

LEGAL POLITICS OF DISTRICT TERRITORIAL EXPANSION IN THE PERSPECTIVE OF SIYĀSAH SHAR'IIYAH

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ABSTRACT

This study examines the legal-political framework of sub-district territorial expansion in Indonesia and evaluates its alignment with the principles of siyāsaḥ syar'īyyah (Islamic political jurisprudence). Employing a normative qualitative approach, the research integrates statutory analysis, classical Islamic legal discourse, and theoretical perspectives on legal politics and public administration. The findings reveal that territorial expansion functions as a constitutional instrument aimed at improving public services, reducing administrative span-of-control, accelerating regional development, and enhancing governmental effectiveness. The success of territorial restructuring depends on demographic adequacy, administrative capacity, fiscal readiness, and socio-cultural cohesion. From the perspective of siyāsaḥ syar'īyyah, territorial expansion is considered legitimate when it promotes maṣlaḥah 'āmmah (public welfare), upholds justice, adheres to consultative processes, and avoids societal harm. The study demonstrates a significant convergence between Indonesian legal norms and Islamic political ethics, indicating that territorial restructuring is not only constitutionally valid but also ethically grounded. Accordingly, sub-district expansion can serve as a strategic mechanism for achieving responsive, just, and welfare-oriented governance.

Keywords: Territorial expansion; siyāsaḥ syar'īyyah, legal politics; decentralization; public welfare.

1. INTRODUCTION

Decentralization constitutes a central pillar of Indonesia's constitutional framework for regional governance, designed to enhance administrative efficiency, democratic accountability, and the equitable provision of public services. Within this institutional arrangement, territorial restructuring particularly at the sub-district (kecamatan) level has become an important policy instrument for optimizing governmental performance and aligning administrative structures with local socio-spatial conditions. Sub-district expansion is commonly

justified on the grounds of reducing bureaucratic distance, improving service accessibility, and strengthening the effectiveness of state presence at the grassroots level.

From a legal-political standpoint, territorial expansion reflects the state's strategic choice in configuring governance institutions to achieve public objectives. By recalibrating administrative boundaries, the state seeks to address issues of overextended jurisdictions, uneven development, and limited administrative responsiveness. In theory, smaller and more manageable administrative units facilitate closer interaction between government and citizens, enhance coordination across governance levels, and support more targeted development interventions. Nevertheless, practical implementation demonstrates that territorial expansion is not a value-neutral administrative exercise. Its outcomes are contingent upon demographic viability, institutional capacity, fiscal sustainability, and socio-cultural cohesion, all of which shape the effectiveness of newly established administrative units.

Beyond administrative and legal considerations, governance reforms in Muslim-majority contexts are normatively embedded within ethical frameworks that emphasize justice, responsibility, and social harmony. In Islamic political thought, governance is conceived not merely as the exercise of authority, but as a moral trust aimed at securing public welfare and preventing harm. Justice ('adl) occupies a foundational position in this conception, serving as both a normative standard and an operational principle guiding state action. Consequently, public policies including territorial restructuring require ethical evaluation based on their substantive contribution to collective welfare rather than their formal legality alone. The Qur'an explicitly instructs believers to maintain justice, as stated in Surah Al-Mā'idah (5:8)

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا ۖ اِعْدِلُوا هُوَ أَقْرَبُ
لِلنَّفْقَىٰ ۖ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

Translation:

"O believers, be steadfast as those who uphold the truth for the sake of Allah, and bear witness with unwavering justice. Let not the hostility you feel toward any people lead you into acting unjustly. Be just, for justice is closest to righteousness. And be mindful of Allah, for indeed Allah is fully aware of all that you do"

These ethical imperatives are systematically articulated in the framework of *siyāsah shar'iyah*, which provides a comprehensive normative lens for assessing public governance. *Siyāsah shar'iyah* transcends formal legalism by integrating principles such as public interest (*maṣlaḥah*), consultation (*shūrā*), accountability (*mas'ūliyyah*), and trustworthiness (*amānah*). Within this framework, the legitimacy of state policies is determined by their capacity to realize societal welfare, uphold justice, and maintain social cohesion. Territorial expansion, therefore, is normatively justified only insofar as it demonstrably enhances administrative effectiveness while avoiding fragmentation, inequality, and governance dysfunction.

Indonesia's evolving regulatory regime on regional governance reflects an increasing emphasis on institutional effectiveness and welfare-oriented decentralization. Legislative reforms governing territorial restructuring establish procedural and substantive requirements intended to ensure administrative feasibility and developmental relevance. However, compliance with statutory norms does not automatically guarantee normative legitimacy. A purely positivistic assessment risks overlooking the ethical dimensions of governance reforms, particularly in contexts where legal authority is closely intertwined with moral and religious expectations.

Integrating the principles of *siyāsah shar’iyyah* into the analysis of territorial expansion allows for a more comprehensive evaluation of legal politics in regional governance. This approach situates administrative restructuring within a broader ethical and constitutional discourse, emphasizing that decentralization is not solely a technical or managerial endeavor, but a normative project oriented toward justice and public welfare. By examining sub-district territorial expansion through this integrated perspective, the study elucidates the convergence between Indonesian legal norms and Islamic political ethics in shaping governance practices that aspire to be both effective and morally grounded.)

2. METHODS

This study employs a qualitative normative–juridical research design to examine the legal frameworks, political dynamics, and Islamic jurisprudential principles related to sub-district (*kecamatan*) expansion in Indonesia. This approach is considered appropriate because the issue of territorial restructuring is fundamentally rooted in legal norms, state policies, and ethical considerations of governance. Methodologically, the study combines doctrinal legal analysis with conceptual interpretation grounded in Islamic political thought (*siyasah syar’iyyah*), allowing for a comprehensive evaluation of both constitutional legality and normative Islamic values in public administration.

The research adopts a normative legal approach that focuses on written laws, regulatory instruments, and authoritative legal doctrines governing regional administration and decentralization. This approach is complemented by a conceptual analysis that interprets theories of political law and principles of Islamic governance to assess the ethical, constitutional, and public welfare foundations of sub-district expansion policies. Through this integration, the study seeks to bridge positive law with normative Islamic principles in evaluating territorial restructuring.

The study relies exclusively on secondary data sources. These include statutory and regulatory instruments such as Law Number 23 of 2014 on Regional Government, Government Regulation Number 78 of 2007 concerning the establishment, elimination, and merger of regions, as well as supporting ministerial regulations related to decentralization and regional reorganization. In addition, Islamic jurisprudential sources are utilized, including classical works on *siyasah syar’iyyah* by scholars such as Al-Mawardi, Ibn Taymiyyah, and Abdul Wahhab Khallaf, along with relevant Qur’anic verses and hadith addressing governance, justice, and public welfare (*maslahah*). Academic literature is also examined, particularly scholarly works on legal politics, decentralization, public administration, and organizational effectiveness theories proposed by Gibson, Etzioni, and Campbell.

The literature review synthesizes findings from political science, public administration, Islamic studies, and regional governance to construct a multidisciplinary understanding of sub-district expansion. Data analysis is conducted using thematic content analysis, enabling the identification of patterns, convergence, and divergence between existing legal–political practices and the normative principles of Islamic governance. This analytical framework allows the study to critically assess whether sub-district expansion policies align with constitutional mandates, administrative effectiveness, and Islamic ethical values.

3. RESULTS AND DISCUSSIONS

A. Legal Politics

Legal politics (politics of law) is a synthesis of two core concepts: politics and law. Politics can be understood as an effort to achieve a better collective life or as a systematic attempt to formulate rules that are acceptable to society in order to ensure social harmony. Law, meanwhile, refers to a set of norms established by the state, equipped with sanctions for violations, and intended to regulate the behavior of individuals and institutions.

Thus, legal politics may be defined as the state's deliberate policy to realize its objectives through the formulation of statutory regulations. Legislation serves as an instrument for addressing various national issues. Accordingly, the state plays an active role in designing and enacting laws to achieve national goals. In this context, "the state" refers to legislative bodies vested with the authority to formalize laws following approval by the executive branch, the President. Legal politics reflects the official policy direction adopted by the state to pursue national objectives through legal instruments. Various scholars have articulated definitions of legal politics; the following summarizes their perspectives:

1. Mahfud MD

Mahfud MD defines legal politics as the legal policy formulated and implemented by the government. This includes the creation and revision of legal norms to meet societal needs, enforcement of existing laws, strengthening the functions of legal institutions, and improving the capacity of law enforcement officials.

2. Soedarto

Soedarto views legal politics as the effort to formulate legal rules that are appropriate to specific conditions and contexts. Essentially, it represents the state's endeavor to construct a system of law grounded in good will and tailored to societal circumstances so that law becomes an essential pillar for achieving national and societal goals.

3. Sunaryati Hartono

Sunaryati Hartono conceptualizes legal politics as an instrument employed by the government to build a national legal system aligned with the aspirations of the Indonesian nation. Legal politics is shaped not only by the ideals of law-making authorities but also by social realities, foreign legal developments, and international legal norms, all of which contribute to shaping the concept of the National Legal Politics.

4. Satjipto Rahardjo

Satjipto Rahardjo defines legal politics as the activity of selecting and determining the methods through which social and legal objectives are to be achieved. Legal politics, therefore, encompasses state actions in choosing legal norms and mechanisms necessary to achieve those objectives.

5. Abdul Hakim Garuda Nusantara

Abdul Hakim Garuda Nusantara states that legal politics refers to the legal policies that a government chooses to enforce. Its scope includes consistent enforcement of existing laws, law reform and new lawmaking, critical evaluation of current laws (*ius constitutum*), formulation of future laws (*ius constituendum*), as well as strengthening legal institutions and law enforcement personnel.

6. Padmo Wahyono

Padmo Wahyono argues that legal politics is the fundamental policy of the state concerning laws that are being enacted, to be enacted, or have been enacted, drawing from societal values to achieve national objectives. This policy encompasses systematic and detailed strategies for law formation, implementation, and enforcement while respecting values that live within society.

Based on the above explanations, legal politics can be understood as the state's official policy in designing and establishing legal norms to realize the ideals and objectives of the nation as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia, paragraph four. Legal politics in Indonesia possesses distinct characteristics compared to other nations due to differences in historical backgrounds, worldviews, socio-cultural conditions, and the political will of respective governments.

Therefore, legal politics must be aligned with the *volkgeist* (spirit of the people) of Indonesia because there exists a profound relationship between law and the character of a nation. Law reflects the *volkgeist*, which means that law must be discovered, interpreted, and developed from the living values of society. The primary task of law is not only to establish rules in codified form but also to excavate and articulate the values embedded within society. This approach is consistent with Savigny's theory, which asserts that law is a manifestation of societal values and represents the spirit of a nation at the local level. This theoretical foundation is essential in understanding the purpose of legal politics in Indonesia.

B. Sub-District Expansion

Regional expansion (*pemekaran wilayah*) is a concept used to describe the administrative process of dividing an existing territorial unit to create a new, independent local administrative entity. Unlike the terms "division" or "separation," which often carry negative connotations, the term expansion is more politically acceptable, especially in the post-reform context of Indonesia, as it emphasizes growth, improvement in governance, and administrative refinement. Fundamentally, territorial expansion refers to the fragmentation of a formerly unified entity into several autonomous units capable of performing governmental functions independently. The implementation of territorial expansion requires careful consideration of resource distribution between the parent region and the newly established region. An imbalance following expansion may result in disparities in development and public service delivery.

At the sub-district level, territorial separation aims to bring government services closer to the community, accelerate development, improve administrative efficiency, and enhance societal welfare. It is expected to increase public participation through better access, strengthened oversight, and more responsive governance—particularly in sub-district development and spatial restructuring.

Several regional potentials must be examined in the expansion process, including demographic composition, socio-cultural conditions, economic capacity, orbitation (distance to governance centers), natural resources, governmental infrastructure, and other supporting factors such as land area, population size, and number of villages or urban wards. These factors collectively influence the enhancement of community welfare as the primary objective.

Changes in territorial boundaries or administrative divisions also affect communication flows between government and society. Smaller administrative units, with shorter coordination distances across levels (province–regency/city–sub-district–village), enable faster dissemination of information and more efficient administrative coordination. This aligns with the principle of lean structure, rich in function, which emphasizes organizational efficiency through manageable

administrative units. Territorial expansion is also a manifestation of collective aspirations for socio-economic, political, cultural, and security advancement. One indicator of regional progress is the ratio of developed (built-up) area to total land area; the higher the ratio, the more advanced the region becomes.

As a governance procedure, sub-district expansion must be guided by the principle of upholding social unity and avoiding division. The foundational requirement is community consultation and consensus-building (*musyawarah*), as emphasized in the Qur'anic instruction of Surah Ali 'Imran (3:159):

فَبِمَا رَحْمَةٍ مِّنَ اللَّهِ لَئِن لَّنتَ لَهُمْ ۖ وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لَانْفَضُّوا مِنْ حَوْلِكَ ۚ فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ ۚ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ

Translation;

"It is by the mercy of Allah that you were gentle with them. Had you been harsh and hard-hearted, they would certainly have dispersed from around you. So pardon them, ask forgiveness for them, and consult them in the matter. Then when you have made a firm decision, put your trust in Allah. Indeed, Allah loves those who place their trust in Him."

An essential component in evaluating sub-district expansion is determining its effectiveness. Therefore, a clear theoretical boundary regarding the concept of effectiveness is required.

1. Effectiveness

Effectiveness derives from the term "effect," which denotes a causal relationship. Effectiveness is therefore understood as the degree to which intended goals are successfully achieved. James L. Gibson et al. define effectiveness as the achievement of organizational goals through collective effort. In this sense, the degree of goal attainment reflects the level of effectiveness. Robbins (1994) describes organizational effectiveness as the measure of how successfully an organization accomplishes its predetermined objectives. Etzioni (1964) proposes a systems model that evaluates organizational effectiveness across four criteria: adaptation, integration, motivation, and production. Likewise, Subekhi and Jauhar (2013) argue that organizational effectiveness must account for efficiency, adaptability, integration, motivation, and productivity.

Martani and Lubis (1987) consider effectiveness a foundational element of any activity aimed at achieving specific goals. The input–process–output (IPO) model is often used to assess effectiveness:

- a. Input — resources such as population, personnel, financial capacity, and physical infrastructure.
- b. Process — administrative mechanisms involving coordination, communication, public participation, and decision-making.
- c. Output — improved public services, increased productivity, enhanced welfare, and accelerated development.

Sedarmayanti (2009) adds productivity measurement as a central indicator of effectiveness, defined as the ratio between attained output and resources expended. Campbell J.P. likewise emphasizes goal achievement, program success, stakeholder satisfaction, and overall performance as key evaluative criteria. Effectiveness in the context of sub-district expansion can be analyzed through the following dimensions:

- 1) Goal Achievement
Evaluating the clarity of program targets, the timeframe for achieving them, and the legal basis underlying implementation.
- 2) Integration
Measuring the ability of government institutions to socialize policies, build consensus, and communicate with other administrative units.
- 3) Adaptation
Assessing the capacity of governance structures to respond to environmental changes, including improvements in human resources, facilities, and infrastructure.

Taken together, these perspectives show that effectiveness reflects the government's performance in achieving intended outcomes. A sub-district expansion program can be considered effective when its stated objectives are realized in practice.

A sub-district (kecamatan) is an administrative unit within a regency or municipality, functioning as a regional technical apparatus headed by a sub-district chief (camat). Under Government Regulation No. 19 of 2008, the sub-district operates as a governmental apparatus—not as a territorial authority as in past eras. It carries out technical and administrative tasks in accordance with decentralized governance principles.

In public administration, delegation of authority is fundamental. Delegation involves transferring the right to act from higher to lower administrative levels, allowing the camat to perform key functions, including territorial supervision, coordination of public services, monitoring social order, and implementing local regulations.

The duties of a camat, as stipulated in Government Regulation No. 17 of 2018 Article 10, include organizing general governmental affairs, coordinating community empowerment, maintaining public order, supervising village administration, managing public facilities, and performing additional duties as mandated by law.

The legal framework for sub-district establishment is regulated under Article 221 of Law No. 23 of 2014 on Regional Governance, which states:

- 1) Regency/municipal governments establish sub-districts to enhance administrative coordination, public services, and community empowerment.
- 2) Sub-districts are established through regional regulations consistent with higher-level government regulations.
- 3) Draft regional regulations must receive joint approval from the regent/mayor and the regional parliament (DPRD), and be forwarded to the Minister through the Governor for ratification.

Thus, the sub-district constitutes a strategic administrative structure that plays a central role in ensuring the effectiveness of territorial expansion and localized governance.

C. Requirements and Procedures for Sub-National Territorial Expansion

The legal provisions governing territorial expansion in Indonesia are regulated within the framework of regional governance legislation. Initially, the guidelines were established under Law No. 32 of 2004 on Regional Government, which was later repealed and replaced by Law No. 23 of 2014 on Regional Government. More specific regulations regarding regional expansion are detailed in Government Regulation (PP) No. 78 of 2007, which outlines the requirements for the formation of new administrative units, as well as the criteria for regional expansion, elimination,

and amalgamation. In the context of regional expansion, several regulatory instruments both from the perspective of positive law and Islamic law, outline the governing provisions. Under Indonesia's positive legal system, the rules on territorial expansion are structured according to the hierarchy of legislation. Meanwhile, in Islamic legal discourse, territorial restructuring is historically associated with governance practices, administrative reforms, and territorial arrangements during early Islamic leadership.

This section elaborates on the positive legal framework relevant to territorial expansion, including (1) the legal basis for territorial restructuring, (2) the substantive requirements for territorial expansion, and (3) the formal procedures governing the expansion process. The supremacy of Indonesia's regional governance system emerges from several constitutional and developmental factors that contribute to regional advancement, aiming to realize public welfare and equitable prosperity across all regions. This aspiration aligns with constitutional guarantees ensuring social justice and balanced national development.

The legal framework regulating territorial expansion in Indonesia is embedded within the broader evolution of the country's regional governance system. Law No. 23 of 2014 emphasizes that territorial restructuring is an essential component of decentralization. Article 31(3) of the law states that territorial restructuring includes the establishment new administrative units as well as the adjustment of existing regional boundaries. This structural reconfiguration is intended to enhance administrative efficiency, improve public service delivery, and strengthen regional autonomy.

D. The Scope of Siyāsah Shar'īyyah

The role and position of Islamic law in public governance are fundamentally articulated through *fiqh siyāsah*. As a discipline, *fiqh siyāsah* functions to regulate Islamic legal provisions so they may be implemented effectively within societal and governmental interactions. Without the presence of a structured government, the application of Islamic law particularly in complex social, political, and administrative matters would be difficult to realize. While certain acts of worship involve limited actors, broader societal issues necessarily require political-legal mechanisms grounded in *fiqh siyāsah*.

Etymologically, *fiqh* denotes deep understanding, whereas terminologically it refers to the science of practical legal rulings derived from detailed evidences (*adillah tafṣīliyyah*). As an *ijtihād*-based discipline, *fiqh*, including *fiqh siyāsah* evolves according to changing social circumstances. The term *siyāsah* derives from the verb *sāsa*, meaning "to administer, manage, or govern," thus indicating matters related to political order, policy-making, and governance. In its technical sense, *fiqh siyāsah* concerns the regulation of public affairs to achieve the welfare (*maṣlaḥah*) of the community, grounded in the primary sources of Islamic law: the Qur'an and Sunnah.

Classical scholars define *siyāsah* broadly as the management of public interests in accordance with the principles of the *Sharī'ah*. Ahmad Fathi al-Batatsī conceptualizes *siyāsah* as the administration of public welfare in harmony with Islamic legal objectives. Variations in scholarly classifications reflect the wide scope of the field. Al-Māwardī, for example, identifies its scope across constitutional law (*siyāsah dustūriyyah*), fiscal and military policy (*siyāsah māliyyah*), judicial authority (*siyāsah qaḍhā'īyyah*), laws of war (*siyāsah ḥarbiyyah*), and public administration (*siyāsah idāriyyah*). Ibn Taymiyyah reduces these areas to four: judiciary, administration, monetary policy, and foreign relations. Abdul Wahhab Khallaf further narrows the categories into three: the judiciary, international relations, and public finance.

Other scholars, such as T.M. Hasbi, expand the scope to eight fields, including legislation, legal policy, judiciary, monetary policy, administration, international relations, law enforcement, and matters of warfare. Synthesizing these perspectives, contemporary Islamic political jurisprudence can be broadly divided into three principal domains:

1. Constitutional Politics (al-Siyāsah al-Dustūriyyah)

Concerned with legislative authority (tashrī'iyah), judicial processes (qaḡhā'iyah), and executive administration (idāriyyah). This domain governs state structure, separation of powers, leadership selection, citizens' rights, and the limits of political authority. Its roots trace back to the Medina Charter, later adapted into modern constitutional frameworks across Muslim-majority countries.

2. Foreign Policy (al-Siyāsah al-Khārijīyyah)

Regulates relations between Islamic and non-Islamic states, diplomatic norms, wartime conduct, treaties, extraterritorial rights, and relations between Muslims and non-Muslims under state jurisdiction. It includes matters such as extradition, asylum, diplomacy, international agreements, and rules governing peaceful or hostile interactions.

3. Fiscal and Economic Policy (al-Siyāsah al-Māliyah)

Addresses the management of public resources, taxation, financial administration, monetary systems, distribution of wealth, and responsibilities toward the poor. It governs the relationship between the state and individuals regarding public revenues, welfare obligations, and economic justice.

A fourth domain is frequently added:

4. Military Governance (al-Siyāsah al-Ḥarbiyyah)

Governs warfare ethics, mobilization, treatment of prisoners, conduct during battle, management of war spoils, and the transition from conflict to peace. Islamic military policy is grounded in justice, proportionality, and the protection of non-combatants.

In its comprehensive meaning, siyāsah shar'iyah refers to all state policies, whether explicitly mentioned in scripture or derived through ijtihād, that aim to secure public welfare and prevent harm, provided they do not contradict the principles of Shari'ah. These regulations may take the form of binding laws, constitutions, executive orders, administrative directives, or judicial decisions.

The object of fiqh siyāsah therefore encompasses the formulation of legal and administrative policies in harmony with Shari'ah and aimed at realizing public welfare. While fiqh broadly addresses various religious and social matters, fiqh siyāsah focuses specifically on political and constitutional issues, providing the legal-ethical foundation for relations between rulers and citizens, distribution of authority, and realization of collective goals.

Differences in classification among scholars generally converge on four commonly utilized branches:

- a) Siyāsah Dustūriyyah (constitutional governance),
- b) Siyāsah Duwaliyyah (international relations),
- c) Siyāsah Māliyah (public finance), and
- d) Siyāsah Ḥarbiyyah (military and security governance).

Ultimately, *siyāsah shar'īyyah* concerns the just management of human affairs by those entrusted with authority. Any exercise of power must align with *Sharī'ah* principles; otherwise, it constitutes a betrayal of the trust bestowed by God, as emphasized by Ibn Taymiyyah. The overarching objective is the realization of justice, welfare, and social order—values that form the essence of Islamic governance.

E. Territorial Expansion in the Perspective of *Siyāsah Syar'īyyah*

The enactment of Law No. 32 of 2004 on Regional Governance, later replaced by Law No. 23 of 2014, marked a significant transformation in Indonesia's decentralization framework, including the institutionalization of sub-national territorial expansion. The legal mandate for establishing, dividing, merging, or dissolving administrative units is oriented toward enhancing public welfare by improving service delivery, accelerating democratic processes, strengthening regional economic performance, optimizing resource management, and fostering harmonious relations between central and regional governments.

From the perspective of Islamic political jurisprudence (*fiqh siyāsah*), territorial restructuring is conceptually aligned with the ethical objectives of governance (*maqāṣid al-imāmah*), namely, ensuring justice, promoting public welfare (*maṣlaḥah*), and preventing harm. Islamic political thought offers three major analytical approaches:

1. The normative approach, rooted in *fiqh* and theology, which derives political principles from scriptural and juristic sources;
2. The socio-historical approach, which interprets political practices within the social structures, institutions, and historical contexts of early Islam; and
3. The philosophical approach, which explores the substantive values underlying Islamic constitutional and administrative principles.

Classical scholars such as al-Māwardī, Ibn Taymiyyah, and later jurists developed systematic frameworks of Islamic governance, encompassing constitutional law (*siyāsah dustūriyyah*), public administration (*siyāsah idāriyyah*), fiscal policy (*siyāsah māliyyah*), judicial administration (*siyāsah qaḍā'īyyah*), foreign relations (*siyāsah khārijīyyah*), and military strategy (*siyāsah ḥarbiyyah*). These frameworks highlight that governmental authority must be exercised in accordance with *al-maṣlaḥah al-'āmmah* and remain consistent with foundational Islamic legal principles.

Within this normative structure, territorial expansion is viewed as legitimate when it directly contributes to public welfare and is carried out through consultative and just procedures. The *fiqh* maxim:

تصرف الامام على الرعية منوط بالمصلحة

Translation;

"The actions of the ruler toward the people must be governed by their welfare."

underscores that political decisions—including administrative restructuring—must prioritize communal benefit rather than personal or factional interests. Likewise, the principle articulated by Imam al-Shāfi'ī:

مِثْلُ الْإِمَامِ مِنَ الرَّعِيَّةِ مِثْلُ الْوَلِيِّ مِنَ الْيَتِيمِ

Translation;

"The position of a leader toward the people is like the guardian toward an orphan."

Emphasizes the moral responsibility of leaders to safeguard public interests with integrity, protection, and accountability. Historical precedents from the governance of the Rightly Guided Caliphs further illustrate the Islamic model of administrative expansion and political consolidation. Abū Bakr ensured internal stability and launched strategic expeditions for communal security; ‘Umar institutionalized administrative divisions, established public finance systems, and expanded territories for governance efficiency; ‘Uthmān strengthened naval and regional administration; and ‘Alī upheld political integrity amidst internal conflict while reorganizing governance structures. These precedents demonstrate how territorial expansion in Islamic governance was grounded in justice, consultation, administrative efficiency, and the pursuit of *maṣlaḥah*. Thus, in the context of *siyāsah syar’iyyah*, regional expansion is permissible—and even encouraged, when it promotes justice, enhances administrative effectiveness, protects the welfare of the populace, and is implemented in harmony with Islamic ethical and legal norms.

F. Synthesizing Islamic Law and Indonesian Administrative Policy

The interplay between Indonesian administrative law and *siyāsah syar’iyyah* reveals significant areas of convergence, particularly regarding governance objectives, ethical foundations, and mechanisms for achieving public welfare. Indonesian statutory regulations emphasize decentralization, service optimization, administrative accessibility, and equitable development—principles that correspond closely with Islamic political values rooted in justice (*‘adl*), welfare (*maṣlaḥah*), and participatory governance (*shūrā*).

1. Regulatory Convergence on Public Welfare

Both Indonesian law and Islamic governance share a central commitment to realizing public welfare. Positive law mandates that territorial restructuring must enhance service delivery and development outcomes, while Islamic jurisprudence requires that any action by a leader be tied to *maṣlaḥah*, as expressed in the maxim:

تصرف الامام على الرعية منوط بالمصلحة

Translation;

“A ruler’s actions toward the people must be governed by their welfare.”

This synergy strengthens the legitimacy of regional expansion as a morally and legally justified policy.

2. Administrative Efficiency and Islamic Ethical Imperatives

Indonesian administrative policy promotes efficient governance by reducing spans of control, restructuring territorial boundaries, and ensuring that local administrations are manageable and responsive. In *siyāsah syar’iyyah*, effective governance is achieved by ensuring that public authority operates within frameworks that prevent harm, facilitate justice, and promote order. The governance models of al-Māwardī, Ibn Taymiyyah, and other classical jurists emphasize the moral obligation of leaders to ensure efficient administrative structures that protect the rights and interests of the population.

3. Consultation and Participatory Governance

The statutory requirement for community involvement in regional expansion aligns closely with the Islamic principle of *shūrā*. Qur’anic guidance (Alī ‘Imran 3:159) underscores the necessity of consultation in public affairs, reflecting a participatory and inclusive approach to governance. Hence, public deliberation in territorial restructuring is not only a legal expectation but also a religiously grounded ethical mandate.

4. Historical Precedents as Administrative Models

Historical practices during the governance of the Rightly Guided Caliphs demonstrate how territorial expansion and administrative reorganization were undertaken to maintain political stability, ensure just governance, and serve societal needs. These models reinforce that territorial restructuring is valid when rooted in welfare-oriented governance, not political self-interest.

5. Toward a Harmonized Governance Framework

The integration of Indonesian administrative law and *siyāsah syar'iyah* indicates that territorial expansion is most effective when simultaneously grounded in constitutional mandates and Islamic ethical norms. This dual grounding enhances the legitimacy, acceptability, and sustainability of regional reforms.

4. CONCLUSION

This study demonstrates that sub-district (*kecamatan*) territorial expansion constitutes a strategic instrument of legal politics within Indonesia's decentralization framework. Constitutionally and administratively, this policy is intended to enhance governmental effectiveness, reduce bureaucratic distance, improve public service delivery, and support more equitable regional development. From the perspective of positive law, sub-district expansion is legally justified through regulatory standards that emphasize demographic adequacy, institutional capacity, fiscal readiness, and social feasibility as essential prerequisites for implementation.

The findings indicate that the success of sub-district expansion cannot be measured solely by procedural compliance with statutory regulations. Rather, its substantive effectiveness depends on the capacity of newly established administrative units to perform governance functions efficiently and responsively. Expansion that is not accompanied by adequate administrative planning, proportional allocation of resources, and effective intergovernmental coordination risks generating institutional inefficiency, fragmented authority, and uneven development outcomes. Accordingly, territorial restructuring should be understood as a performance-oriented governance policy rather than a purely administrative or politically driven initiative.

From the perspective of *siyāsah shar'iyah*, sub-district expansion is normatively legitimate only when it demonstrably promotes *maṣlaḥah 'āmmah* (public welfare), upholds justice (*'adl*), and is implemented through consultative, accountable, and trust-based governance processes. Islamic political jurisprudence conceptualizes public authority as a moral trust, thereby requiring that territorial restructuring serve collective interests and avoid social harm, inequality, or elite capture. Policies that undermine

social cohesion or prioritize narrow political interests are inconsistent with the ethical foundations of governance in Islam.

The synthesis of Indonesian positive law and the normative principles of *siyāsah shar'iyah* reveals a substantial convergence in governance objectives, particularly with regard to welfare orientation, justice, and administrative effectiveness. Integrating these perspectives enriches the analysis of legal politics by incorporating ethical evaluation alongside legal and institutional considerations. This integrated framework affirms that sub-district expansion is both constitutionally valid and ethically grounded when aligned with substantive welfare outcomes and moral accountability.

Acknowledgment

The author would like to express sincere gratitude to Alauddin State Islamic University Makassar and the organizing committee of ICOSIS (International Conference on Social and Islamic Studies) for providing valuable support, academic guidance, and the opportunity to present this research. The author also extends heartfelt appreciation to colleagues, lecturers, and experts who contributed insightful feedback throughout the writing process. Special thanks are conveyed to local government officials and respondents who provided essential data and information regarding regional expansion and its administrative implementation. Their assistance—both academic and administrative—played a significant role in the completion of this study.

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