



## ANALYSIS OF THE POLICY CONCEPT FF QADHAIYYAH ON THE DISPUTE OF BUILDING RIGHT USE CERTIFICATE (STUDY OF PTUN MEDAN DECISION NUMBER 131/G/PTUN.MDN)

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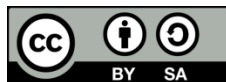
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### ABSTRACT

*This study explores the application of the concept of siyasah qadhaiyyah in resolving disputes over Building Use Rights Certificates (SHGB) at the Medan State Administrative Court, highlighting how substantial justice interacts with formal legal principles in the context of land law in Indonesia. The background of this study is based on the complexity of land administration and the high frequency of disputes, which often show overlapping rights and ambiguous regulations. This study is urgent as a response to the need for integration between formal and substantial justice in judicial practice to create a more just and efficient legal system. The normative juridical method is used in this study, with a case approach to the PTUN Decision Number 131/G/PTUN.MDN. Primary data comes from the decision, while secondary data is obtained from relevant literature, helping to explore the principles of siyasah qadhaiyyah and mashlahah upheld by Imam al-Mawardi. The results of the study show that the court succeeded in integrating substantial justice with formal legal provisions, considering social and economic aspects in its decisions. The discussion underlines the importance of legal policies that do not only rely on formal legality but also on the social benefits and disadvantages of legal decisions. The conclusion of this study emphasizes that the success of the courts in implementing siyasah qadhaiyyah and mashlahah provides an example of the importance of adapting the law to social dynamics and community needs, recommending increasing the capacity of judges in non-legal aspects and utilizing technology to increase transparency in land administration. This study contributes to the development of legal theory and practice that supports social harmony and the welfare of the wider community.*

**Keywords:** *Siyasah Qadhaiyyah, Building Use Rights, State Administrative Court*

## 1. INTRODUCTION

Indonesia defines itself as a state of law, in accordance with the provisions contained in Article 1 paragraph (3) of the 1945 Constitution. In this principle, all actions taken by the government and officials must be based on applicable law, not on personal power. This principle of a state of law is important to ensure justice, transparency, and legal certainty in all government activities (Lestari et al., 2023). Control of power through the legal system, including judicial institutions such as the State Administrative Court (PTUN), is vital in maintaining the integrity and legitimacy of Indonesian government administration (Widanti, 2022).

Land law in Indonesia, which is regulated in the Basic Agrarian Law (UUPA) Number 5 of 1960, covers various aspects of land ownership. Land, as an asset with high economic value, can be used for various purposes such as building houses, offices, and as a business location. Building Use Rights (HGB) are examples of land rights guaranteed by UUPA. Land registration aims to provide legal certainty and protect the rights of land holders, facilitate proof of ownership, and maintain orderly land administration (Shebubakar & Raniah, 2021).

In resolving land rights disputes, the concept of *siyasah qadhaiyyah* emphasizes the importance of substantive justice in addition to the application of rigid legal texts. This approach requires judges to consider the social, economic, and cultural aspects that affect the case, thus allowing for more balanced and just enforcement of the law. This is seen in the judges' consideration of having to go beyond ownership documents to delve deeper into how the law is applied, ensuring that the interests of all parties involved are fairly considered in every decision (Shumylo, 2022).

Then, *siyasah qadhaiyyah* in this context also requires an in-depth evaluation of the process of granting Building Use Rights, highlighting the need for transparency and accountability in administrative procedures. The court hereby functions not only as an institution for resolving legal problems, but also as a body that strengthens public trust in the justice system. By integrating these principles of justice, it is hoped that it can prevent corruption and abuse of authority, leading to more effective and responsible management of state resources (Safitri & Wibowo, 2023).

Building Use Rights are included in the category of primary land rights, which originate from the state, including other types of rights such as Property Rights and Business Use Rights. Meanwhile, secondary rights, which originate from other parties, are often considered to be contrary to the law because they can contain elements of extortion or oppression, and therefore, efforts have been made to eliminate these rights (Winanti et al., 2021).

There are various types of land rights in Indonesia. Hak Milik is the strongest and most permanent right that a person can have over land. Hak Guna Usaha allows the use of state land for activities such as agriculture and animal husbandry for up

to twenty-five years. Hak Guna Bangunan allows construction on unowned land for up to thirty years, which can be extended. Hak Pakai grants permission to use state land or land owned by others according to established regulations, and Hak Sewa allows the leasing of other people's land for certain purposes (Pratomo et al., 2020).

Land polemics related to disputes over Building Use Rights Certificates (SHGB) in Indonesia often highlight the complexity of the law and deep conflicts of interest in the management of land rights. These disputes are often rooted in ambiguity in the land registration process, unclear boundaries of rights, and overlapping ownership that is often exploited by irresponsible parties. Such conflicts not only hinder land use but also trigger social instability and disrupt investment. Handling SHGB dispute cases requires an approach that not only focuses on resolving conflicts through the courts, but also involves reviewing the procedures for granting and using SHGB, to ensure that all processes are in accordance with applicable legal principles and social justice. (Salim & Gunadi, 2024).

Efforts to resolve SHGB disputes in Indonesia need to consider legal and social aspects simultaneously. Strict and transparent law enforcement must be accompanied by solutions that support the restoration of the rights of local communities, which may have been marginalized in the granting of SHGB. The courts are required to be more proactive in bridging the interests of various parties by prioritizing effective mediation and reconciliation as alternative dispute resolution, apart from the formal litigation process. Sustainable and fair resolution will not only reduce the number of land dispute cases, but also strengthen public trust in the land management and judicial systems in Indonesia. Thus, the integration of legal and social policies is key in handling SHGB disputes, creating a more responsive and responsible land management system (Abdat & Winanti, 2021).

In deciding State Administrative disputes, justice and trustworthiness are fundamental principles that must be upheld by judges and related officials. Justice ensures that each party to the dispute receives their rights proportionally and in accordance with applicable law, while trustworthiness ensures that every decision is taken with integrity and without the influence of personal interests. This principle is in line with Islamic teachings which prioritize justice and trustworthiness in every action, as stated in the Qur'an, Surah An-Nisa' verse 58 which reads:

"Indeed, Allah commands you to deliver the trust to those to whom it is due, and (commands you) when you judge between people, that you judge with justice. Indeed, Allah gives you the best advice. Indeed, Allah is All-Hearing, All-Seeing." This verse emphasizes the importance of carrying out trusts and upholding justice in every aspect of life, including in resolving legal disputes.

In practice, disputes over building use rights certificates often involve conflicts between certificate holders and other parties or between certificate holders and

government agencies that issue the certificate, such as the State Land Agency (BPN) (Gho, 2022) . Disputes can arise due to problems such as overlapping ownership , errors in issuance, or abuse of authority by relevant officials.

State Administrative Disputes, according to the definition in Law Number 51 of 2009, are conflicts that arise in state administration between individuals or legal entities with state administrative bodies or officials. These disputes do not have a wide impact but are very important in the context of land law, covering various types of disputes such as administrative, civil, and criminal related to land (Naufal Khoiriyyah, 2022) .

Through, the handling of Building Use Rights (SHGB) certificate disputes, legal decisions often reflect the tension between administrative justice and the protection of individual rights. These cases usually involve in-depth consideration of the validity of the certificate granting procedure and the potential for errors that may occur during the process. For example, overlapping ownership often indicates a failure in the land registration system that should prevent duplicate certificates. On the other hand, abuse of authority by BPN officials indicates serious problems in supervision and integrity in land administration. When a court decision upholds the position of the legitimate certificate holder, this emphasizes the importance of maintaining legal certainty. However, if the court tends to side with the party challenging based on administrative errors, this can raise questions about the stability and trust in the land registration system (Rahayu & Latief, 2022) .

In this context, the pros and cons of decisions related to SHGB disputes depend heavily on the extent to which the decision is able to balance formal and substantive justice. Decisions that rely too much on legal technicalities may be inadequate in dealing with the social realities in which the certificates operate. Meanwhile, decisions that prioritize social and economic aspects may be considered to ignore established legal principles. To resolve SHGB disputes and minimize the emergence of similar conflicts in the future, a solution is needed that involves systematic reform of land registration procedures. The implementation of technology such as geographic information systems (GIS) and blockchain can be used as an alternative to increase transparency and accuracy of land data. In addition, strengthening the capacity of the BPN in verifying and supervising the land registration process is also important to prevent errors and abuse of authority that can trigger disputes.

In resolving SHGB disputes, the *siyasah qadhaiyyah* approach requires the court to weigh substantive justice through the lens of al-Mawardi's *mashlahah* and *siyasah* theories. This leads to considerations that not only emphasize formal legality, but also the benefits and disadvantages of the decision for society as a whole. Judges need to integrate public welfare with legal provisions, ensuring that each resolution not only meets administrative justice but also supports broader interests, making decisions fairer and in favor of substantial truth in accordance with the principles of *siyasah qadhaiyyah*.

131/G/2023/PTUN.MDN highlights the urgency of reviewing and applying the concept of siyasah qadhaiyyah in enforcing land law in Indonesia. Received at the Medan State Administrative Court on September 29, 2023, this case tests the decision issued by the Head of the Medan City Land Office regarding Building Use Rights Certificate Number 1547, which raises profound questions about the integrity and fairness of the administrative process. Through the analysis of this decision, it is revealed how the principle of siyasah qadhaiyyah which demands substantial justice above the strict application of legal texts can direct the resolution disputes that not only concern legal certainty but also broader social and economic welfare. This approach is vital to ensure that court decisions support a just and transparent social order, reflecting true values of justice in every legal decision rendered.

Journal written by Amriani and Ahmad M. Sewang (2019), Alauddin State Islamic University Makassar "Building Use Rights Certificate Dispute at the Makassar State Administrative Court in the Perspective of Islamic Law" This journal discusses the Building Use Rights (HGB) certificate dispute at the Makassar State Administrative Court (PTUN) from the perspective of Islamic and agrarian law. Legal considerations are based on Article 23 of PP RI Number 24 of 1997 concerning Land Registration and Article 107 of Law Number 5 of 1986 concerning PTUN. In the view of Islamic law, humans as caliphs on earth must resolve disputes to uphold justice, in accordance with the word of Allah in the Qur'an (Amriani & Sewang, 2019) . In the research that the author will examine, namely using the PTUN legal decision Number: 53 / G / 2023 / PTUN.MDN and analyzed from the perspective of Siyasah Qadhaiyyah according to Imam al-Mawardi.

Journal written by Rachma Listyaningrum (2022), Universitas Islam Indonesia "Efforts to Resolve Land Rights Disputes in the Wonorejo Area, Blora Regency" This journal discusses efforts to resolve land disputes in Wonorejo, Blora, which were originally owned by Perhutani and will be evicted. The Blora Regency Government suspended the eviction and attempted to replace Perhutani land. Wonorejo residents demanded a Certificate of Ownership (SHM) for the land, which actually belongs to the government. The government and the Minister of ATR/BPN finally decided to issue HGB certificates for residents which can be extended for up to 80 years without changing the land ownership status. This effort is considered the best effort from the government because it does not violate existing regulations (Listyaningrum, 2022) . The main difference with the research to be carried out is in the study of legal regulations and the principles of justice and broader welfare according to the perspective of Siyasah Qadhaiyyah .

The theory of maslahah explained by Imam Al-Shatibi in the book "Al-Muwafaqat" emphasizes the protection of public interests in Islamic law, covering social, economic, and spiritual aspects. Sharia aims to maintain five fundamental aspects: religion, soul, reason, descendants, and property. Al-Shatibi emphasized that everything that advances the public interest must be pursued, while anything

that causes harm must be avoided. Wisdom and *ijtihad* are needed in situations without clear texts to achieve justice. Legal decisions must be concrete and bring real benefits, because ignoring *maslahah* can lead to injustice and social destruction (Muhajir, 2023). The principle of *maslahah* directs judges to look beyond rigid legal texts and consider the social context. In the case of the HGB certificate dispute at the Medan PTUN, the application of the *maslahah* theory can reveal a fair solution that benefits all parties, emphasizing policies based on the public interest for justice and the welfare of society.

In the case of "Analysis of the Concept of *Siyasah Qadhaiyyah* in the Dispute of Building Use Rights Certificate (Study of Medan PTUN Decision Number 131/G/PTUN.MDN)", the application of the *mashlahah* theory can help reveal solutions that are not only fair but also beneficial to all parties involved. This underlines the importance of policies based on public interest, which are expected to be a guide for the courts in resolving land and building use rights disputes in a way that prioritizes justice and public welfare.

In the book "*Al-Ahkam as-Sultaniyyah*," which is a monumental work by Imam al-Mawardi in discussing the principles of Islamic law and governance, with a focus on *Siyasah Qadhaiyyah*. This concept refers to legal policies by leaders or judges to uphold justice according to *sharia*, for the welfare of society. Judges must understand Islamic law and the socio-political context, make decisions based on legal texts and consider social consequences. Imam al-Mawardi emphasized the importance of justice, integrity, and objectivity, as well as the need for flexibility in the law to deal with complex situations. Judges must ensure that all parties are given a fair opportunity and make decisions based on strong evidence, and actively correct social injustice (Putri & Zainuddin, 2022). The principle of adapting Islamic law to changes in society is key in *Siyasah Qadhaiyyah*.

In the context of "Analysis of the Concept of *Siyasah Qadhaiyyah* in the Dispute of Building Use Rights Certificate (Study of Medan PTUN Decision Number 131/G/PTUN.MDN)", the principles of *Siyasah Qadhaiyyah* explained by Imam al-Mawardi can be applied to ensure that dispute resolution is carried out by considering social justice, public interest, and the applicable legal context. Through this approach, the court not only resolves disputes based on evidence and law, but also pays attention to the social and economic impacts of its decisions, so that the resulting decisions support the stability and welfare of society as a whole.

## 2. RESEARCH METHOD

This study adopts a normative legal method, which emphasizes the examination of laws and regulations, official documents, and court decisions. This method is ideal for systematically analyzing and interpreting legal data related to the practice of granting and disputes over Building Use Rights (HGB), as well as their implications for public policy and applicable legal principles. The use of a

normative legal method allows this study to identify and discuss relevant legal norms, as well as examine the relationship between written law and its application in concrete cases. (Marzuki, 2017) .

The approach used in this study is a case approach , where the analysis is focused on the study of PTUN decision Number 131/G/PTUN.MDN. The case approach allows the study to explore the specific context and dynamics of land disputes, as well as their influence on the application of the principle of *siyasah qadhaiyyah*. Through this approach, the study aims to provide in-depth insight into court decisions, legal interpretations, and their impact on the parties involved. The case approach also allows for an evaluation of the effectiveness and fairness of legal decisions made in a broader context. (Tushnet, 2017) .

The primary data source in this study is the PTUN decision Number 131/G/PTUN.MDN, which is directly the object of analysis. This document provides a strong empirical basis for evaluating the application of law and decisions taken by the judicial institution. The study of this document facilitates a better understanding of how the principle of *siyasah qadhaiyyah* is interpreted and applied in judicial practice in Indonesia. This decision also offers insight into how conflicts of law and interest are considered and resolved by the courts.

Meanwhile, secondary data sources used include scientific journals, books, and other literature relevant to land law and land administration in Indonesia. These sources provide theoretical and methodological context for the analysis, and allow the research to be framed within broader academic discussions on land law and dispute management. This literature analysis helps in constructing a comprehensive understanding of the principles of *siyasa qadhaiyyah* and their influence on land law practice and policy in Indonesia, providing a framework for evaluating court decisions in the cases under study.

Data analysis was carried out qualitatively, using data collection techniques through reading, summaries and notes related to dispute resolution and the *Siyasah Qadhaiyyah* perspective. This process includes an in-depth evaluation of how these regulations are applied in real cases, providing insight into the management of land rights and their implications for legal practice in Indonesia. Several aspects studied in this methodology are as follows:

Table 1. Research Analysis Steps

No.	Aspect	Description
1	Identification Policy	Identify the policy or action to be analyzed, including its purpose and context.
2	Collection Data	Gather data Which relevant related to policy or action, involving data qualitative

3	Analysis Benefits	Assess the benefits resulting from the policy, including positive impacts. to public, economy, politics, And aspect other.
4	Analysis The Truth	Assess the harm or negative impact of the policy, including potential financial losses, negative impacts on individuals or groups, and security risks.
5	Comparison of Benefits and Mafsadat	Analyze and compare the benefits And loss For determine whether a policy brings more benefits than harms
6	Retrieval Decision	Based on the analysis, make a decision whether the policy should be continued, modified, or stopped, with consider principle benefit

### 3. RESULT AND ANALYSIS

#### **Legal Position Regarding the Basis of Rights Regarding Land Acquisition**

The legal status of the basis for land acquisition rights occupies a central position in resolving land disputes in Indonesia, especially those related to Building Use Rights (HGB). The basis of rights is valid evidence of the status of ownership or control over a plot of land, and when this right is questioned or disputed, its legal clarity and certainty become essential. In the context of enforcing *siyasa qadhaiyyah*, the court needs to dig deeper into the legal and factual aspects related to the acquisition of land rights. This includes considering evidence of ownership, history of land acquisition, and validity of related documents, all of which affect the final decision which must reflect justice and compliance with applicable legal norms (Purwa et al., 2023).

In the case under review, a thorough review of the documents that form the basis for granting the HGB becomes critical. For example, discrepancies in the documents or indications of manipulation can lead to the cancellation of the rights granted. This review process is not only important to ensure justice for the parties involved in the dispute, but is also vital in maintaining the integrity of the land law system. Therefore, the court using the principle of *siyasah qadhaiyyah* must ensure that all decisions are made by considering the social and economic impacts of the decision, so that it can produce a just solution and strengthen public confidence in the effectiveness of the justice system and land administration.



Table 2. Laws Regarding the Basis of Rights Regarding Land Acquisition

Aspect	Information
Legality of Documents	Checking the validity of documents that form the basis for granting HGB certificates, including assessing the authenticity and accuracy of the information listed.
History of Land Acquisition	Analyze the background of how the land was acquired, including previous transactions and transfer processes that may affect the current status.
Proof of Ownership	Verify the evidence of ownership presented, such as a deed of sale, inheritance, or other evidence that supports the claim of ownership by the HGB certificate holder.
Indications of Manipulation	Identify potential manipulation or administrative errors in documentation that may affect the validity of the HGB certificate.
Social and Economic Impact	Considering the social and economic consequences of court decisions on the parties involved and the wider community.
Court Decision	Focus on how the court applies the principles of <i>siyasah qadhaiyyah</i> in making fair decisions and paying attention to aspects of social justice and applicable law.

In the process of resolving disputes over Building Use Rights (SHGB) certificates, the legality of documents is a crucial starting point. The court must ensure that all documents related to the granting of HGB have undeniable legal validity. This involves a detailed examination of the authenticity of the documents and the accuracy of the information contained, including the date, signature, and stamp used. This process is important to avoid cases where land rights are based on forged or manipulated documents, which can lead to protracted legal conflicts and harm the parties involved (Nasution & Tarigan, 2023) .

Furthermore, an analysis of the land acquisition history provides a broader context for how the land rights were acquired. Courts need to examine previous transactions and transfer processes to identify potential unre-vealed issues that could affect the current legal status of the land. For example, unrecorded transactions or con-flicting ownership claims from earlier periods could be important factors in deciding a case (Garry Gerrson Riwu et al., 2022) .

Verification of proof of ownership is also a key aspect in determining fairness in resolving land disputes. The court must ensure that proof of ownership, such as a deed of sale or certificate of inheritance, is valid and not tainted by fraud or manipulation. Clear and unambiguous proof of ownership provides a strong basis for fair deci-sion-making, allowing the court to make a proper assessment of who actually has the rights to the land in question (Salam, 2023) .

Identifying indications of manipulation or administrative errors in documentation is essential in maintain-ing the integrity of the land system. Errors in the registration or issuance of land title documents, such as typos or the use of inaccurate information, can affect the validity of HGB certificates. Courts must be sensitive to this poten-tial manipulation and be ready to take necessary corrective

action, which may include the cancellation of certificates issued illegally or with incorrect information (Razak et al., 2020).

Therefore, in deciding cases of HGB certificate disputes, the courts need to consider not only the legal aspects but also the social and economic impacts of their decisions. Court decisions that favor social justice can have a positive impact on the wider community, reduce conflict and strengthen public trust in the justice system. Through the application of the principle of *siyasah qadhaiyyah*, the courts strive to reach solutions that not only comply with applicable laws but also promote public welfare and substantive justice (Edralin & Widyarini Indriasti Wardani, 2023).

### **Settlement of SHGB Disputes in Decision Number 131/G/PTUN.MDN**

In decision Number 131/G/PTUN.MDN, the court faced a complex challenge in resolving the Building Use Rights (HGB) dispute. This case questions the validity of the administrative process leading to the issuance of the HGB, including the possibility of inconsistencies in the documents issued by the Land Agency. Resolving this case requires an in-depth evaluation of the evidence presented, including verifying the authenticity of the documents and exploring the transaction history related to the land. The court is required to not only rely on visible documents but also to explore the social and economic background of the case to ensure justice for all parties involved. (Made Putri Laras Sapta Ananda et al., 2022).

The decisions taken illustrate the importance of applying the law carefully and fairly, taking into account all available evidence and the consequences of each possible outcome. In this context, the courts take on the role of mediators who not only resolve legal disputes but also shape public policy through the enforcement of substantial principles of justice. The openness of the court process supports transparency and increases public confidence in the effectiveness and fairness of the justice system in Indonesia, underscoring the importance of handling land cases with great care and responsibility (Hanifah, 2021).

From the perspective of the *siyasah qadhaiyyah* theory, the decision shows recognition of the importance of considering substantial justice above mechanical compliance with formal procedures. In this theory, justice is not only seen from the perspective of the full case but also from the broad impact of the decision on society. This reflects the application of the concept of '*maslahah*' or public interest, where legal decisions must support social harmony and economic justice (Asmorowati, 2020). Therefore, in SHGB disputes, the courts not only aim to resolve conflicts but also to strengthen a just social order, avoiding injustice that may arise from the application of overly rigid laws. This decision emphasizes that courts must operate with sensitivity to the broader social and economic context, providing solutions that are oriented towards community recovery and strengthening (Putriyadi & Masriani, 2022).

Basically, the theory of siyasah qadhaiyyah is an approach in Islamic law that emphasizes the application of legal policies that prioritize substantial justice and public welfare, rather than just compliance with rigid legal rules. In the context of disputes over Building Use Rights Certificates (SHGB), the concept of qadhaiyyah requires judges to look beyond documentary evidence and evaluate the social, economic context, and the impact of legal decisions on community welfare. This approach directs dispute resolution to not only resolve disputes according to applicable legal texts but also to ensure that the decisions taken are able to promote social justice, consider the principles of distributive justice, and minimize possible social losses. Therefore, in resolving SHGB disputes, judges are expected to apply qadhaiyyah wisdom to achieve a resolution that reconciles and supports social integrity and communal harmony.

Table 3. Settlement of Building Use Rights (SHGB) certificate disputes Based on Decision Number 131/G/PTUN.MDN

Assessment Aspects			Siyasah Qadhaiyyah Theory Approach	Implications of the Decision
Validity of Process	Administrative		Checking the validity of the process leading to the issuance of the HGB certificate, looking for indications of non-conformity or administrative errors in the documents issued by the Land Agency.	Ensure that the HGB certificate granting process is fair and transparent, and in accordance with applicable laws and regulations.
Evidence Analysis	and Document		Assess evidence and documents not only based on their authenticity but also the historical context of the related transactions to understand the background to the grant of rights.	Enables courts to make decisions based on a broader context than just the physical evidence.
Social and Economic Impact			Delving into the social and economic background of the case to assess how the court's decision may affect society as a whole.	Ensuring that decisions support social harmony and economic justice, in line with the principles of <i>maslahah</i> .
Application of Justice	Substantive		Focus on substantial justice over mechanical compliance with procedures, taking into account distributive justice and potential social harms.	Demonstrating the court's commitment to not only resolving conflicts but also strengthening social integrity and communal harmony.
The Role of the Court as a Mediator			The court functions as a mediator that directs dispute resolution not only through a legal lens but also as a public policy maker.	Underlining the importance of transparency and public trust in the justice system, increasing confidence in the judicial process.

In resolving disputes over Building Use Rights certificates, the validity of the administrative process plays an important role. The court thoroughly examines the process leading to the issuance of the HGB certificate, tracing possible discrepancies or administrative errors in the documents issued by the Land Agency. This approach ensures that the HGB certificate issuance process is carried out fairly and transparently, in accordance with applicable laws and regulations. The validity of this administrative process not only affects the legitimacy of land rights but also public trust in the land system and the justice that is upheld (Suhantri, 2020).

Regarding the analysis of evidence and documents, the court not only assesses the authenticity of the documents but also considers the historical context of transactions related to the land. This approach allows the court to look beyond physical evidence and understand the background and dynamics behind the granting of rights. By including an in-depth analysis of the history of land transactions, the court can make decisions that are more informed and sensitive to the social and historical context that may affect the status and ownership of the land (Michael Romaneda Sugiyono, 2022).

In terms of social and economic impact, the court seeks to explore the social and economic background of the case to assess how the decision may affect society as a whole. This approach ensures that the decision taken does not only benefit one party but also supports social harmony and economic justice, in line with the principle of *maslahah*. This shows that the court considers the long-term impact of its decision on the social and economic structure of the community concerned, seeking to produce an equitable outcome for all parties involved (Bergman Blix, 2022).

The focus on substantial justice over mechanical compliance with procedures highlights the importance of considering distributive justice and potential social harms. The court, in this case, demonstrated its commitment to not only resolving the conflict but also strengthening social integrity and communal harmony. This approach makes it clear that decisions must go beyond the constraints of legal formalities and must respond to real needs and justice in the broader social context, making substantial justice the foundation of dispute resolution (Islam et al., 2024).

Therefore, the role of the court as a mediator that not only interprets and applies the law but also as a public policy maker, emphasizes the importance of transparency and public trust in the justice system. In directing dispute resolution, the court takes an active role in ensuring that the process is open and accountable, strengthening the foundation of public trust in the effectiveness and fairness of the judiciary. This shows the important role of the court in building and maintaining a stable and just social and legal structure, making justice not only a goal but also a guiding principle in every action (Carcirieri et al., 2019).

### ***Discussion***

Based on the results above, the resolution of the Building Use Rights certificate dispute through the PTUN decision Number 131/G/PTUN.MDN shows a deep application of the *siyasah qadhaiyyah* theory in judicial practice in Indonesia. Judges are faced with the challenge of not only assessing the legality of documents, but also considering the broader social and economic context that affects the parties involved. The *siyasah qadhaiyyah* approach allows the court to operate not only as a law enforcement agency but as an agent of social change, prioritizing substantial justice and the public interest over procedural rigidity. This decision emphasizes the need for judges to dig deeper than just the evidence presented, assessing the social and economic impacts of each decision taken (Syara L. S et al., 2021).

In this context, the theory of *mashlahah* also plays a critical role in guiding the judicial decision-making process. This theory, which emphasizes the need to consider *maslahah* or the public good in legal decision-making, supports the idea that the law must not only be fair but must also benefit society. Courts thus adopt a more holistic approach, ensuring that their decisions support communal integrity and welfare, rather than simply resolving individual legal conflicts. The application of *mashlahah* in the case of the Medan PTUN decision provides a strong basis for promoting solutions that not only resolve legal issues but also minimize social harm and maximize benefits for all parties (Suksi, 2021).

Furthermore, the theory of *siyasah qadhaiyyah* provides insight into how justice can be upheld within a broader framework of compliance with legal texts. It encourages the application of dynamic law, which is responsive to changing social conditions and community needs. In this case of the SHGB dispute, judges are asked to look beyond the legal documents to understand the social realities of the parties involved, consider how their decisions will affect the wider community, and thereby maintain social harmony and stability (Barsuk, 2023).

In addition, the integration of the theories of *siyasah qadhaiyyah* and *mashlahah* in this context also underlines the importance of policies based on ethical and moral values. In an ideal legal system, justice should be seen as a function of truth and goodness, not simply as a result of strict procedures. This requires judges to not only judge based on facts but also consider the ethical implications of their decisions, placing justice and the public welfare as the primary goals of the legal process (Bull & Ridley-Duff, 2019).

However, the application of these concepts is not without challenges. Judges and policymakers must perform a delicate balancing act between adherence to existing law and the need to adapt legal decisions to changing social realities and societal needs. This requires foresight, wisdom, and sometimes the courage to make decisions that may deviate from the norm but are better for the public good (Sicker & Redl, 2018).

The new findings of this study suggest that the integration of the theories of *siyasah qadhaiyyah* and *mash-lahah* in the courts can provide a stronger foundation for legal decisions that are not only just but also beneficial. By focusing on substantial justice and the welfare of society, courts can be more effective in fulfilling the social objectives of the law, ultimately enhancing the legitimacy and public trust in the justice system. It also underscores the need for ongoing training for judges in the non-legal aspects of dispute resolution, preparing them to deal with the social and economic complexities of the cases they handle.

#### 4. CONCLUSION

This study shows that the application of the theory of *siyasah qadhaiyyah* and *mashlahah* in resolving disputes over Building Use Rights certificates at the Medan PTUN brings a broader dimension to legal practice, which is not only focused on formal legal provisions but also on social influence and substantial justice. The court has shown that legal decisions can and should pay attention to the broader social and economic context, where justice is not only seen as compliance with procedures but as a comprehensive effort to achieve community welfare. This emphasizes the need for a more holistic and responsive approach in the judicial system, where justice and public interest go hand in hand in determining the resolution of legal conflicts.

As a suggestion, there is a need for curriculum development and ongoing training for judges and legal officials that emphasizes the integration of legal principles and a deep understanding of social and economic dynamics. This will help policy makers and legal practitioners in implementing the principles of *siyasah qadhaiyyah* and *mashlahah* effectively, ensuring that every legal decision is not only legal but also legitimate in a broader social context. Furthermore, it is recommended to adopt technologies such as GIS and blockchain in land administration to increase transparency and data accuracy, which can help reduce disputes and increase public trust in the land management and justice system.

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