Allahumma faqqihhu fi al-din"* (O Allah, grant him understanding in religion).

In this sense, fiqh implies that the understanding of religion is not confined to the domain of positive law alone. It encompasses aspects of creed, ethics, and other universal values of Islam. In line with this, Imam Abu Hanifah once titled one of his works *al-Fiqh al-Akbar*, which discusses legal, theological, and ethical dimensions.[18] This reflects fiqh as an expression of the universality of Islam in all aspects of human life.

From another perspective, the meaning of fiqh as an intellectual product can also be traced linguistically, where fiqh denotes human understanding (*fahm*), perception (*tashawwur*), and cognition (*idrak*).[19] As a consequence of encompassing these three elements, *fiqh* serves an interpretative function (*ijtihad*). This *ijtihad* is carried out through the framework of *usul al-fiqh* (Islamic legal theory) by interpreting the Qur'an and Hadith while considering human
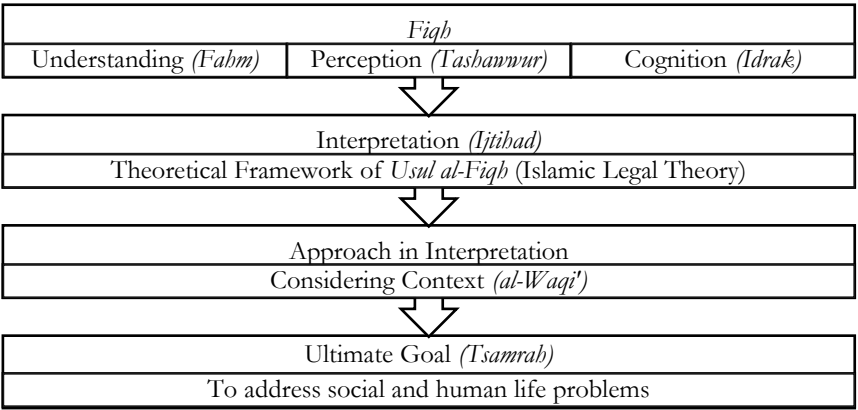
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[16] Jaja Zarkasyi, *Di Balik Meja Birokrat: Fikih Islam Tentang Layanan Publik* (Gramedia, 2023), 25.

[17] Muhammad Solikhudin and Moh Zainullah, "The Formulation of Good Governance Fiqh for Indonesia as a Welfare State," *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum* 20, no. 2 (2022): 175, https://doi.org/10.32694/qst.v20i2.1718.

[18] Zainuddīn Ibn Nujaīm Al-Ḥanafī Al-Miṣrī, *Al-Baḥr ar-Rāiq Syarḥ Kanz ad-Daqaiq*, (Dār al-Kitāb al-Islāmi, 1431), vol. I, p. 6.

[19] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought (IIIT), 2008), 193.

perception (*tashawwur*) and cognition (*idrak*) of cultural realities to address the issues faceda.

Fiqh		
Understanding *(Fahm)*	Perception *(Tashawwur)*	Cognition *(Idrak)*

Interpretation *(Ijtihad)*
Theoretical Framework of *Usul al-Fiqh* (Islamic Legal Theory)

Approach in Interpretation
Considering Context *(al-Waqi')*

Ultimate Goal *(Tsamrah)*
To address social and human life problems

Graphic 1.
Dialogical Scheme of Fiqh Formulation

Based on the explanation above, the term *fiqh* can be understood at least in two ways: as a religious understanding that regulates the behavior of the Muslim community, and as the result of scholars' *ijtihad*. Both meanings indicate that *fiqh* is dynamic and adaptive, rather than rigid or static.

Meanwhile, the term "bureaucracy" originated during the French Revolution in the 18th century (1760s). History reveals that the French government (and other European states at the time) was known for poor performance, with widespread oppression of the populace. To satirize the actions of public officials, the term bureaucracy (*bureaumania*) was first coined by the French philosophers Baron de Grimm and Vincent de Gournay.[20]

Initially, bureaucracy referred to a system of work organized through offices related to administration.[21] Over time, the term evolved in a political context to denote the implementation of policies by state officials through a series of regulations, tasks, and policy decisions adapted to specific situations and conditions.[22]

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[20] Anna Joukovskaia, "Bureaucracy: The Making of a Buzzword," *Journal of the History of Ideas* 84, no. 4 (2023): 685–710, https://muse.jhu.edu/pub/56/article/909535; Mark Turner et al., "The Challenge of Reforming Big Bureaucracy in Indonesia," *Policy Studies* 43, no. 2 (2022): 333–51, https://doi.org/10.1080/01442872.2019.1708301.

[21] Basuki Rahmat et al., "Bureaucratic Reform in Indonesia: From "Public Administration" to 'Public Management,'" *Journal of Local Government Issues* 7, no. 2 (2024): 144–58, https://doi.org/10.22219/logos.v7i2.33848.

[22] Marlene Jugl, "Patterns of Bureaucracy: Conceptualizing Administrative Traditions," *Journal of Public Administration Research and Theory* 35, no. 3 (2025): 277–91, https://doi.org/10.1093/jopart/muaf012; Daniel Jenkin-Smith, "A Tale of Two Bureaucracies: The Formal Development of Mid-Nineteenth-Century French and British Office Novels,"

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In social reality, bureaucracy is often perceived merely as an administrative mechanism devoid of moral values.[23] However, within the Islamic scholarly tradition, the public sphere is never entirely free from ethics and Sharia law. The relationship between formal rules and spiritual values actually creates a binding framework for society, ensuring that it does not become trapped in procedures empty of virtuous principles.[24]

The essence of religious meaning can be understood through two keywords borrowed from physics: centripetal and centrifugal.[25] According to Prof. Dr. Nasaruddin Umar, religion contains a centripetal force that unifies beyond primordial bonds, as well as a centrifugal force that has the potential to disrupt social harmony. In Islam, both forces are present potentially in the life of the community.[26]

In the context of Indonesia, the relationship between religion and the state tends to exhibit a harmonious pattern. This synergy is evident in the practice of national life, where religious values are not positioned as a threat to the state but rather as a reinforcement of collective spirit, unity, and public service..

On this basis, the *fiqh of bureaucracy* referred to in this study is a branch of Islamic jurisprudence that examines Islamic laws within the context of governance and public administration, explored through *ijtihad* and grounded in Islamic legal sources. In other words, the *fiqh of bureaucracy* represents a contextualized study of *fiqh*, aiming to understand and address realities in the bureaucratic world through a Sharia-based approach, guided by the principles of *maqāsid al-sharī'ah*.

The position of the *fiqh of bureaucracy* in this study is considered part of *mu'āmalah*, the branch of fiqh that addresses human interactions in social and

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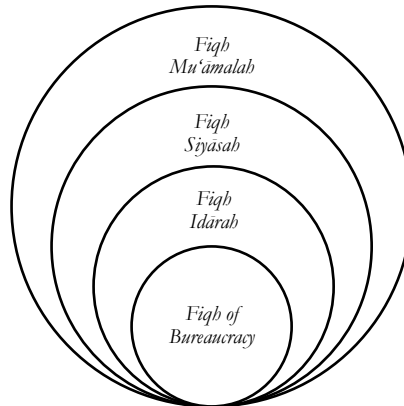*Nineteenth-Century Literature* 77, nos. 2–3 (2022): 93–123, https://doi.org/10.1525/ncl.2022.77.2-3.93.

[23] Muhammad Aditia Rizki, "Sharia-Based Public Service Administration in Aceh: A Normative-Conceptual Study from an Islamic Perspective," *AJIL: Aceh Journal of Islamic Law* 2, no. 1 (2025): 33–52, https://journal.iainlangsa.ac.id/index.php/ajil.

[24] Firmansyah Firmansyah et al., "Islamic Ethics and Morality in the Educational Bureaucracy: Theoretical and Practical Review," *INCARE, International Journal of Educational Resources* 5, no. 5 (2025): 559–74, https://doi.org/10.59689/incare.v5i5.1137.

[25] Dennis Souza da Costa and Ivana Siqueira Teixeira, "The Action of Centripetal and Centrifugal Forces in Religious Discourse about People with Disabilities: Reflections Based on Bakhtin and the Circle," *Bakhtiniana: Revista de Estudos Do Discurso* 19 (2024): e63573p, https://doi.org/10.1590/2176-4573e63573; Lisa Pearson et al., "Religious and Counseling Discourses in Clinical Practice," *The Family Journal* 32, no. 3 (2024): 326–34, https://doi.org/10.1177/10664807241242568.

[26] Zarkasyi, *Di Balik Meja Birokrat: Fikih Islam Tentang Layanan Publik*, 12.

governmental life. The *mu'āmalah* referred to here is *siyāsah*, which encompasses principles for regulating public and state life, including the aspect of *idārah*, or governance administration.

Graphic 2.
The Position of Fiqh of Bureaucracy within the Study of Mu'āmalah

As part of *mu'āmalah*, the term *fiqh of bureaucracy* represents a branch of *fiqh* grounded in *ijtihād*. If the study of *fiqh of bureaucracy* is traced further, it cannot be separated from the broader context of *fiqh* in Indonesia, where discussions are closely linked to the efforts of scholars in formulating legal frameworks relevant to societal realities. In 1948,[27] the concept of "Indonesian Fiqh" (*Fiqh Indonesia*) was introduced by Hasbi ash-Shiddieqy. Although it gained wider recognition only in 1961, this idea was considered capable of bridging Sharia with the dynamics of a newly independent nation.[28]

Over time, the same spirit found new expression within the broader discourse emerging among the Nahdlatul Ulama. At a historic moment in the early 21st century, the concept of "Islam Nusantara" was articulated more explicitly during the NU Congress in 2015..

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[27] Nourouzzaman Shiddiqi, *Fiqh Indonesia: penggagas dan gagasannya* (Pustaka Pelajar, 1997), 215–16.

[28] Mahsun Fuad, *Hukum Islam Indonesia: dari nalar partisipatoris hingga emansipatoris* (LKiS, 2005), 67. The pinnacle of Indonesian Fiqh thought in 1961 is evident when Hasbi ash-Shiddiqi, in his speech *"Shari'at Islam Responds to the Challenges of the Era,"* explicitly stated:
"The purpose of studying Shari'at Islam in Islamic universities today is so that Fiqh/Shari'at Islam can accommodate all the welfare of society and become the principal foundation for the development of laws in our beloved homeland. Our aim is to formulate a Fiqh that possesses our own identity, just as Egyptian scholars today are striving to 'Egyptianize' their Fiqh. Indonesian Fiqh is Fiqh established in accordance with the identity of Indonesia, in line with the nature and character of Indonesia." See: Hasbi As-Shiddiqi, *Islam Menjawab Tantangan Zaman* (Bulan Bintang, 1966), 46.

The term *Islam Nusantara* refers to Islam as it exists in the Nusantara region, not Islam for the Nusantara, nor Islam from the Nusantara. Misunderstandings about *Islam Nusantara* often arise from a misinterpretation of the compound term.[29] According to KH. Musthafa Bisri, *Islam Nusantara* is a *tarkīb ʾidāfī* construction that conveys the meaning of "in." Similar to the phrase "water in a glass," which means water contained within a glass, *Islam Nusantara* signifies Islam in the Nusantara.[30]

From this emerged a more technical elaboration in the legal domain with the term *Fikih Nusantara*, which was concretely introduced by M. Noor Harisudin in 2019.[31] However, alongside the broadening of Islamic thought, particularly after the Reformasi era with the rise of radical movements, there arose a need to direct attention toward the dimension of nationhood in Indonesia. In this context, *Fikih Kebangsaan* began to take shape, as seen in studies conducted by HIMASAL (Himpunan Alumni Santri) Lirboyo,[32] serving as a continuation of *Fikih Nusantara* that integrates national values within the framework of Islamic law.

From this perspective, the intellectual trajectory from Indonesian Fiqh, *Fikih Nusantara*, to *Fikih Kebangsaan* ultimately finds its momentum in the *fiqh of bureaucracy*. The term *fiqh of bureaucracy* represents an extension of *Fikih Kebangsaan*. In the language of classical scholars, this process is referred to as *istikhraj al-furū' min al-ushūl*, giving rise to new discourses derived from the already formulated theoretical framework.

The history of Islamic civilization records the practice of bureaucracy within the governmental systems that developed at the time. In fact, even before the ideas of Western thinkers on bureaucracy became widely known, Muslim

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[29] M. Noor Harisudin, *Membumikan Islam Nusantara* (Pena Salsabila, 2016), 2.

[30] Akhmad Sahal and Munawir Aziz, eds., *Islam Nusantara: Dari Ushul Fiqh Hingga Paham Kebangsaan* (Mizan Pustaka, 2015), 13.

[31] M. Noor Harisuddin states that the term *Fikih Nusantara* as intended refers to Indonesian Fiqh, where Indonesian Fiqh was originally used by Hasbi Ash-Shiddieqy in the 1940s, later popularized in 1961, and warmly received by Indonesian society at that time. M Noor Harisudin, *Fiqh Nusantara: Pancasila Dan Sistem Hukum Nasional Indonesia* (Pustaka Compass, 2019), 1.

[32] Akmal Bashori, *Fikih Nusantara: Dimensi Keilmuan Dan Pengembangannya* (Kencana, 2021), 184. In addition to Bashori, a similar perspective is found in the study by Hidayat and Arifin (2020), which indicates that, indirectly, in an academic context, *Fikih Kebangsaan* represents a further branch of the scholarly discussion on *Fikih Nusantara*, which itself is a more specific elaboration of *Islam Nusantara*. See: Achmad Hidayat and Zaenal Arifin, "Narasi Fikih Kebangsaan Di Pesantren Lirboyo," *Intelektual: Jurnal Pendidikan Dan Studi Keislaman* 10, no. 3 (2020): 315, 3, https://doi.org/10.33367/ji.v10i3.1491.

intellectuals had already conceived and developed systems of governmental administration.

One of the influential figures in this discourse is al-Māwardī (364–450 H./974–1058 CE), a Muslim intellectual renowned for his monumental work, *Al-Ahkām as-Sulthāniyyah*. In his work, al-Māwardī emphasized that the success of governance largely depends on the support of competent officials who possess clearly defined responsibilities. For this reason, a well-ordered hierarchical structure is necessary, in which each position has clearly defined duties, so that leadership effectiveness can be achieved and governmental programs can be implemented optimally.[33]

Al-Māwardī outlines a governmental structure divided into four types of institutions: Central institutions with authority over all governmental agencies; Regional institutions with limited authority, such as governors and mayors; Institutions with specialized duties, such as the judiciary, military, and taxation; Local institutions with specific authority within particular territories.[34]

In addition to al-Māwardī, Ibn Taymiyyah (661–728 H./1263–1328 CE) also contributed to this discourse. Regarding the recruitment of officials, for instance, the selection of personnel should be based on individuals with adequate capacity and competence, who can be appointed to carry out governmental duties. Such a disposition is crucial for officials to minimize the potential for errors and the misuse of authority.[35]

A similar view is expressed by as-Subkī (727–771 H./1327–1370 CE), who argued that manifesting the principles of transparency, professionalism, and accountability is essential for governance. As-Subkī maintained that if a government adheres to these principles, it will inevitably be able to provide optimal public services.[36]

From the thoughts of Muslim intellectuals, it is evident that although the term bureaucracy originated from Western tradition, the essence and principles of bureaucracy have long existed and been practiced within Islamic governance. Ahmad bin Dawud al-Muzjaji emphasizes that bureaucratic principles oriented toward accuracy, legal compliance, objectivity, resource utilization, and good performance have actually been taught by Islam for over 14 centuries.

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[33] Abū Ḥasan Alī bin Muḥammad Al-Māwardi, *Al-Aḥkām as-Sulṭāniyyah Fī Wilāyah ad-Dīniyyah*, ed. oleh Aḥmad Jād (Kairo: Dār al-Hadīs, 2015), 50.
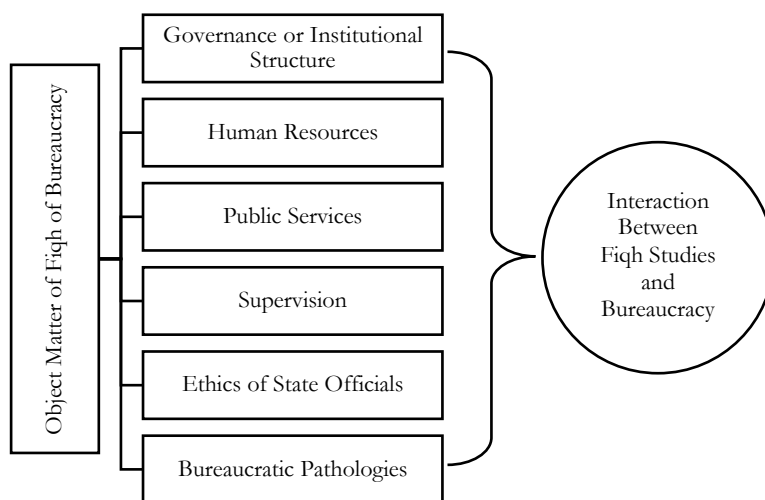
[34] Al-Māwardi, 50.

[35] Abū Abbās bin Abd As-Salām Ibn Taimiyyah, *As-Siyāsah As-Syar'iyyah Fī Islāh ar-Ra'i wa ar-Ra'iyah* (Beirut: Dār Ihyā at-Turāś al-Arabī, 1989), 7.

[36] Tāj ad-Dīn 'Abd al-Wahhāb bin Taq ad-Dīn As-Subkī, *Mu'īd an-Ni'am wa Mubīd an-Niqam* (Beirut: Muassasah al-Kutub as-Saqāfiyyah, 1986), 18-24.

Moreover, according to him, Islam offers a unique advantage that surpasses Weber and other thinkers, namely a governance orientation focused on the welfare of the people.[37]

This idea represents an effort to address the challenges of state administration through a bureaucratic framework from the perspective of Islamic law, which serves as a guide for officials to carry out their duties while upholding Islamic values amid the complexities of governance. Therefore, the object matter of *Fiqh of Bureaucracy* is fiqh itself as it relates to bureaucracy. In this regard, the subject matter of *Fiqh of Bureaucracy* includes governance or institutional structures, human resources, public services, supervision, the ethics of state officials, and the culture of bureaucratic pathologies.

Graphic 3.
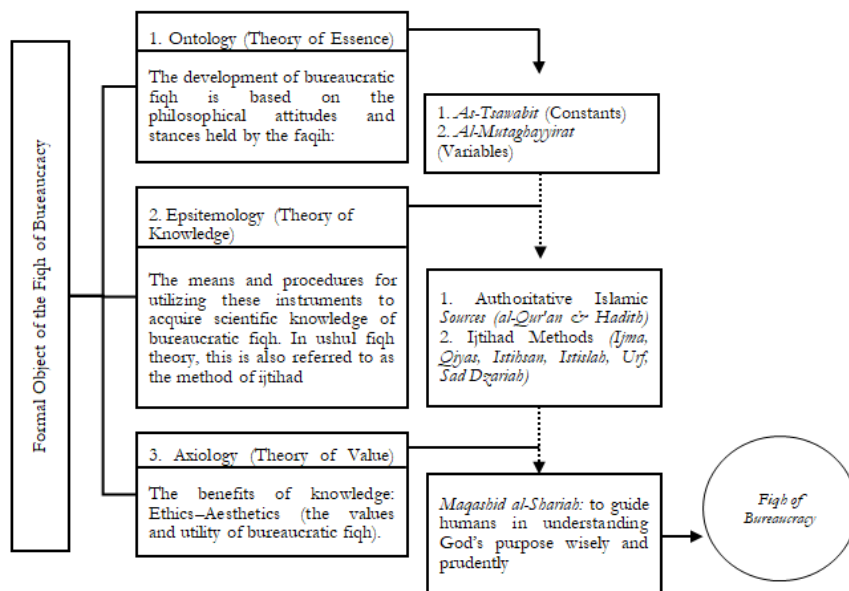**Material Object of Fiqh of Bureaucracy**

Furthermore, if the material object of Fiqh of Bureaucracy is fiqh itself as it relates to the realm of bureaucracy, then the formal object concerns the essence of Fiqh of Bureaucratic, the methods for acquiring scientific truth, and the functions and benefits of the Fiqh of Bureaucracy for human beings. The

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[37] Ahmad bin Dawud Al-Muzjaji Al-Asy'ari is a Doctor of Public Administration from Florida State University, United States. He is a faculty member at the College of Economics and Management, King Abdul Aziz University. See: Aḥmad bin Dāwūd Al-Asy'arī Al-Muzjājī, *Muqaddimah Fī al-Idārah al-Islāmiyyah* (Jeddah: Al-Mamlakah al-'Arabiyyah as-Sa'ūdiyyah, 2000), p. 609. Al-Muzjaji's explanation is explicitly stated as follows:

بالنظر إلى تعريف البيروقراطية الذي يسميها بالدقة والالتزام بالقانون والموضوعية في العمل واستغلال الامكانات المتاحة وحسن الأداء، يظهر أن الإسلام سباق إلى كل ما أشار إليه ويبر منذ أربعة عشر قرنًا من الزمان إضافة إلى مزايا لا يعرفها ويبر أو غيره.

formal object of the Fiqh of Bureaucracy lies in the Islamic legal perspective on interpreting and constructing bureaucratic realities, employing the tools of *ushul fiqh*, *qawā'id fiqhiyyah*, and the principles of *maqasid al-shariah*.

Thus, the formal object of the Fiqh of Bureaucracy encompasses the essence of Fiqh of Bureaucratic, the methods for acquiring scientific truth, and the functions and benefits of the Fiqh of Bureaucracy for human beings. This problem will be examined through the development of Fiqh of Bureaucratic from the perspectives of ontology, epistemology, and axiology.

1. Ontology (Theory of Essence)

The development of bureaucratic fiqh is based on the philosophical attitudes and stances held by the faqih:

1. *At-Tsawabit* (Constants)
2. *Al-Mutaghayyirat* (Variables)

2. Epistemology (Theory of Knowledge)

The means and procedures for utilizing these instruments to acquire scientific knowledge of bureaucratic fiqh. In ushul fiqh theory, this is also referred to as the method of ijtihad

1. Authoritative Islamic Sources (al-Qur'an & Hadith)
2. Ijtihad Methods (Ijma, Qiyas, Istihsan, Istislah, Urf, Sad Dzariah)

3. Axiology (Theory of Value)

The benefits of knowledge: Ethics–Aesthetics (the values and utility of bureaucratic fiqh).

Maqashid al-Shariah: to guide humans in understanding God's purpose wisely and prudently

Fiqh of Bureaucracy

Formal Object of the Fiqh of Bureaucracy

Graphic 4.
Formal Object of the Fiqh of Bureaucracy

By utilizing the tools of *usūl al-fiqh* and *qawā'id fiqhiyyah*, the fiqh of bureaucracy functions as an analytical framework that guides the interpretation, analysis, and provision of solutions for contemporary bureaucratic problems. The *usūl al-fiqh* instruments that can be employed include *urf, istihsān, maslahah mursalah, Sad al-Dzari'ah,* and *tahqiq al-manath,* which serve to assess public policies in a concrete and practical manner.

Meanwhile, the application of qawaid fiqhiyyah in the fiqh of bureaucracy can be seen, for example, through the maxim *"ad-dharar yuzal"* (harm must be eliminated), which provides an ethical basis for anti-corruption strategies. The maxim *"al-mashaqqah tajlib al-taysir"* (hardship brings ease) serves as a foundation for legitimizing digital public services, facilitating easier access for society. Likewise, the maxim *"tasarruf al-imam 'ala al-ra'iyyah manut bi al-maslahah"* (the ruler's actions toward the people depend on public welfare) emphasizes that

every bureaucratic policy must prioritize the well-being of the people, rather than merely serving the interests of power.

Compared to Western Weberian bureaucracy theory, the fiqh of bureaucracy essentially shares several points of convergence. Weber emphasizes order, hierarchy, legal certainty, and a rational work system. These elements are likewise essential in the fiqh of bureaucracy, as order constitutes a minimal requirement for achieving public welfare. Without clear regulations, bureaucracy risks falling into arbitrary practices.

However, in other respects, Western bureaucracy theory reveals its weaknesses. It is often perceived as "value-dry," focusing solely on legal-rational procedures. Public services under Weberian theory may follow regulations, yet still fail to deliver a human-centered approach. For instance, poor patients in need of urgent care at public hospitals often experience delays simply due to insufficient administrative requirements.

The fiqh of bureaucracy emerges to provide a corrective perspective. The principle of al-masyaqqah tajlib al-taysir (hardship brings ease) reminds us that public service should facilitate, not impose additional burdens on society. While Weberian bureaucratic procedures ensure formal justice through rules, the fiqh of bureaucracy adds substantive justice: easing access, prioritizing ethics, and ensuring that bureaucracy is grounded in the public interest.

In the context of bureaucratic reform, Western theory emphasizes productivity, transparency, and organizational effectiveness. These are important, but insufficient. The fiqh of bureaucracy introduces a new dimension: spiritual integrity, since many officials may be intellectually capable yet ethically lacking. Public officials are accountable not only before the law but also before God.

The fiqh of bureaucracy represents a discourse that offers an ethical-normative framework for public administration. Nevertheless, this concept faces challenges. In pluralistic and secular states, the potential formalization of religion becomes a critical issue, while the operationalization of abstract Islamic values must be formulated to remain relevant within the complex modern bureaucracy. Therefore, the study of the fiqh of bureaucracy should be developed inclusively, embodying universal Islamic values that are acceptable to all citizens.

In this context, the success of an Islamic bureaucracy is assessed not only based on procedural compliance with sharia but also through concrete empirical indicators. For example, the 2023 survey by the Research and

Development Agency and Training of the Ministry of Religious Affairs of Indonesia reported that the Social Piety Index (Indeks Kesalehan Sosial, IKS) of the Office of Religious Affairs achieved a national score of 82.59, categorized as "very good," with the highest scores in ethics and moral conduct (88.02). Meanwhile, the 2023 Service Satisfaction Index (Indeks Kepuasan Layanan, IKL) of the same offices averaged 83.26, indicating effective service delivery, including the KUA Revitalization Program, with recommendations to improve facilities such as buildings, parking, toilets, technological devices, and internet networks to ensure optimal public service.[38]

Table 1.
Results of the 2023 IKS and IKL Surveys at Religious Affairs Offices (KUA)

Aspect	Description / Score
Type of Survey	IKS (Social Piety Index) & IKL (KUA Service Satisfaction Index)
Survey Period	IKS: April – June 2023 IKL KUA: April – September 2023
Respondents	IKS: 1,610 respondents (20 regencies/cities, various religions) IKL KUA: 2,058 respondents (users of marriage & non-marriage services)
Sampling Technique	Clustered Random Sampling
Analysis Method	Cross-tabulation, SEM, FGD
Average IKS Score	82.59 (Very Good)
IKS Dimensions	1) Ethics & Morality: 88.02; 2) Relationship with State & Government: 86.06; 3) Social Concern / Solidarity: 80.41; 4) Environmental Preservation: 80.28; 5) Interpersonal Relations (Diversity): 78.19
Average National IKL KUA Score	83.26 (Significance level 83.80, Very Good)
IKL KUA Dimensions & Findings	Marriage services, non-marriage services (registration, supervision, marriage/divorce reporting, zakat, waqf, moon sighting calculations, mosque & family affairs) Findings: 1) Very high public satisfaction (>80) 2) KUA revitalization is effective (significant difference compared to non-revitalized KUA) 3) Services operate well in both Muslim majority & minority areas

[38] Kementerian Agama RI, "Survei Litbang Kemenag, Indeks Kesalehan Sosial 82,59 dan Indeks Kepuasan Layanan KUA 83,237," with Moh Khoeron, https://kemenag.go.id, 2023, https://kemenag.go.id/nasional/survei-litbang-kemenag-indeks-kesalehan-sosial-82-59-dan-indeks-kepuasan-layanan-kua-83-237-FZe6N.

Another example can be seen in the application of the principles of honesty, trustworthiness, and justice within the administration of the Kementerian Agama Republik Indonesia, in line with its motto, *"Ikhlas Beramal"* ("Sincere in Service").[39] These values are reflected in policies such as budget transparency, internal oversight, and employee accountability. Public services are delivered with ethics, social responsibility, and respect for citizens' rights, ensuring that the bureaucracy remains focused on the welfare of the people.[40]

This success is inseparable from the implementation of Sharia-based values that make *"Ikhlas Beramal"* a moral foundation, enabling the bureaucracy within the Kementerian Agama Republik Indonesia to operate more justly, transparently, accountably, and with a strong orientation toward public welfare. In other words, a bureaucracy inspired by Islamic values remains relevant to the needs of contemporary society.

Affirming the Principles of Fiqh of Bureaucratic

The Islamic bureaucracy during the era of Nabi Muhammad marked the starting point for the development of a governmental system encompassing various aspects of state life within the Muslim community. The Prophet not only served as a religious leader conveying the revelations of Allah SWT but also as a head of state responsible for all matters of governance, including law, administration, economy, social affairs, and security.[41]

A tangible example of the Prophet's attention to good governance can be seen in his implementation of a decentralized system, in which governmental affairs were entrusted to competent individuals in their respective fields. For instance, the Prophet appointed several of his companions to govern specific regions, such as Mu'az bin Jabal and Abu Musa al-Asy'ari, who were assigned to manage administrative affairs in Yemen, each in a different territory.[42]

The appointment of Mu'az bin Jabal and Abu Musa al-Asy'ari in different regions indirectly reflects effective governance and was intended to prevent overlaps in duties and authority. At that time, Yemen had diverse social and

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[39] Supono and Mukti Fajar Nur Dewata, "Kontribusi Hukum Islam Terhadap Reformasi Birokrasi: Upaya Peningkatan Kualitas Pelayanan Publik Yang Efisien, Efektif, Dan Berkualitas," *Jurnal Esensi Hukum* 6, no. 1 (2024): 26, 1, https://doi.org/10.35586/jsh.v6i1.322.

[40] Supono and Dewata, "Kontribusi Hukum Islam Terhadap Reformasi Birokrasi," 27.

[41] Muḥammad bin Alī bin Muḥammad Al-Asbaḥī, *Badā'i as-Sulk Fi Ṭabā'i al-Mulk* (Iraq: Wizārah al-I'lām, 1431), II/471; Lihat juga dalam: Abdul Wahhāb Khallāf, *As-Siyāsah As-Syar'iyyah Fī Syu'ūn Ad-Dustūriyyah Wa Al-Khārijiyyah Wa Al-Māliyah* (Kairo: Al-Maṭba'ah As-Salafiyyah, 1935), p. 6.

[42] Abū al-Fidā Ismāīl bin Umar Ibn Kaśīr, *Al-Bidāyah wa an-Nihāyah* (Kairo: Dār al-Hajr, 2003), vol.. VII, p. 378.

geographical conditions, making it necessary to divide the region so that administrative management could be more structured and efficient.[43]

A more selective system for appointing public officials was also introduced by Umar bin Khattab. Officials were not appointed arbitrarily but through a rigorous selection process.[44] He also enforced strict supervision, including financial audits of officials' assets, to prevent the abuse of power. On one occasion, Umar even dismissed a governor simply for living a life of luxury, which he deemed a potential source of injustice for the people.[45]

The principles of Fiqh of Bureaucratic are essential in guiding state officials to carry out their duties with integrity and a strong commitment to public service. These principles serve as a moral foundation for exercising power responsibly and ethically:

1. The principle of *shūrā* (consultation) emphasizes that every public policy must be formulated through a process of dialogue and collective participation;

2. The principle of *qisth* (justice) requires the bureaucracy to ensure that services and policies are implemented fairly, without discrimination, and that every citizen's rights are fulfilled proportionally;

3. The principle of *amānah* (trust) reminds public officials that power is a trust granted by both Allah and the people;

4. The principle of *amr ma'rūf nahy munkar* (enjoining good and forbidding evil) directs the bureaucracy to consistently uphold virtue, prevent wrongdoing, and ensure that every aspect of governance aligns with Islamic values.[46]

These principles are firmly rooted in the teachings of the Qur'an and Hadith. The principle of *shūrā* (consultation) is affirmed in Allah's command: *"and their affairs are decided by mutual consultation among them"* (Qur'an, Surah Asy-Syūrā [42]: 38), which serves as the foundation for participation and collective decision-making in public affairs. The principle of *qisth* (justice) is grounded in the verse: *"Indeed, Allah commands justice and good conduct"* (Qur'an, Surah An-Nahl [16]: 90), emphasizing justice as the social and moral cornerstone of Islamic bureaucracy. The principle of *amānah* (trust) is derived from the verse: *"Indeed, Allah commands you to render trusts to whom they are due"* (Qur'an, Surah An-Nisā' [4]: 58), indicating that public office is a responsibility that must be upheld with honesty and

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[43] Muhammad Syākir As-Syarīf, *Idārah ad-Daulah al-Islāmiyyah* (Riyāḍ: Majallah al-Bayān, 1434), 35.

[44] Muḥammad Khālid Ṣābit, *Rijal Ḥaul ar-Rasūl* (Damaskus: Dār Al-Fikr, 2000), 282.

[45] Abū al-Fidā Ismāīl bin Umar Ibn Kaṡīr, *Al-Bidāyah wa an-Nihāyah* (Kairo: Dār al-Hajr, 2003), vol. IX, p. 659.

[46] Zarkasyi, *Di Balik Meja Birokrat: Fikih Islam Tentang Layanan Publik*, 28–29.

integrity. Meanwhile, the principle of *amr ma'rūf nahy munkar* (enjoining good and forbidding evil) is reinforced through the Prophet's saying: "Whoever among you sees an evil, let him change it with his hand; if he is unable to do so, then with his tongue; and if he is unable to do even that, then with his heart, and that is the weakest level of faith." (Narrated by Imam Muslim). This Hadith provides the moral foundation for oversight and correction within the Islamic bureaucratic system.

Based on this foundation, these principles shape the attitudes and behavior of state officials as follows: First, *trustworthiness in power*. State officials are obligated to carry out their duties with integrity, avoid corruption, and ensure that every policy serves the public good, as every position of authority will be held accountable before Allah SWT. Second, *the obligation to serve society with justice*. This includes providing equal access to healthcare, education, and public administration services professionally and without illegal fees or discrimination.

Third, *care and concern for the people*. This is realized through policies that prioritize the interests of the wider community, empower the poor, and place public welfare as the highest priority. Fourth, *wise management of public resources*. Islam encourages the management of state resources based on efficiency and accountability, preventing wasteful spending, and ensuring that every rupiah spent has a positive impact on public services and people's welfare. Fifth, *social justice and equity*. State officials are encouraged to design policies that promote equitable welfare distribution, reduce economic disparities, and guarantee fair access for all citizens to public resources.

Maslahah as the Methodological Foundation of Fiqh of Bureaucratic

The *maslahah* (public interest) method occupies a fundamental position in the construction of Fiqh of Bureaucratic. *Maslahah* is one of the core foundations of Islamic law, emphasizing the essential objectives of the Sharia, namely, the realization of a just, harmonious, and balanced life.

However, the pursuit of *maslahah* must remain aligned with Sharia values, must not contradict textual evidence (*nash*), and must produce benefits that are certain and outweigh potential harm (*mafsadah*).[47] This safeguard is essential to prevent *maslahah* from being manipulated by particular groups for subjective interests that run contrary to genuine public benefit.

From the perspective of Sharia legitimacy, Wahbah az-Zuhaili classifies *maslahah* into three categories: *1) Maslahah mu'tabarah:* a recognized *maslahah* that

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[47] Selengkapnya lihat: Sa'īd Ramaḍān Al-Būṭī, *Dawabit Al-Maṣlaḥah Fī al-Syarī'ah al-Islāmiyyah* (Mu'assasah al-Risālah, 1992).

is explicitly affirmed by textual evidence; *2) Maslahah mulghāh:* a perceived benefit according to reason, but rejected by Sharia because it contradicts definitive evidence; *3) Maslahah mursalah:* a benefit neither affirmed nor rejected by specific textual evidence, yet in harmony with the higher objectives of Sharia.[48]

The concept of *maslahah* in Fiqh of Bureaucratic reflects the pursuit of both worldly and spiritual well-being, encompassing material and immaterial dimensions as well as individual and collective interests. In the context of governance, this principle is applied with reference to the higher objectives of Islamic law (*maqāsid al-syarī'ah*).

Integration of Fiqh of Bureaucratic with Maqāsid al-Syarī'ah

In Islam, *maqāsid al-syarī'ah* serves as the primary reference in governance and public policy to ensure alignment with Islamic values, deliver sustainable benefits, and prevent rigid interpretations of Islamic law in state administration. According to Asy-Syatibi, *maqāsid al-syarī'ah* centers on the preservation of five essential elements (*al-kulliyāt al-khamsah*): religion, life, lineage, property, and intellect. These must be realized across three hierarchical levels of public interest: *darūriyyah* (primary needs), *hājiyyah* (secondary needs), and *tahsīniyyah* (tertiary needs).[49]

The conceptual model of Fiqh of Bureaucratic based on *maqāsid al-syarī'ah* can be understood as a bridge between normative Islamic values and practical governance. The five essential objectives of Sharia (*Hifz al-dīn*, *al-nafs*, *al-nasl*, *al-māl*, and *al-'aql*) are translated into operational guidelines for public policy, administrative procedures, and community services.

When revisiting the concept of Asy-Syatibi, it becomes clear that Fiqh of Bureaucratic is oriented toward safeguarding the five primary objectives of Sharia: life, religion, lineage, property, and intellect.[50] Within this framework, the five objectives of Sharia in the context of Fiqh of Bureaucratic can be outlined as follows:

1. Protecting Religion (*Hifz al-Dīn*): The state is responsible for guaranteeing freedom of worship, providing balanced religious education, and integrating moral and spiritual values into public policy.
2. Protecting Life (*Hifz al-Nafs*): The government must ensure equitable access to healthcare services, strengthen measures against potential threats, and implement proactive disaster mitigation policies.

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[48] Wahbah Az-Zuḥailī, *Uṣūl Al-Fiqh al-Islāmī* (Dār al-Fikr, 2006).

[49] Abu Ishāq Ibrāhīm bin Mūsā As-Syāṭibi, *Al-Muwāfaqāt* (Dār Ibn Affān, 1997), vol.. II, p. 20.

[50] As-Syāṭibi, *Al-Muwāfaqāt*, vol.. II, p. 20.

3. Protecting Lineage (*Hifz al-Nasl*): Public policies should safeguard and empower families, guarantee the rights of children and women, and create a healthy environment for the growth and development of future generations.

4. Protecting Property (*Hifz al-Māl*): The state is obligated to manage resources with trustworthiness and transparency by eradicating corruption, ensuring accountable budgeting, and promoting fair wealth distribution for the welfare of society.

5. Protecting Intellect (*Hifz al-'Aql*): The state must advance quality education, improve literacy, and build technological awareness. In addition, preventing substance abuse and corrupt practices should be prioritized to cultivate a society capable of thinking intelligently and constructively. [51]

Maqāsid al-syarī'ah can be applied in Fiqh of Bureaucratic by focusing on Sharia objectives that support the continuity of effective governance. Practically, the implementation of *maqāsid al-syarī'ah* in bureaucracy emphasizes managing state affairs with attention to the common good. Based on this principle, several steps can be taken to actualize *maqāsid al-syarī'ah* in Fiqh of Bureaucratic:

Table 2.
Practical Indicators of *Maqāsid al-Syarī'ah* in Fiqh of Bureaucratic

Maqāsid al-Syarī'ah	Focus	Practical Indicators
Hifz al-Dīn (Protecting Religion)	Access to religious services	Equal access to religious services for all citizens
Hifz al-Nafs (Protecting Life)	Public health & security	Adequate healthcare services and a security system that protects the public
Hifz al-Nasl (Protecting Lineage)	Child & women's rights	Protection of children's and women's rights through policies and social programs
Hifz al-Māl (Protecting Property)	Transparency & economic distribution	Budget transparency index and fair economic distribution
Hifz al-'Aql (Protecting Intellect)	Education & literacy	Access to quality education and improved public literacy

Table 2 provides an overview of how *maqāṣid al-sharī'ah* can be translated into the discourse of Fiqh of Bureaucratic. From this perspective, each principle can be reinterpreted in a more practical manner. First, *Hifz al-Dīn* (protection of religion). Within the context of bureaucracy, this means ensuring that every citizen, both Muslim and non-Muslim, has equal space to practice their beliefs. The quality of bureaucracy is reflected in how citizens can perform their worship without being hindered by administrative procedures, such as

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[51] Zarkasyi, *Di Balik Meja Birokrat: Fikih Islam Tentang Layanan Publik*, 103–4.

having easy access to places of worship or affordable religious education. In this way, the spiritual rights of every citizen are protected.

Second, *Hifẓ al-Nafs* (protection of life). This principle requires the bureaucracy to be tangibly present, such as through accessible hospitals, rapid emergency services, and public protection systems that reduce the risk of loss of life. For example, a citizen living far from major cities should still be able to access government-provided healthcare services without obstacles. For society, this represents the concrete face of a bureaucracy that truly safeguards the lives of its people.

Third, *Hifẓ al-Nasl* (protection of lineage). The bureaucracy can safeguard future generations through child protection and educational policies. For example, ministries may promote scholarship programs for underprivileged but high-achieving students, as well as provide early education and training opportunities for women to remain productive. All of these legal instruments serve as indicators that the bureaucracy genuinely protects the dignity of the family as the fundamental unit of society.

Fourth, *Hifẓ al-Māl* (protection of wealth). In governance, this principle relates to transparent budget management, anti-corruption efforts, and fair economic distribution. Practical indicators can be observed through equitable distribution of social assistance, as well as education and healthcare subsidies that ensure state funds are not misused and that their benefits reach those who truly need them.

Fifth, *Hifẓ al-'Aql* (protection of intellect). A bureaucracy that prioritizes the protection of intellect will promote quality education, broad access to literacy, and protection against drugs and harmful information flows. Through this, future generations will not only be able to think critically but also formulate a clear and constructive vision for the future.

In conclusion, integrating Fiqh of Bureaucracy with *maqāsid al-sharī'ah* provides a solid foundation for building a system of governance that is just, transparent, and oriented toward public welfare. By adopting the five objectives of the Sharia as fundamental principles in administrative procedures, the bureaucracy can function as a bridge that connects Islamic values with the practical realities of governmental administration in Indonesia.

Conclusion

Fiqh of Bureaucracy represents the normative Islamic legal study of public administration carried out by government officials, derived through *ijtihād* and grounded in the sources of Islamic law. Fiqh of Bureaucratic emerges as a new paradigm that bridges the gap between secular public administration theory,

which focuses on efficiency, and normative Islamic law, which emphasizes ethical and spiritual values.

The scientific contribution of this discourse lies in integrating the value of *maslahah* as an evaluative principle of bureaucracy, linking worldly and spiritual dimensions, individual and collective interests, as well as material and moral values in governance. Accordingly, Fiqh of Bureaucratic can be positioned as an alternative discourse that complements the overly formalistic Weberian model while providing an inclusive normative-religious foundation for public service.

Acknowledgments

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