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# Administrative Justice in the Perspective of Islamic Legal Philosophy: A Comparative Study of Ethical Legitimacy and Bureaucratic Rationality

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Abstract: The debate about justice in legal systems and public administration concerns not only the normative-procedural aspects but also touches on the moral, ethical, and spiritual dimensions of government practice. In the modern context, administrative law develops based on bureaucratic rationality as formulated by Max Weber, which emphasizes procedural legality, efficiency, and institutional hierarchy as sources of legitimacy for state action. In this paradigm, administrative justice is measured through adherence to written rules, procedural clarity, and impersonal administrative accountability mechanisms. However, despite guaranteeing order and efficiency, this system is often criticized for its tendency to ignore the moral substance and human values that are at the core of justice itself. Conversely, in Islamic legal philosophy, justice holds a higher and transcendental status. Justice is not merely the result of legal procedures, but rather a manifestation of divine will ('adl) and an integral part of the objectives of Islamic law (maqāṣid al-sharī'ah). Within this framework, bureaucratic actions—whether legislative, executive, or administrative—cannot be judged just solely because they conform to the rules, but must reflect ethical legitimacy, namely conformity to moral principles, honesty, social responsibility, and orientation toward the public good (maṣlaḥah ʿāmmah). Thus, legitimacy in Islamic law is moral-spiritual, not merely legal-formal. The gap between these two paradigms raises a fundamental question in the study of legal philosophy: is modern bureaucratic rationality capable of producing substantive justice, or does it require a deeper ethical foundation as offered by Islamic legal philosophy? In the context of public administration in Muslim countries, this question becomes increasingly relevant given the demand to integrate sharia values with the principles of efficient and transparent modern governance. Through this comparative study, the research aims to explore how Islamic legal philosophy interprets administrative justice and bureaucratic legitimacy from an ethical and theological perspective, and to identify fundamental differences between ethical legitimacy in Islamic law and bureaucratic rationality in modern administrative law. This approach is expected to provide a philosophical basis for the formation of a legal and bureaucratic system that is not only structurally rational, but also morally and spiritually just.

Keywords: Administrative justice, Islamic legal philosophy, ethical legitimacy, bureaucratic rationality, maqāṣid al-sharī'ah, substantive justice.

Abstrak: Perdebatan tentang keadilan dalam sistem hukum dan administrasi publik tidak hanya menyangkut aspek normatif-prosedural, tetapi juga menyentuh dimensi moral, etis, dan spiritual dari praktik pemerintahan. Dalam konteks modern, hukum administrasi berkembang berdasarkan rasionalitas birokrasi sebagaimana dirumuskan oleh Max Weber, yang menekankan legalitas prosedural, efisiensi, dan hierarki kelembagaan sebagai sumber legitimasi tindakan negara. Dalam paradigma ini, keadilan administratif diukur melalui kepatuhan terhadap aturan tertulis, kejelasan prosedur, dan mekanisme akuntabilitas administratif yang impersonal. Namun, meskipun menjamin keteraturan dan efisiensi, sistem ini sering dikritik karena cenderung mengabaikan substansi moral dan nilai-nilai kemanusiaan yang menjadi inti dari keadilan itu sendiri. Sebaliknya, dalam filsafat hukum Islam, keadilan memiliki kedudukan yang lebih tinggi dan bersifat transendental. Keadilan bukan sekadar hasil dari prosedur hukum, melainkan manifestasi dari kehendak ilahi ('adl) dan bagian integral dari tujuan hukum Islam (maqāṣid al-sharī'ah). Dalam kerangka ini, tindakan birokrasi — baik legislatif, eksekutif, maupun administratif — tidak dapat dinilai adil semata-mata karena sesuai dengan aturan, tetapi harus mencerminkan legitimasi etis, yakni kesesuaian dengan prinsip moral, kejujuran, tanggung jawab sosial, dan orientasi pada kemaslahatan publik (maslahah 'ammah). Dengan demikian, legitimasi dalam hukum Islam bersifat moral-spiritual, bukan hanya legal-formal. Kesenjangan antara kedua paradigma ini menimbulkan pertanyaan mendasar dalam studi filsafat hukum; apakah rasionalitas birokrasi modern mampu menghasilkan keadilan substantif, ataukah perlu fondasi etis yang lebih mendalam sebagaimana ditawarkan oleh filsafat hukum Islam? Dalam konteks administrasi publik di negaranegara Muslim, pertanyaan ini menjadi semakin relevan mengingat adanya tuntutan untuk memadukan nilai-nilai syariah dengan prinsip-prinsip tata kelola pemerintahan modern yang efisien dan transparan. Melalui kajian perbandingan ini, penelitian bertujuan menelusuri bagaimana filsafat hukum Islam memaknai keadilan administratif dan legitimasi birokrasi dalam perspektif etis dan teologis, serta mengidentifikasi perbedaan fundamental antara legitimasi etis dalam hukum Islam dan rasionalitas birokrasi dalam hukum administrasi modern. Pendekatan ini diharapkan dapat memberikan landasan filosofis bagi pembentukan sistem hukum dan birokrasi yang tidak hanya rasional secara struktural, tetapi juga adil secara moral dan spiritual.

Kata Kunci: Keadilan administratif, filsafat hukum Islam, legitimasi etis, rasionalitas birokrasi, maqāṣid al-sharī'ah, keadilan substantif

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### Introduction

In the development of modern states and public administration, the concept of administrative justice has become increasingly important. Bureaucracy is not merely a machine for implementing public policies technically, but also an arena where the ethical legitimacy and rationality of bureaucracy must be linked in order for administrative actions to be accepted as just by the public. On the one hand, the rationality of bureaucracy—within the framework of classical theories such as Weber's—emphasizes Max efficiency, hierarchy, regulations. and formal mechanisms; on the other hand, the Islamic legal system, through Islamic legal philosophy, places justice ('adl), public interest (maṣlaḥah), trust (amanah), and moral values as normative foundations for all government actions. This research examines this intersection: how administrative justice is understood and realized through the perspective of Islamic legal philosophy, and how it compares to the rationality of modern bureaucracy within the framework of administrative legitimacy.

First, it is important to understand that public administration and modern bureaucracy face a crisis of ethical legitimacy. When bureaucracy only emphasizes technical and procedural aspects—as a form of instrumental rationality—the public often feels that the results and administrative processes are not socially just. In the theoretical realm, Weber identified that bureaucracy developed as a distinctive form of organization for rational-legal authority, and that the legitimacy of that authority comes from a system of formal rules and belief in its technical accuracy.1

However, Weber also warned of the risk that highly rationalized organizations could lose the value dimension or "substantive rationality" – that is, whether the goals being pursued are truly rational from a value perspective, not just procedural efficiency.<sup>2</sup>

This implies that a bureaucracy that only carries out procedures without reflecting on the value of justice can become a technical mechanism that loses substantive justice.

In the context of administrative justice, it is not only about how administrative decisions are made procedurally correct, but also whether those decisions are substantively fair to citizens, the distribution of burdens and rights among citizens, and whether the process is transparent and accountable. This is especially true in countries where the administrative system is not fully mature, or where bureaucracy still faces challenges of nepotism, and lack corruption, transparency. The value of administrative justice becomes an urgent necessity so that government is not only efficient but also dignified and acceptable to the people.

Secondly, in the Islamic legal tradition, justice ('adl) is a fundamental value. Several contemporary studies show that in Islamic legal philosophy, justice is not merely adherence to procedure but a moral, social, and spiritual aspect that is inseparable from public law and governance. For example, the article "The Concept of Justice in the Perspective of Islamic Legal Philosophy and Ethics" affirms that justice is the "essence of

<sup>&</sup>lt;sup>1</sup> Moh Ramli, "The Concept of Justice in the Perspective of Islamic Legal Philosophy and Ethics," Al-Mahkamah: Islamic Law Journal 3(1) (2025): 27–35

<sup>&</sup>lt;sup>2</sup> Khudzaifah Dimyati et al., "Developing Islamic Legal Philosophy-Based Assurance of Justice," WISDOM 24(4) (2024)

law enforcement" in Islamic legal thought.3

Furthermore, the maqāṣid al-syarīʿah approach which places maslahah (public interest) as one of the main objectives of sharia shows that Islamic law views state and administrative legitimacy not only in terms of legal compliance, but also in terms of the extent to which administrative policies and actions bring benefit and social justice.<sup>4</sup>

A review of bureaucracy and public administration from an Islamic perspective has also emerged, for example, the study "Islamic Bureaucracy in the Philosophy of Public Administration: A Narrative Literature Review" which affirms that Islamic values (norms, ethics, maṣlaḥah) influence how public administration can be directed so that it is not merely technical. <sup>5</sup> Thus, the perspective of Islamic legal philosophy offers a strong ethical legitimacy—namely that administrative actions should be based on the values of justice and public interest, not just procedural or technical legitimacy.

Thirdly, the rationality of bureaucracy is a key term in understanding how modern administration works. Weberian bureaucracy ideally has characteristics such as: hierarchy of authority, specialization of labor, written rules, impersonality (impartiality), technical selection, and career continuity. 6 Within the administrative framework modern of legitimacy, bureaucracy gains legitimacy because of its rational-legal structure, predictable procedures, technical superiority as an organization.<sup>7</sup> Nevertheless, there is a tension between formal rationality (efficiency, rules) and substantive rationality (values, goals). Weber himself warned that organizations that only focus on instrumental rationality can lose their sense of values—which can then erode their social legitimacy. Administrative legitimacy is not just about whether bureaucratic employees follow procedures, but whether society considers administrative actions legitimate, fair, and meaningful. In other words: ethical legitimacy and the rationality of bureaucracy must go hand in hand.

Fourthly, this is where a research gap emerges: how can the integration between the normative values (ethical legitimacy) of Islamic legal philosophy and the rationality of modern bureaucracy be formulated within the framework of administrative justice? If modern bureaucracy relies solely on technical rationality, then ethical legitimacy can weaken—society may comply with procedures but still feel unfairly treated. Conversely, if Islamic ethical values are implemented without regard to the rational mechanisms of bureaucracy, public administration become arbitrary and inefficient. Combining the two will create an administrative system that is not only efficient and rational, but also just and socially meaningful.

Research studies that directly link bureaucracy with Islamic law are still relatively limited. Books such as The Divine Bureaucracy

<sup>&</sup>lt;sup>3</sup> Noor Syifa Amaliah Azizah & Shalihah Shalihah, "Maqasid Al-Shari'ah and Legal Pluralism: Normative Analysis of The Principle of Justice in A Multicultural Society," Journal of Islamic and Law Studies 9(2) (2024)

<sup>&</sup>lt;sup>4</sup> Maznah Mohamad, The Divine Bureaucracy and Disenchantment of Social Life: A Study of Bureaucratic Islam in Malaysia (Singapore: Palgrave Macmillan, 2020)

<sup>5 &</sup>quot;6.4B: Weber's Model for Bureaucracy – Social Sci LibreTexts," SocialSci LibreTexts, 2023

<sup>&</sup>lt;sup>6</sup> "Power and Authority: Rational-Legal Authority," EBSCO Research Starters (2021)

<sup>&</sup>lt;sup>7</sup> Endang Larasati Setianingsih et al., "Islamic Bureaucracy in the Philosophy of Public Administration: A Narrative Literature Review," Open Access Indonesia Journal of Social Sciences 5(6) (2022): 846-851

and Disenchantment of Social Life by Maznah Mohamad (2020) highlight Islamic bureaucracy in Malaysia, showing that although there is a rational logic to bureaucracy, there is also a religious-normative dimension that influences bureaucracy in Muslim countries. However, comparative studies that explicitly connect Islamic legal philosophy (ethical legitimacy) with modern bureaucratic rationality and administrative justice still need development.

Fifthly, in the context of Indonesia and many Muslim countries, the challenge of implementing administratively bureaucracy remains real: for example, slow public services, lack of transparency in administrative decisions, perceptions injustice, and the integration of Islamic values in public governance are still not optimal. Studies such as "Figh of Bureaucracy and Public Governance in Indonesia: A New Paradigm Based on Magasid al-Shariah" show efforts to develop a public bureaucracy paradigm based on magasid syariah as an alternative that connects the value of public interest and administrative mechanisms. This demonstrates the importance of further study to understand how the value of administrative justice from Islamic law can be realized in rational bureaucratic organizations.

Thus, this research will examine two important problem formulations: (1) How does Islamic legal philosophy interpret administrative justice and the legitimacy of bureaucratic actions from an ethnic and theological perspective? (2) What are the fundamental differences between ethical legitimacy in Islamic law and rationality in modern administrative law?

#### Method

This type of research uses a normative qualitative approach with a descriptiveanalytical character, as it aims to: Explain the concept of administrative justice from the perspective of Islamic legal philosophy, Compare ethical legitimacy in Islam with the rationality of bureaucracy in administrative law, Analyze the relevance of Islamic ethical values to contemporary bureaucratic practices. This research uses secondary data in the form of: Classical and contemporary literature of Islamic law, such as the works of Al-Mawardi, Ibn Khaldun, and texts of magasid al-syari'ah, Documents and literature of modern public administration (Weber, Goodnow, Budiardjo, and Indonesian administrative law), Journals, articles, and previous research relevant to the concept of administrative justice and bureaucracy. The data collection methods are: Literature review (library research): Reviewing books, scientific journals, legal articles. and academic documents. Document analysis: Examining regulations, administrative principles, and Islamic legal literature.

The data analysis methods are: Comparative qualitative analysis: Comparing the principles of administrative justice from the perspective of Islamic legal philosophy with the rationality of modern bureaucracy. Normative synthesis: Integrating the results of the analysis to formulate an ideal model of administrative justice according to the Islamic perspective. Ethical interpretation: Assessing the relevance of Islamic ethical values in contemporary bureaucratic practices.

### **Result and Discussions**

The philosophy of Islamic law in interpreting administrative justice and the legitimacy of bureaucratic actions from an ethical and theological perspective.

Islamic legal philosophy occupies an important position in understanding the dynamics of law and public administration in modern Muslim societies. It is not merely a normative system, but also a system of values rooted in theology and ethics. Within it, Islamic law (sharia) is understood not only as formal regulations, but as a reflection of the Divine will that aims to realize justice ('adl), public interest (maṣlaḥah), and trust (amanah) in every aspect of life, including the governance of bureaucracy and government.

Administrative justice in the Islamic context does not only refer to compliance with formal government procedures, but also includes the moral integrity, honesty, and accountability of public officials as a manifestation of spiritual responsibility to God. Likewise, the legitimacy of bureaucratic actions is not sufficient based solely on positive law, but must also obtain ethical legitimacy (based on Islamic moral values) and theological legitimacy (based on the will and principles of God).

This paper discusses how Islamic legal philosophy interprets these two concepts – administrative justice and bureaucratic legitimacy – by examining their philosophical, ethical, and theological aspects, and linking them to the context of modern bureaucratic praxis in Muslim countries.

As stated by Nurkholis in El-Afkar: Journal of Islamic Studies, Islamic legal philosophy "seeks to uncover the true meaning of law in the context of the relationship between humans and God, humans with each other, and humans with the state" <sup>8</sup> Thus, Islamic law cannot be separated from the theological dimension (relationship with God) and the ethical dimension (social and moral relations between humans).

From the theological dimension, Islamic law is understood as the embodiment of the Divine will (al-irādah al-ilāhiyyah) which aims to uphold justice and eliminate oppression. Allah is called al-'Adl (the Most Just), and every Islamic law aims to reflect that attribute of justice. Thus, administrative justice in Islamic bureaucracy is an extension of the Divine command to act justly in all administrative decisions and actions.

From the ethical side, Islamic law emphasizes ihsān (goodness), amanah (trust), and mas'uliyyah (responsibility). These values form the moral foundation for the legitimacy of bureaucracy and public administration in Islam.<sup>9</sup>

The concept of justice ('adālah) occupies a central position in Islamic legal philosophy.

Islamic legal philosophy (fiqh al-falsafah al-islāmiyyah) functions to explore the ontological, epistemological, and axiological foundations of Islamic law. Its ontology is based on the belief that law originates from revelation (Allah SWT), its epistemology is through reason and ijtihad, while its axiology is oriented towards justice and the benefit of mankind.

<sup>&</sup>lt;sup>8</sup> Nurkholis, "Philosophy of Islamic Law and Its Ethical Dimension," *El-Afkar: Journal of Islamic Studies*, Vol. 6 No. 2 (2022)

<sup>&</sup>lt;sup>9</sup> Alwi, M., "The Ethical Foundation of Islamic Legal Philosophy," Jurnal Filsafat Hukum Islam, Vol. 4 No. 1 (2021)

Justice is a universal value that is not only legal in nature, but also moral and spiritual. In the Qur'an it is mentioned:

"Indeed, Allah orders justice and good conduct." (QS. An-Nahl [16]: 90)

According to Al-Mahkamah Journal of Islamic Legal Philosophy, justice in Islamic law has two main dimensions: (1) normative justice, which is conformity with sharia rules, and (2) substantive justice, which is the achievement of human welfare and benefit. 10 Administrative justice means that every bureaucratic policy and action must meet the principles of balance of rights and obligations, transparency, and public accountability.

According to Jasser Auda, justice is the core of maqāṣid al-syarī'ah or the main objectives of Islamic law. <sup>11</sup> Through the maqāṣid approach, administrative justice is defined as an instrument to maintain the five basic needs of humans (al-kulliyyāt al-khams): religion (dīn), life (nafs), intellect ('aql), lineage (nasl), and property (māl). Bureaucratic administrative actions that uphold justice mean upholding maqāṣid: protecting public rights, avoiding abuse of authority, and preventing social harm (mafsadah). In this framework, administrative justice is not only a legal obligation, but also a social and moral worship.<sup>12</sup>

In the context of governance, administrative justice serves to ensure that public officials carry out their duties without discrimination, with transparency and moral responsibility. According to Asy-Syaibani in the

Journal of Islamic Administrative Ethics, bureaucracy in Islam is viewed as a "service institution ('khidmah') with a religious dimension," not simply an instrument of power.<sup>13</sup>

Therefore, the administrative actions of bureaucrats must be based on: Sincere intention (al-niyyah) for the benefit of the people; Amanah (honesty in exercising authority); Ihsān (best service to the community).

These three principles form the moral basis for administrative justice in the Islamic system of government.

Research by Fathur Rahman in Islamic Review: Journal of Islamic Studies and Social Transformation emphasizes that modern Islamic bureaucracy must be designed based on maqāṣid al-syarī'ah and the principle of maṣlaḥah mursalah (public interest).<sup>14</sup>

A bureaucracy that is efficient but not morally just is considered to have lost its spiritual legitimacy.

Administrative justice includes three main aspects: firstly, Procedural justice: equality before the law and transparent procedures; secondly, Distributive justice: equal distribution of resources and public services, and thirdly, Corrective justice: the existence of complaint and correction mechanisms for administrative errors.

Legitimacy in the Islamic view is not only measured by formal legality, but also by moral and spiritual conformity. According to Arifin in

Rahmawati, S., "The Concept of Justice in the Perspective of Islamic Legal Philosophy and Ethics," Al-Mahkamah Journal, Vol. 3 No. 1 (2023)

<sup>&</sup>lt;sup>11</sup> Auda, Jasser, Maqasid al-Shariah as Philosophy of Islamic Law, London: IIIT, 2008

<sup>&</sup>lt;sup>12</sup> Asy-Syaibani, H., "Ethical Bureaucracy in Islamic

Administrative Thought," Journal of Islamic Administrative Ethics, Vol. 5 No. 2 (2020)

Fathur Rahman, "Fiqh of Bureaucracy and Public Governance in Indonesia: A Maqasid al-Shariah Approach," Islamic Review Journal, Vol. 11 No. 2 (2023)

the Journal of Islamic Governance Studies, the legitimacy of bureaucracy in Islam is "the conformity between administrative power and Divine values and aspirations for social justice." <sup>15</sup> Thus, legitimacy includes three dimensions: firstly, Normative-legal (conformity with positive law and sharia), secondly, Ethical-moral (based on the principles of justice and amanah), and thirdly, Theological (based on the will of Allah and accountability in the afterlife).

In Islamic theology, administrative power and authority are a trust from Allah. A bureaucrat is seen as Allah's representative (khalīfah) on earth who is tasked with managing the affairs of society. If power is used justly and responsibly, then his administrative actions have theological legitimacy; conversely, abuse of power means betrayal of the Divine trust. This concept is affirmed in Nurhasanah's research entitled "Legitimacy of the Khalifah in Islamic Political Thought," which shows that the legitimacy of a leader in Islam is determined by moral integrity and the implementation of amanah towards the people. 16 This analogy also applies to bureaucracy and government apparatus.

Ethically, the legitimacy of bureaucratic actions is measured by public accountability (accountability to the people) and transcendental accountability (accountability to Allah). According to Suparno in the Journal of Administrative Ethics and Maqasid Governance, a bureaucracy that fails to meet

the principles of justice, transparency, and moral responsibility is considered to lack legitimacy in the Islamic view.<sup>17</sup>

Administrative justice and bureaucratic legitimacy are interdependent: bureaucracy gains moral and spiritual legitimacy to the extent that it upholds justice. Conversely, injustice in public services will destroy the legal and social legitimacy of the bureaucracy.

In the context of Islamic legal philosophy, the legitimacy of bureaucracy can be analyzed through the principle of maqāṣid al-syarī'ah; If administrative policies protect basic human rights, then the bureaucracy has theological legitimacy, and if the bureaucracy oppresses the people, causes damage, or manipulates procedures, then it loses legitimacy in the eyes of Islamic law.

The research "Developing Islamic Legal Philosophy-Based Assurance of Justice" by Alfiansyah (2023) affirms that legal legitimacy and public trust will be destroyed if the legal system loses substantial justice.<sup>18</sup>

In modern governance practices, Islamic principles of administrative justice can be implemented through reforming bureaucratic values. A study by Rahmatullah in the Journal of Islamic Public Administration states that Islamic bureaucracy needs to integrate the principles of adalah, maslahah, accountability, and amanah as indicators of bureaucratic performance.<sup>19</sup>

Indonesia's experience in modernizing

<sup>&</sup>lt;sup>15</sup> Arifin, M., "Legitimacy of Bureaucracy in Islamic Governance," *Journal of Islamic Governance Studies*, Vol. 2 No. 1 (2022)

<sup>&</sup>lt;sup>16</sup> Nurhasanah, "Legitimacy of the Khalifah in Islamic Political Thought," Al-Aijis: Journal of Islamic Political Studies, Vol. 5 No. 1 (2021)

<sup>&</sup>lt;sup>17</sup> Suparno, H., "Administrative Ethics and Maqasid Governance in Islam," *Journal of Ethics and Governance*,

Vol. 4 No. 2 (2022)

<sup>&</sup>lt;sup>18</sup> Alfiansyah, R., "Developing Islamic Legal Philosophy-Based Assurance of Justice," Wisdom Periodical, Vol. 18 No. 1 (2023)

<sup>&</sup>lt;sup>19</sup> Rahmatullah, "Islamic Bureaucracy and Public Administration Ethics," Journal of Islamic Public Administration, Vol. 9 No. 2 (2022)

religious court administration demonstrates that sharia values and positive law can synergize. Research by Nuryana (2022) in the Journal of Islamic Judicial Studies explains that the siyāsah idāriyyah (Islamic administrative politics) approach can create a just and responsive judicial bureaucracy that promotes substantive justice. Although this is the ideal, the implementation of Islamic values in the bureaucracy is often hampered by: Culture of corruption and nepotism, Socio-economic inequality, Dualism of positive law and sharia law, Weakness of administrative ethics education based on religious values.

However, Islamic legal philosophy provides direction that ethical and theological solutions are needed to strengthen public trust and bureaucratic legitimacy.

## The fundamental difference between ethical legitimacy in Islamic law and bureaucratic rationality in modern administrative law

Law and public administration are not only about rules and procedures, but also about legitimacy — that is, why a norm or institution is recognized and obeyed by society. In the tradition of Islamic law and in modern public administration systems, two different orientations emerge in terms of legitimacy: one that is strongly influenced by ethical-religious values (Islamic law) and one that is strongly influenced by organizational logic, procedures, efficiency (modern administrative law). Examining the fundamental differences between the two helps us understand how legal and administrative institutions acquire and maintain legitimacy in their respective contexts, as well as the implications for legal and government reform.

Legitimacy in Islamic law (which I will call "ethical legitimacy") refers to the recognition of a legal norm or action that is not only formally valid (e.g. in accordance with sharia) but also "right" in terms of ethics and morals within an Islamic framework. Meanwhile, bureaucratic rationality in modern administrative law refers to the administrative orientation towards formal structures, written rules, efficiency, hierarchy, task specialization — and institutional legitimacy arises because of consistent, predictable, and impersonal procedures.

The concept of legitimacy in Islamic law does not only talk about "what is legal" but "what is morally/ethically justified" within the framework of sharia. Ethical legitimacy means that a norm or action gains recognition because it is in accordance with moral values, the objectives of sharia (magaṣid al-syarī ah), and an orientation towards justice, benefit, and honesty. For example, the article "The Principles of Legitimacy in Islam and its Influence upon the Muslim" affirms that the legitimacy of government in Islam also involves public acceptance and moral justice, not merely formal power. In addition, the study "Ethical Dimension of Magasid al-Shari'ah and its Implication to Human Capital Development" affirms that magaṣid sharia contains an ethical dimension that is very important in human development. Therefore, in the framework of Islamic law, ethical legitimacy combines two main things: compliance with sharia norms + awareness or internalization the ethical/moral values inherent in these norms.

In contrast, the modern bureaucratic

Nuryana, A., "Modernizing Islamic Judicial Administration: Responsive Law and Siyāsah

Idāriyyah," Journal of Islamic Judicial Studies, Vol. 3 No. 1 (2022)

tradition is strongly influenced by Max Weber's idea of legal-rational authority. Bureaucratic rationality refers to the design of public organizations that prioritize efficiency, clarity of tasks, specialization, standard written procedures, hierarchy of positions, and impersonality. For example, the article "Bureaucracy and the Imaginal Realm: Max Weber, Rationality and the Substantive Basis of Public Administration" discusses how modern bureaucracy represents the dominance of formal-instrumental rationality. Furthermore, the publication "Key Features of Weber's Legal-Rational Bureaucracy Model" details characteristics such as formal rules, hierarchy, selection based on merit, and written documentation.

In this context, the legitimacy of bureaucratic institutions arises not because of intrinsic religious or moral values, but because of the structure of formal rules that are adhered to, predictable procedures, and professional organization.

In the tradition of Islamic law, the basis of ethical legitimacy can be traced to various components of Sharia sources: al-Qur'an, hadith, ijmā', qiyās — which contain moral norms and principles as well as punishments. These norms are not only technical but also contain ethical content, Magasid al-syari ah: namely the objectives of sharia such as protecting religion (dīn), life (nafs), intellect ('aql), lineage (nasl), and property (māl). The legitimacy of a norm is often measured by the extent to which the norm contributes to the (maṣlaḥah) and avoids benefit harm (mafsadah). For example, the study "The Position of Magāṣid al-Shariah within Islamic Legal Sources" shows that magasid plays an important role in the legitimacy of Islamic norms, Moral/spiritual ethics: Legitimacy in Islamic law is also related to moral orientation, the intention of the perpetrator (niyyah), individual and social responsibility. The article "Islamic Law and Environmental Sustainability: Maqasid al-Sharia's Perspective" links sharia values with environmental justice and sustainability, Social-spiritual accountability: In addition to administrative accountability, actors and institutions in the Islamic tradition are believed to be accountable for their actions before God and the community. Therefore, the basis of ethical legitimacy in Islamic law goes far beyond the formality of rules; it concerns values, goals, morals, and common interests.

For modern bureaucracy, the basis of administrative legitimacy can be formulated with Legal-rational authority: Weber stated that legitimacy in modern society is primarily based on "belief in the legality of enacted rules and the right of those elevated to authority under such rules." Formal rules procedures: Legitimacy arises when public institutions implement written rules, standard processes, documentation, clear hierarchies, and professionalism. For example, reference "Max Weber's Concept of Bureaucracy: Features and Characteristics" affirms that modern bureaucracy relies on formal rules, structure, and specialization. Efficiency, reliability, predictability: Bureaucratic rationality emphasizes that public administration must be reliable, predictable, and structured, so that society can place trust in institutions. Compliance with administrative procedures: Administrative legitimacy is strengthened when procedures are carried out consistently, not on the basis of arbitrary or personal power.

Thus, in a modern bureaucratic system, institutional legitimacy relies more on organizational structures and mechanisms

than on ethical or spiritual values. The characteristics that distinguish ethical legitimacy in Islamic law include; Integration of values and norms: Islamic legal norms are always mixed with moral and ethical values — not just aspects of "allowed/not allowed" but "appropriate" from an ethical point of view. For example, the article "Islamic Business Ethics in the Maqāṣid al-Shari'ah Perspective" shows how business ethics in Islam uses maqāṣid as a basis.

Legal teleology, namely Islamic law, does not only order or prohibit, but leads to objectives ("ends") — benefit, justice, common welfare. Moral awareness and intention: The implementation of Islamic law pays attention to the intention of the perpetrator (niyyah) and moral orientation, not merely procedural adaptation. Contextual flexibility (within value limits): Although sharia rules stipulate many things, there is room for ijtihad or interpretation based on the context of the times and social needs — for example the study "Reconstructing Islamic Legal Norms in Environmental Governance: A Magasid-Based Legal Critique of Indonesia's Resource Policies". Social-normative legitimacy: Legitimacy is obtained when the norm is accepted by the Muslim community as morally correct and in accordance with religious values.

The characteristics of bureaucratic rationality in modern administrative law include; Written rules/formal procedures: Administrative operations are based on written regulations and standards. Example: "Key Features of Weber's Legal-Rational Bureaucracy Model" details formal rules, documentation, standard rules; Hierarchy of authority & specialization: The organizational structure is clear, with levels of position, supervision, promotion based on merit.

Example "Max Weber's Ideal Type Bureaucracy" explains hierarchical structure as key.

Impersonality: Decisions are made based on rules, not personal relationships or favoritism. Example "The Role of Bureaucracy in Rational-Legal Authority: A Weberian Analysis". Efficiency and predictability: Modern bureaucracy is designed so that public administration can run efficiently, predictably and auditable. Professionalism and meritocracy: Employees are selected through qualifications, careers and positions not based on patronage.

Thus, the mechanism of modern bureaucracy emphasizes more on measurable structures, procedures and mechanisms than substantive moral values.

In Islamic law, the ethical legitimacy orientation is towards moral/social goals — not just compliance with rules. Some things include The implementation of Islamic legal norms is directed at the benefit of the people, justice, welfare, not just "rules are obeyed". For example, in the aspect of environmental iustice, the article "Islamic Environmental Sustainability: Magasid Sharia's Perspective" shows that sharia values contain an orientation towards ecological justice. Accountability in the framework of Islamic law includes moral/spiritual dimensions: actors and rulers are considered to have responsibility to God and the community, not only administrative mechanisms. Compliance is not only because of fear of administrative sanctions, but because of ethical and religious awareness. Therefore, ethical legitimacy tends to be more internal, namely the integration between values and actions.

Thus, in modern bureaucracy, the legitimacy orientation is administrative and mechanistic, namely a focus on correct administrative procedures: procedures. documentation, hierarchy, rules — so that accountability arises through audits, reports, supervision. For example, the article "The Implementation of Law in Bureaucratic Reform: Challenges and Solutions for Efficient Governance" shows how the challenge of modern bureaucracy is to implement the law through an efficient administrative structure. Compliance with rules because of formal legitimacy: the public or bound parties comply because the norms and institutions are considered legitimate and professional, not because of religious values. Accountability is administrative: public officials are held accountable through administrative mechanisms internal supervision. transparency, but not always through transcendent moral values.

Thus, the orientation of modern bureaucracy to maintain is stability, predictability, efficiency of government legitimacy arises because of structure and compliance with procedures. A summary of the fundamental differences between ethical legitimacy in Islamic law and bureaucratic rationality in modern administrative law is: Source of Legitimacy: Islamic Law: Ethical legitimacy comes from religious-values, sharia, magāṣid, Islamic morals, Modern Bureaucracy: Legitimacy comes from formal rules, systems, administrative legal-rational authority. Value vs procedure orientation: Islamic Law; Focus on values, intentions, morals, goals (benefit, justice), Modern Bureaucracy: Focus on how rules are implemented—specialization, procedures, efficiency.

Forms of authority and compliance, namely Islamic law, authority can come from ulama, community agreement; sharia, compliance because of moral/ethical awareness, Modern Bureaucracy: Authority comes from position and legal rules; compliance because of recognition procedures and structures, Accountability, namely Islamic Law Accountability includes moral/spiritual and social dimensions, Modern Bureaucracy: Administrative accountability documentation, audits, transparency mechanisms. Flexibility and context, namely Islamic law: Although it has fixed norms, there is room for interpretation (ijtihād) based on magāṣid and contemporary context, Modern Bureaucracy: The system can improved/reformed, but is often more rigid in procedures; criticism that bureaucracy can become an "iron cage".

Focus on the goals of Islamic law/administration The goal is to protect basic human rights (religion, life, intellect, lineage, property) as well as justice and benefit. Modern bureaucracy: The goal is effective governance, good public services, procedural justice. Institutional Implications In the context of Islamic legal institutions, ethical legitimacy requires that norms and institutions internalize Islamic ethics and values in order to be accepted by the community. In the context of modern public administration, bureaucratic institutions must meet procedures, efficiency, obtain transparency to and maintain administrative legitimacy.

Therefore, for Muslim countries or institutions that incorporate elements of Islamic law in public administration, the challenge arises of how to harmonize between the rational mechanisms of modern bureaucracy and the ethical values of sharia so

that legitimacy is not only formal but also moral. Modern public administration reform can take inspiration from ethical legitimacy: public institutions that are not only efficient but also honest, fair and benefit-oriented will gain greater trust. In contemporary Islamic law, there is a need for legal norms and institutions to not only speak of values but also be followed by good administrative mechanisms—because legal institutions also need a rational structure to be effective.

Challenges and difficulties are Tensions arise when modern administrative systems are rigidly applied in Muslim societies without regard to the ethical values of sharia — the moral legitimacy of the community can be eroded even though formal procedures are met, Conversely, if institutions based on sharia values try to operate without a rational administrative design (procedures, professionalism), then effectiveness and accountability can be weak, administrative legitimacy can be low, In plural societies and modern states, how to maintain ethical legitimacy that is religious in nature in public institutions that are general in nature? Should public institutions rely on universal values or specific religious values?

Criticism of modern bureaucracy: although rational mechanisms are available, sometimes the results are less substantively fair—because a procedural orientation can create the potential for "formal compliance" without a value orientation. As a user of an academic discussion forum:

"The rationality of bureaucracy resides in the system of rules ... whereas they may not consider whether the ends are rational." <sup>14</sup>

In other words, modern bureaucracy can be efficient but lose moral legitimacy if its goal

orientation is not questioned.

There is an opportunity for synergy to combine two orientations: a rational bureaucratic structure and a strong ethical value orientation. Public institutions that are efficient, transparent, professional, and also maintain substantive justice and benefit will gain dual legitimacy: administrative and moral. For example, in Islamic financial institutions, the study "Sharī'ah Legitimacy of Islamic Banking Practices in Pakistan - An Evaluation" shows that Islamic financial institutions must not only meet sharia procedures (compliance) but also a distributive justice orientation to obtain full legitimacy, Public administration reform in Muslim countries can adopt the magāṣid al-syarīʿah framework to strengthen moral legitimacy while maintaining a rational and professional bureaucratic structure, The study "Sharī'ah Legitimacy of Islamic Banking Practices in Pakistan - An Evaluation" shows that although sharia banks procedurally follow sharia fatwas, they still face criticism for their profit-seeking orientation without contributing to social benefit. This shows that ethical legitimacy in the Islamic framework is not only about "fulfilling sharia" but also about "contributing to benefit" — values of justice, moral discipline, social responsibility. In the article "Bureaucracy and the Imaginal Realm: Max Weber, Rationality and the Substantive Basis of Public Administration", it is explained that modern bureaucracy emphasizes formal and instrumental rationality, but sometimes ignores substantive goals (e.g. social justice).

This shows that modern bureaucracy can be procedurally successful but its moral legitimacy can be weak if it is only procedural.

In the article "Reconstructing Islamic Legal Norms in Environmental Governance: A Maqāṣid-Based Legal Critique of Indonesia's Resource Policies", the authors show how natural resource policies in Indonesia that are formally state-owned but weak in maqāṣid values (e.g. environmental justice) face low ethical legitimacy. Therefore, in the context of Muslim or plural state administration, integration between modern bureaucratic mechanisms and the orientation of Islamic values is needed so that both administrative and ethical legitimacy are achieved.

Although modern bureaucracy is praised for its efficiency and rationality, it is also criticized for being very mechanical and losing sensitivity to human values or ethics. Bureaucracy can become an "iron cage" that stifles creativity, human values and substantive ethics.

Meanwhile, although ethical legitimacy in Islamic law offers moral depth and a benefit orientation, it faces challenges in the institutionalization and modernization of public administration: how to ensure that ethical norms are followed by professional, transparent and accountable mechanisms?

In the era of globalization and modern nation-states, public institutions must face pluralism, technical complexity, and the need for efficiency — so that a sharia value orientation alone is not enough without a good administrative structure. Thus, combining two orientations — bureaucratic rationality + ethical legitimacy — appears to be the most pragmatic approach to building solid legitimacy in public institutions and laws relevant to the times.

Administrative justice is one of the central concepts in the legal system and government governance. It becomes a measure of the extent to which bureaucratic actions can be said to be legitimate,

appropriate, and just — both in procedural and substantive perspectives. In the modern context, administrative justice is generally measured through compliance with legal procedures, efficiency of public services, and bureaucratic accountability. However, in the philosophy of Islamic law, administrative justice does not stop at legal formalities, but is rooted in ethical, spiritual, and teleological legitimacy, which places moral values (akhlaq) and the objectives of sharia (maqāṣid alsharīʿah) as the center of its meaning.

The study of Islamic legal philosophy on administrative justice expands the meaning of "justice" from just "procedural justice" to substantive and moral justice. The philosophy of Islamic law views that public administration actions are not only measured by compliance with written rules, but by intention (niyyah), orientation towards benefit (maṣlaḥah), and conformity with the principle of divine justice ('adl). Therefore, administrative justice in Islam is a concept that unites legal, moral, social, and theological dimensions in one complete framework of legitimacy. The philosophy of Islamic law interprets justice as a manifestation of divine will. The Qur'an affirms:

"Indeed, Allah commands (you) to be just ('adl) and to do good (ihsān)..." (QS. an-Naḥl [16]: 90).

This verse shows that justice is not just a social norm, but a theological command. Thus, administrative justice — that is, justice realized through bureaucratic actions and public policies — is also part of the moral-spiritual responsibility of humans (khalīfah) in upholding divine values in the social sphere.

In classical literature, this concept is systematized through maqāṣid al-sharī ah (the objectives of Islamic law) which includes

protection of religion (dīn), life (nafs), intellect ('aql), lineage (nasl), and property (māl). A fair public administration action is an action that contributes to the maintenance of these five things. Thus, administrative justice in the philosophy of Islamic law is teleological, that is, oriented towards moral and social goals, not just procedural formalities. Bureaucratic actions, in the Islamic view, are not morally neutral. It must reflect basic values such as amanah (trust), istigamah (moral consistency), syūrā (consultation), and 'adl (justice). This means that every administrative decision must be accountable not only to positive law or administrative institutions, but also to Allah and society.

Therefore, the legitimacy of bureaucratic actions in Islam does not come solely from formal authority, but from ethical and theological legitimacy. The state apparatus is not only a "law enforcer" but also a "trust servant". Values such as *niyyah* (correct intention), *taqwā* (moral awareness of Allah), and *iḥsān* (moral excellence in work) become prerequisites for the birth of just administrative actions.

In other words, administrative justice in Islam demands harmony between individual morality, institutional structure, and social goals, all of which are directed towards achieving the common good.

Ethical legitimacy means public recognition that an action or policy is not only legally valid, but also morally correct and just according to universal Islamic values. In this framework, ethics precedes and animates legality. Law without ethics is considered dry and loses the spirit of justice.

The philosophy of Islamic law rejects the absolute separation between law and morality.

For thinkers such as al-Ghazālī, Ibn Taymiyyah, and al-Shāṭibī, Islamic law is not just a collection of rules, but a path towards moral goodness (ṣalāḥ) and social happiness (saʿādah). Thus, a correct bureaucratic action is not an action that simply complies with administrative rules, but an action that is ethical, honest, and in favor of the welfare of the people.

Sources of ethical legitimacy in Islamic law include the Al-Qur'an and Sunnah, which are the highest moral references, *Maqāṣid alsharīʿah*, which provides direction and moral objectives for every legal norm and public policy, Ijma' and ijtihad, which opens up space for moral and contextual rationality in the application of Islamic values to modern administrative cases, Islamic social ethics, such as the principle of distributive justice, social responsibility, and protection of the rights of small people (*mustadhʿafīn*).

With this basis, ethical legitimacy gives birth to substantive justice, not just formal. Substantive justice means justice that considers the social context and moral consequences of an administrative decision, not just procedural validity. Formal Rationality in a Weberian Perspective In the modern administrative legal system, administrative justice is built on bureaucratic rationality as explained by Max Weber in the typology of legal-rational authority. In this system, bureaucratic actions are considered valid (legitimate) if they are carried out according to written procedures, based on applicable rules, and carried out by authorized officials. Legitimacy does not depend on individual morality, but on system consistency and procedure reliability.

The main principles of bureaucratic rationality include a clear hierarchy of positions

and authority, written rules and procedures. Recruitment based on competence (merit system). Impersonality of decisions (not based on personal relationships). Administrative accountability. This model is designed to guarantee predictability, efficiency, and objectivity in government. However, the weakness is the occurrence of excessive formalization (formalism), which sometimes ignores aspects of morality, humanity, and substantive justice.

In the modern bureaucratic system, administrative justice is measured by equality of treatment before the law and compliance with procedures. The principle of the rule of law affirms that all government actions must have a legal basis, be carried out by authorized officials, and be subject to legal control mechanisms (judicial review, audit, etc.).

However, in the perspective of Islamic legal philosophy, formal rationality alone is not enough. True administrative justice demands rationality that is also substantive, that is, paying attention to moral objectives and public benefit. A bureaucratic system that is only formally rational can become an "iron cage" — a procedural iron cage — that is efficient but loses the dimension of moral justice.

Basic Comparison between Ethical Legitimacy and Bureaucratic Rationality Source of Legitimacy Islam comes from revelation and transcendental moral values law has a spiritual basis that demands moral responsibility.

Modern principles come from the authority of positive law and administrative rules legitimacy is immanent, secular, and procedural. Islamic principles are oriented towards benefit (maṣlaḥah) and substantive justice ('adl) — a balance between individual rights and social responsibility.

Modern principles are oriented towards procedural justice and systemic efficiency ensuring compliance and administrative order. Islamic accountability is dual — to Allah (theological) and society (sociological). Modern accountability is primarily administrative and legal — through audits, supervision, and public accountability systems. The orientation of morality in Islam is that law without morality is considered to have lost its legitimacy. In Modern morality is secondary; the main focus is procedural effectiveness. The Character of Justice Islam is substantial, oriented towards results and moral intentions, while the character of justice Islam Modern is formal, oriented towards processes and structures.

These fundamental differences reveal two paradigms of legitimacy: the normative-transcendental paradigm in Islam versus the rational-instrumental paradigm in modern bureaucracy. However, the two are not always contradictory. In many contexts, the two can complement each other: ethical legitimacy provides moral direction, while bureaucratic rationality provides an efficient framework for the application of those values.

### Implications of Islamic Legal Philosophy on Administrative Justice

Islamic legal philosophy offers a reconstructive approach to modern bureaucracy. It affirms that the public administration system must function not only to regulate, but also to uphold social and moral justice. In this context, bureaucracy is seen as an ethical instrument, not just an administrative machine.

By integrating maqāṣid al-sharīʿah into governance principles, bureaucracy can gain

dual legitimacy — formal and moral. Every public policy must be assessed not only in terms of procedure and effectiveness, but also in terms of the extent to which the policy protects basic human rights, reduces poverty, guarantees honesty, and fosters public trust.

In the Islamic perspective, public service is a form of social worship ('ibādah ijtima'iyyah). Civil servants ('āmil) are considered holders of community trust. Therefore, violations of bureaucratic integrity — such as corruption, collusion, abuse of authority — are not only violations of administrative law, but also moral sins and violations of divine trust. Values such as ikhlāṣ, amanah, 'adl, and raḥmah must be the foundation of public service.

Integrating ethical legitimacy into the modern bureaucratic system demands reforms in several aspects, namely the Normative aspect in the form of Strengthening public ethics based on maqāṣid al-sharī ʿah in laws and regulations.

In the Structural aspect, the application of governance that not only prioritizes efficiency, but also the morality of policies, Cultural, namely Moral-spiritual education for public officials so that ethical awareness becomes part of the bureaucratic work ethic. Epistemological in the form of Developing an Islamic public administration science that combines modern rational theory with Islamic moral values.

### Paradigm Integration: From Dualism to Synergy

Islamic legal philosophy does not reject bureaucratic rationality; it proposes a respiritualization of rationality so that the administrative system does not lose its moral orientation. By combining rational legality and ethical legitimacy, administrative law can achieve more complete justice: efficient and meaningful.

This integrative model can be called "ethical-transcendental rationality", namely an approach that views administrative rationality as a means, while moral justice as an end. This paradigm requires that every bureaucratic decision:

In accordance with legal procedures (formal validity) Beneficial to society (social benefit), Carried out with moral intention and integrity (ethical legitimacy), Accountable before the law and God (theological accountability).

Thus, the integration between Islamic ethics and bureaucratic rationality is not a utopia, but a philosophical necessity to build a just and civilized legal and governmental system.

### Final Reflection: Towards Complete Administrative Justice Administrative

Justice in the philosophy of Islamic law demands unity between rules, morals, and the goals of living together. Modern bureaucracy does provide systemic reliability and efficiency, but without ethics it loses the meaning of substantive justice. Conversely, ethical legitimacy without bureaucratic rationality can lead to disorder and inefficiency in the implementation of public policies.

### Conclusion

The philosophy of Islamic law teaches that justice is a balance (tawāzun) between individual rights and collective interests, between positive law and moral values,

between the world and the hereafter. These principles can be applied in the context of public administration through; Transparency as a form of trust, Accountability as a form of responsibility before Allah and the people, Public service as social worship, Public policy as a means of upholding maqāṣid al-sharīʿah.

Thus, administrative justice in the perspective of Islamic legal philosophy is a moral-spiritual process, not just a legal mechanism. It demands a paradigm shift: from "law as an instrument of power" to "law as a means of benefit". True administrative justice is not only seen in written regulations, but in the morals of the bureaucracy that implements the rules with honesty and sincerity.

How does Islamic legal philosophy interpret administrative justice and the legitimacy of bureaucratic actions in an ethical and theological perspective? Islamic legal philosophy interprets administrative justice as a manifestation of divine justice in the social order. The legitimacy of bureaucratic actions must come from ethics (akhlaq) and theology (iman), not solely from the authority of positive law. Bureaucracy is seen as an extension of God's trust to uphold benefit and social justice. Administrative justice is therefore value-based and morally-oriented justice, not just procedural justice.

What are the fundamental differences between ethical legitimacy in Islamic law and bureaucratic rationality in modern administrative law? The main differences lie in the source, orientation, and purpose of legitimacy. Ethical legitimacy comes from the transcendental values of Islam (sharia, magāṣid, akhlak) and is oriented towards substantive justice; while bureaucratic rationality comes from legal-rational authority and is oriented towards efficiency and procedural compliance. Islamic law assesses justice from the content and morality of actions, while modern administrative law assesses justice from procedures and legal conformity. Both can be synthesized into a paradigm of "ethical rationality", which combines bureaucratic efficiency with moral-spiritual integrity.

In the end, the philosophy of Islamic law teaches that administrative justice is not just legal justice, but moral and spiritual justice.

### **Credit Authorship Contribution**

Surahman conceptualised the core research idea, formulated the primary objectives, and drafted the introduction and background while ensuring the study's alignment with contemporary developments in legal studies and public sector governance. Abdurrahim developed the theoretical and doctrinal foundation, conducted in-depth statutory and analysis of regulatory frameworks related to the research theme, and refined the manuscript's argumentative structure, particularly in explaining conceptual challenges and legal implications. Widyatmi Anandy collected and analyzed relevant empirical data, including field observations, case materials, and stakeholder perspectives, providing socio-legal insights that significantly strengthened the synthesis of findings. Fathul Hamdani supported the methodological design, reviewed key literature within the field, and contributed to enhancing the analytical depth, coherence, and academic rigor of the Nnawulezi offered manuscript. Uche comparative insights from international legal scholarship, assisted in the refinement of the discussion section, and contributed to

strengthening the manuscript's conceptual clarity and global relevance. All authors collaboratively revised and approved the final version of the manuscript for publication.

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The authors declare that they have no known financial, institutional, or personal conflicts of interest that could have influenced the research results, analysis, or interpretations presented in this study.

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