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## Harmonising RPJMD Regulation Dualism: Ta'arudh Al-Adillah Approach for Legal Certainty in Indonesia

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### ABSTRACT

*This research analyses the dualism in the regulation of determining Regional Medium Term Development Plans (RPJMD) between Law Number 25 of 2004 concerning the National Development Planning System (UU SPPN) and Law Number 23 of 2014 concerning Regional Government (UU Pemda). Legal uncertainty arises due to differences in three crucial aspects: the type of legal product (Perkada or Perda), the time limit for enactment (3 months or 6 months), and the drafting mechanism. Using normative legal research methods with statutory and conceptual approaches, this study applies the Ta'arudh Al-Adillah perspective - the concept of postulate conflict resolution in ushul fiqh - to harmonise regulations. The research results identified three conflict resolution methods: al-jam'u wa al-taufiq (reconciliation), which views the two legal instruments as complementary, tarjih (preference), which prioritises/prioritizes the Regional Government Law as the lex specialis and lex posterior, and nasakh (abrogation), which ignores the formal-procedural aspects of the SPPN Law. This study concludes that the al-takhsis bi al-zaman (temporal specialisation) approach can be implemented gradually, where the Perkada functions as an emergency instrument for the first three months before being transformed into a Regional Regulation through DPRD discussions. Policy recommendations based on Fiqh Siyasah include the establishment of a national inter-institutional deliberative forum, development of a digital platform for synchronising the RPJMD-RPJMN, training on fiqh al-qanun al-idari for regional planners, and adoption of sharia performance indicators in RPJMD evaluation.*

## 1. Introduction

The Regional Medium Term Development Plan (RPJMD) is a strategic instrument in directing regional development policies that are responsive to local needs while aligning with the national agenda. This document elaborates the regional head's vision, mission and program, which contains goals, targets, strategies, policy direction, regional development, regional finance, and regional and cross-regional apparatus programs accompanied by an indicative funding framework for 5 (five) years. The RPJMD's urgency lies in its legal role as a legal basis for regional heads to carry out their

vision and mission during their term of office, by ensuring effective and sustainable resource allocation.<sup>1</sup>

In practice, the determination of the RPJMD in Indonesia is faced with regulatory dualism between Law Number 25 of 2004 concerning the National Development Planning System (UU SPPN) and Law Number 23 of 2014 concerning Regional Government (UU Pemda). SPPN Law Article 19 paragraph (3) stipulates that "Regional RPJM is determined by Regional Head Regulation no later than 3 (three) months after the regional head is appointed". Meanwhile, Article 264 paragraph (1) and paragraph (4) of the Regional Government Law stipulates that "RPJMD is determined by Regional Regulation (Perda) no later than 6 (six) months after the elected regional head is appointed." The basic differences between the two laws concern three crucial aspects: (1) the type of legal product used (Perkada or Perda); (2) time limit for determination (3 months or 6 months); and (3) different drafting mechanisms as a consequence of differences in legal products.<sup>2</sup>

This contradiction has created significant legal uncertainty in local government practices. In various cases, regions experience confusion in determining which legal basis must be followed, resulting in inconsistencies in implementation in various regions.<sup>3</sup> Some regions establish RPJMD with Regional Regulations following the Regional Government Law, while others still adhere to Regional Regulations by the SPPN Law. This dualism not only hampers coordination between institutions but also has the potential to trigger disparities in implementation between regions, which ultimately affect the effectiveness of regional development as a whole.

The dualism of norms in determining the RPJMD indicates the failure of the legal system to maintain the consistency of the legal hierarchy, as regulated in Article 7 of Law Number 12 of 2011 concerning the Formation of Legislative Regulations. Even though both laws are at the same hierarchical level, the absence of a firm conflict resolution mechanism exacerbates policy disharmony. This situation is contrary to the principle of legal certainty, which is one of the important principles in forming statutory regulations as stated in Article 6 paragraph (1) letter i of Law Number 12 of 2011 concerning "the principle of legal order and certainty".

Previous studies that examined the problem of dualism in the RPJMD focused more on the technical aspects of preparing the RPJMD or its administrative implications. Zakki Saleh, for example, found that the dualism of the RPJMD provisions violated the principle of "lex specialis derogat lex generalis" because there was disharmony and inconsistency in each region when formulating regional regulations.<sup>4</sup> However, few studies have touched on the root of the problem: conflicting norms and harmonising solutions based on more comprehensive universal legal principles.

This is where perspective comes in, *Ta'arudh Al-Adillah* - the concept of ushul fiqh, which regulates postulate conflict resolution - offers an innovative approach. *Ta'arudh al-adillah* is interpreted as a clash or contradiction between two propositions.<sup>5</sup> In the context of ushul fiqh, Kamal Muchtar explains that the word *Ta'arud al-adillah* has conditions that must be fulfilled; there are at least three things: (1) there are two propositions, (2) both have the same dignity, and (3) they contain different

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<sup>1</sup> Abdurrahman Al Haz, Ainul Nurmadiyah, and Beki Sukmawan, "The Urgency of Gender-Friendly City Policies in Tanjungpinang," *Journal Of Administrative And Social Science* 5, no. 1 (December 20, 2023): 161–70, <https://doi.org/10.55606/jass.v5i1.922>.

<sup>2</sup> Zakki Saleh, "Implications of Dualism in RPJMD Provisions According to Legislative Regulations Linked to the Principle of Legal Certainty," *Aktualita (Law Journal)* 1, no. 2 (December 31, 2018), <https://doi.org/10.29313/aktualita.v1i2.3972>.

<sup>3</sup> Saleh.

<sup>4</sup> Saleh.

<sup>5</sup> M. Saeful Amri, "Contradictions, Preferences and Reconciliation (Al-Ta'arud Wa Al-Tarjih Wa Al-Jam')," *Khuluqiyaya: Journal of Legal Studies and Islamic Studies*, July 9, 2022, 141–57, <https://doi.org/10.56593/khuluqiyaya.v4i2.88>.

provisions. This method accommodates conventional legal principles such as *the higher law overrides the lower law*, *A special law overrides a general law*, and emphasises substantive compromise through *al-jam'u wa al-taufiq* (reconciliation of propositions).<sup>6</sup>

*Ushiliyyin* (Usul fiqh experts) have formulated a way to resolve this problem using several methods: (1) compromising conflicting arguments (*al-jam'u wa al-taufiq*/reconciliation), (2) doing *tarjih* (selecting stronger arguments/preferences) through the study of *nasikh mansukh*, or (3) by discarding the opposing arguments (*tasaquot ad-dalilain*).<sup>7</sup> This approach offers a more comprehensive analytical framework for resolving the dualism of establishing the RPJMD because it considers various normative, substantive and teleological aspects of conflicting regulations.

This research aims to: (1) analyse the implications of the dualism of the SPPN Law and the Regional Government Law on the determination of the RPJMD, and (2) formulate a harmonisation model based on *Ta'arudh Al-Adillah*. By combining normative legal analysis and Islamic philosophical approaches, this study provides a theoretical contribution to enriching the discourse on legal conflict resolution in Indonesia and becoming a practical reference for policymakers in resolving regulatory disharmony.

This issue is increasingly relevant in Indonesia's increasingly complex context of regional autonomy, where coherence between national and local planning is key to achieving sustainable development targets. As mandated in Article 264 paragraph (5) of the Regional Government Law, the RPJMD can be changed if, based on the results of control and evaluation, it is not necessary due to developments in circumstances or adjustments to policies determined by the Central Government<sup>8</sup>. This emphasises the importance of synchronisation and harmonisation in regional development planning with the national agenda, which can only be achieved through clarity and legal certainty in determining the RPJMD.

Furthermore, this research also contributes to efforts to strengthen good governance (*good governance*) by creating a coherent and harmonious regulatory system. By resolving the dualism of the SPPN Law and the Regional Government Law, which is based on solid legal principles, it is hoped that a regulatory environment conducive to implementing effective, efficient and sustainable regional development will be created.

The dualism in regulation between the SPPN and the Regional Government Law has created significant legal uncertainty in regional government practices. Approach *Ta'arudh Al-Adillah* offers a new perspective on resolving this norm conflict through reconciliation methods (*al-jam'u wa al-taufiq*), preferences (*tarjih*), or substitution (*copy*). Hopefully, this research can provide theoretical and practical contributions to resolving regulatory disharmony in Indonesia, especially in establishing the RPJMD, a key instrument in regional development planning.

## 2. Research methods

This research adopts normative legal research methods (*normative legal research*) which focuses on critical analysis of the hierarchy and consistency of Indonesian legislation, especially Law Number 25 of 2004 concerning the National Development Planning System (SPPN) and Law Number 23 of 2014 concerning Regional Government (Pemda), in the context of establishing Regency/City Regional Medium Term Development Plans (RPJMD).<sup>8</sup> This methodological framework is designed to identify regulatory inconsistencies while formulating harmonisation solutions. It uses

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<sup>6</sup> Amri

<sup>7</sup> Amri

<sup>8</sup> Ahamad Rosidi, M Zainuddin, and Ismi Arifiana, "Methods in Normative and Sociological Legal Research (Field Research)," *Journal of Law and Government* 2, no. 1 (February 27, 2024): 46, <https://doi.org/10.31764/jlag.v2i1.21606>.

a conceptual perspective, *Ta'arudh al-Adillah* (a method of legal conflict resolution in the Islamic tradition).<sup>9</sup>

This research uses two main approaches: (1) *legislative approach (statute approach)* to evaluate the coherence between regulations related to the RPJMD, and (2) *conceptual approach*, which integrates classical Islamic legal doctrine with contemporary legal harmonisation theory.<sup>10</sup> The first approach is done through textual analysis of the 1945 NRI Constitution, the SPPN Law, the Regional Government Law, Government Regulation Number 8 of 2008, and Minister of Home Affairs Regulation Number 86 of 2017, examining the vertical and horizontal alignment between norms 211. Meanwhile, the second approach applies the principle *Ta'arudh al-Adillah*. This legal conflict resolution methodology involves a process *tarijih* (selection of the strongest argument) and *jam'u* (reconciliation)-to resolve discrepancies between rules.

Research legal materials are classified into three categories:<sup>11</sup>

1. Primary legal materials include the authentic texts of the 1945 NRI Constitution, the SPPN Law, the Regional Government Law, and their derivative regulations.
2. Secondary legal materials include scientific literature such as legal journals, dissertations and research reports related to regional development planning.
3. Tertiary legal materials include legal dictionaries, encyclopedias and glossaries to ensure consistency of terminology.

Data is collected through *literature study (library research)* and *document analysis* by accessing legal databases such as Google Scholar, Scopus, HeinOnline, ProQuest, and institutional repositories. The source verification process involves cross-checking the authenticity of documents through the system's *digital object identifier (DOI)* and accredited law library catalogues.

Data is processed through four systematic stages:

1. Editing: Ensures accuracy of legal citations and conformity to reference format.
2. Classification: Grouping legal materials based on hierarchy (UUD, UU, PP, Permendagri) and thematic (regional authority, public participation, accountability).
3. Verification: Validating the interpretation through discussion with constitutional law experts and comparison with Supreme Court jurisprudence.
4. Qualitative analysis: Applying methods of *content analysis* to identify *lacuna law* and *ta'arudh* (contradiction of norms), followed by principle-based synthesis *maslahah mursalah* (public interest) and *qawa'id fiqhiyyah* (Islamic legal rules).

This research introduces the integration between Indonesia's positive legal framework and concepts of *usul al-fiqh* (Islamic legal methodology) in analysing regulatory harmonisation. Hopefully, this approach can become a model for legal conflict resolution in countries with hybrid legal systems such as Indonesia.

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<sup>9</sup> M Baharudin, "Perennial Philosophy as an Alternative Method for Resolving Religious Conflict in Indonesia," *THEOLOGIA Journal* 25, no. 1 (March 2, 2016): 29–64, <https://doi.org/10.21580/teo.2014.25.1.337>.

<sup>10</sup> Rosidi, Zainuddin, and Arifiana, "Methods in Normative and Sociological Legal Research (Field Research)."

<sup>11</sup> Rosidi, Zainuddin, and Arifiana.

### 3. Discussion and discussion

#### 3.1 Analysis of Dualism in Setting the RPJMD Determination in the National Legal Framework

The dualism in regulating the determination of Regional Medium Term Development Plans (RPJMD) in the Indonesian legal system is reflected in the contradictory provisions between Law Number 25 of 2004 concerning the National Development Planning System (UU SPPN) and Law Number 23 of 2014 concerning Regional Government (UU Pemda). According to the SPPN Law Article 19 Paragraph (3), RPJMD must be stipulated through a Regional Head Regulation (Perkada) within three months after the inauguration of the regional head.<sup>12</sup> This mechanism is *an executive order*, where the regional executive has full authority without involving the Regional People's Representative Council (DPRD), thereby accelerating the implementation of the vision and mission of the elected regional head. However, Article 264 Paragraphs (1) and (4) of the Regional Government Law mandates that the RPJMD be a legal product that must be ratified through a Regional Regulation (Perda) with a deadline of six months after inauguration, involving a legislative approval process as a form of *checks and balances*. This difference creates legal tension, because both laws are equally valid but regulate the same subject with different instruments and procedures.

The main implication of this dualism is legal uncertainty in regional development planning practices. As observed in case studies in Hulu Sungai Utara and Purbalingga Regencies, some regions tend to adopt the Regional Government Law by submitting the RPJMD Raperda to the DPRD. In contrast, others prioritise acceleration through Regional Regulations by the SPPN Law.<sup>13</sup> This variation could hamper synchronisation between regional and national planning, considering that the RPJMD must be aligned with the National Medium Term Development Plan (RPJMN) as a mandate of the SPPN Law. Furthermore, there is a lack of clarity in the legal hierarchy between the two regulations, especially regarding principle *A, which states that a special law overrides a general law*. This raises risks of *disharmony* in policy, where regions have difficulty determining the most relevant legal basis.<sup>14</sup>

The conflict of authority between the executive and legislative branches is also a structural challenge. Drafting the RPJMD Regional Regulation involving the DPRD, as regulated by the Regional Government Law, can trigger political negotiations that prolong the preparation time, contrary to the spirit of the SPPN Law, which emphasises bureaucratic efficiency. On the other hand, determination through Perkada risks ignoring the principles of public participation and accountability, because the DPRD, as a community representative, is not involved in decision-making. This risk is exacerbated by the fact that 21.4% of regions in Indonesia experienced delays in determining the RPJMD due to confusion in choosing the proper legal mechanism, based on data from the Ministry of Home Affairs for 2023.<sup>15</sup>

Another impact is vulnerability to changes in national policy. The Regional Government Law allows revision of the RPJMD if there is an adjustment to central policy, while the SPPN Law does not explicitly regulate this. This misalignment can create a *legal gap*, especially when the central

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<sup>12</sup> Saleh, "Implications of Dualism in RPJMD Provisions According to Legislative Regulations Linked to the Principle of Legal Certainty."

<sup>13</sup> Zamroni Faizal Abdi, "Dualism in Regulating the Determination of Regency/City Regional Medium Term Development Plans (RPJMD) Ta'arudh Al-Adillah Perspective" (Maulana Malik Ibrahim State Islamic University, 2022).

<sup>14</sup> PSpPR UGM, "Preparation of Regional Medium Term Development Plan Documents," 2023, <https://psppr.ugm.ac.id/2023/03/10/pengusunan-document-pembangunan-jangka-menengah-region/>.

<sup>15</sup> Abdi, "Regulatory Duality of Regional Medium-Term Development Plan (RPJMD) Setting of Regency/Municipality Ta'arudh Al-Adillah Perspective."

government issues new regulations that influence regional development. For example, the 2020 West Sulawesi Province RPJMD revision was carried out through a Regional Regulation to align with national policy, even though technically the document was initially prepared based on the SPPN Law. This case shows the complexity of implementation when two regulations apply simultaneously.

To mitigate the negative impact of this dualism, harmonisation is needed through revision of laws or the issuance of derivative regulations that bridge differences. Some academics propose the application of the principle *that the latter law derogates the former law*, where the Regional Government Law, as a newer legal product, should be the primary reference. However, this solution is not yet fully effective, considering that the SPPN Law remains a reference for national planning. Therefore, policy synchronisation must be supported by strengthening the institutional capacity of Bappeda and DPRD in interpreting the two regulations contextually and increasing coordination between central and regional governments to ensure consistency in development planning.<sup>16</sup>

### 3.2 Application of the Principles of Ta'arudh al-Adillah in Legal Conflicts

The dualism in regulating the determination of Regional Medium Term Development Plans (RPJMD) between Law Number 25 of 2004 concerning the National Development Planning System (UU SPPN) and Law Number 23 of 2014 concerning Regional Government (UU Pemda) creates significant legal uncertainty. The SPPN Law mandates the establishment of the RPJMD through a Regional Head Regulation (Perkada) within 3 months, while the Regional Government Law requires ratification through a Regional Regulation (Perda) within 6 months. This conflict of norms can be analysed through the lens of *ta'arudh al-adillah*, the concept of ushul fiqh regarding conflicting propositions, by applying resolution methods such as *al-jam'u wa al-taufiq* (reconciliation), *tarjih* (hierarchical selection), and *copy* (repealed).<sup>17</sup>

Principle *al-jam'u wa al-taufiq*, which conceptually refers to efforts to reconcile two propositions or provisions that appear contradictory through systemic interpretation<sup>18</sup>, finds its relevance in the context of harmonisation between the National Development Planning System Law (UU SPPN) and the Regional Government Law (UU Pemda) regarding the establishment of Regional Medium Term Development Plans (RPJMD). These two regulations are often considered at odds: the SPPN Law mandates that the RPJMD be established through a Regional Head Regulation (Perkada) as a temporary instrument to maintain continuity of development. At the same time, the Regional Government Law requires it to be determined through a Regional Regulation (Perda), which involves a participatory process with the Regional People's Representative Council (DPRD). Through the approach *al-jam'u wa al-taufiq*, these two instruments can be viewed as integral parts of a complementary national planning system. Perkada functions as an emergency measure to ensure development targets do not stop, while Perda becomes definitive ratification after going through democratic discussions with the DPRD. This is in line with Article 10 of the Regional Government Law, which allows adjustments to annual targets without changing the final target, so that flexibility in technical implementation does not sacrifice the consistency of the long-term vision. Thus, this principle strengthens legal dualism and the collaborative framework between the executive and legislature in sustainable development governance.<sup>19</sup>

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<sup>16</sup> Saleh, "Implications of Dualism in RPJMD Provisions According to Legislative Regulations Linked to the Principle of Legal Certainty."

<sup>17</sup> Putri Eka Ramadhani, "Ta'arudh Al-Adillah: Method of Understanding Arguments in Resolving Legal Problems" 1, no. 2 (2022): 313–31, <https://doi.org/10.32734/mah.v1i2.9513>.

<sup>18</sup> Akmal Kablul Harid, Aldiansyah Putra, and Zikri Darussamin, "Al-Jam'u Wa At-Taufiq Method in the Study of Mukhtalif Hadith," *El-Mizzi: Jurnal Ilmu Hadis* 2, no. July (2023): 12–24, <https://doi.org/10.33507/pai.v2i1.1074>.

<sup>19</sup> Ramadhani, "Ta'arudh Al-Adillah: Method of Understanding Arguments in Resolving Legal Problems."

In establishing the legal hierarchy, Tarjih prioritises the method of selecting arguments through two main aspects: norm specificity (*a special law overrides a general law*) and determination of chronology (*the latter law derogates the former law*).<sup>20</sup> In the context of the conflict between Law Number 23 of 2014 concerning Regional Government (UU Pemda) and Law Number 25 of 2004 concerning the National Development Planning System (UU SPPN), the principle *special law* applied by placing the Regional Government Law as a special regulation that regulates regional government specifically, thereby defeating the general SPPN Law. Strengthening this argument is reflected in Article 263 of the Regional Government Law, which explicitly states the Regional Medium Term Development Plan (RPJMD) as a regional legal product that must be determined through Regional Regulations (Perda), in contrast to the SPPN Law, which does not explicitly regulate the legal form of RPJMD. On the other hand, the principle *lex posterior* becomes a secondary basis through chronological considerations, where the Regional Government Law, which was passed in 2014, as a more recent legal product, is considered to revise the provisions of the 2004 SPPN Law regarding regional development planning mechanisms. The combination of these two principles confirms the dominant position of the Regional Government Law in resolving legal dualism while strengthening regional authority in the development planning legislative process.<sup>21</sup>

Application of principles in the context of the hierarchy of Indonesian legislation finds its relevance through a dynamic interpretation of the normative conflict between Law Number 25 of 2004 concerning the National Development Planning System (UU SPPN) and Law Number 23 of 2014 concerning Regional Government (UU Pemda). Although there is no explicit repeal clause in the Regional Government Law, its nature as a specific regulation governing regional autonomy governance reform provides a basis for applying the implicit abrogation doctrine (*implied repeal*) to the provisions of the SPPN Law regarding the legal form of the Regional Medium Term Development Plan (RPJMD). Concretely, the SPPN Law in Article 13, paragraph (1) mandates the establishment of RPJMD through Regional Head Regulations (Perkada). In contrast, the Regional Government Law, through Article 150 paragraph (3) letter e, stipulates RPJMD as a product of Regional Regulations (Perda).<sup>22</sup>

This dualism creates legal uncertainty because both laws are equally valid but based on different principles. *The latter law derogates from the former law, and a special law overrides a general law.* The Regional Government Law, as a newer and more specific regulation in the field of regional government, must be considered to override the general provisions of the SPPN Law.<sup>23</sup> This progressive interpretation is in harmony with the concept of *copy* in Islamic legal theory, which allows the suspension of previous laws through new regulations without formal repeal, as long as there are public benefit considerations and consistency with a higher legal framework.<sup>24</sup> However, the application of this partial text must be limited to the formal-procedural aspects of establishing the RPJMD as a Regional Regulation, not to the planning substance, which still refers to the philosophical framework of the SPPN Law regarding participatory principles, transparency and

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<sup>20</sup> Saleh, "Implications of Dualism in RPJMD Provisions According to Legislative Regulations Linked to the Principle of Legal Certainty."

<sup>21</sup> Sumardi, "Relationship between Development Planning and Regional Budgeting Policies," *Journal of Rural and Development* 1, no. 1 (2010): 45–54.

<sup>22</sup> Saleh, "Implications of Dualism in RPJMD Provisions According to Legislative Regulations Linked to the Principle of Legal Certainty."

<sup>23</sup> Fitriani Ahlan Sjarif, Ricca Anggraeni, and Aditya Wahyu Saputro, "The Significance of Omnibus Law Technique to Indonesia's Law Making : How It Started and Would Evolve," *VNU Journal of Science: Legal Studies* 41, no. 1 (2025): 1–8, <https://doi.org/10.25073/2588-1167/vnuls.4740>.

<sup>24</sup> Suansar Khatib, "The Existence of Nasakh in the Implementation of the Elasticity of Islamic Law," *Madania: Journal of Islamic Studies* 18, no. 1 (2014): 79–85.

accountability in development. This limitation is important to prevent disharmony in the national planning system while maintaining the spirit of regional autonomy, which is the soul of the Regional Government Law, to create synergy between national and local interests within the framework of the Unitary State of the Republic of Indonesia.

Effort *the square* (re-legislation) through *judicial review* going to the Constitutional Court (MK) is a strategic step to obtain an authentic interpretation of the hierarchy between the Regional Government Law (UU Pemda) and other general laws, especially in the context of potential overlapping norms. This judicial review mechanism utilises the constitutional authority of the Constitutional Court as the final interpreter of the 1945 Constitution and guarantor of the consistency of the national legal system. In this context, it is hoped that the Constitutional Court's decision can confirm the position of the Regional Government Law as a *special law* that overrides the general provisions (*general law*). *A special law overrides a general law*, as applied in several previous cases.<sup>25</sup>

This assertion is important considering that the Regional Government Law specifically regulates regional government governance, including the authority of the DPRD and the hierarchical relationship with the central government, so it requires special arrangements different from the general legal framework. On the other hand, the Constitutional Court's decision must also ensure the principle of vertical synchronisation in the National Legislation System (SPPN), where the Regional Government Law as a special legislative product remains in harmony with the constitution and regulations above it. This is in line with the Constitutional Court's function in maintaining the legal hierarchy through material review and preventing disharmony between regional regulations and national policies.<sup>26</sup> Thus, a combination of affirmation of *special law* and vertical synchronisation through the Constitutional Court's decisions will create legal certainty while maintaining the integrity of Indonesia's tiered legal system.

Amendments to Law Number 25 of 2004 concerning the National Development Planning System (SPPN) need to consider integrating principles of *maqashid al-syari'ah* as a philosophical framework that emphasises the public interest in the legislative process. This concept is relevant because *maqashid al-Syari'ah* focuses on formal compliance with the law and achieving substantive goals such as justice, welfare, and protection of public rights. In the context of drafting Regional Regulations (Perda), in-depth legislative participation is the key to ensuring that development policies not only fulfil technical aspects but also reflect community benefit values. However, challenges arise due to the inconsistency between the time limit for drafting regional regulations in the SPPN Law (3 months) and the complexity of the multidimensional harmonisation and consultation process mandated by the Regional Government Law. Integrative solutions could be a structural compromise, such as extending the time limit for drafting regional regulations to 4 months.<sup>27</sup>

This option allows the DPRD and regional governments to conduct comprehensive academic studies, involve community participation through development planning meetings (musrenbang), and align the design with central regulations and the 2005-2025 RPJPN. This time adjustment also accommodates the provisions of Article 34 of Law No. 12/2011 concerning Prolegda, which

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<sup>25</sup> Moch Cholid Wardi, "ISLAMIC LEGISLATION (Study of the Concept of Taqin in the Substantivistic and Formalistic Realms)," *NUANSA: Journal of Islamic Social and Religious Science Research* 15, no. 2 (December 18, 2018): 427–38, <https://doi.org/10.19105/nuansa.v15i2.2065>.

<sup>26</sup> Efendi, "The Government's Judicial Review Rights on Regional Regulations (Study of the Authority of the Central Government After the Constitutional Court Decision Number 137/PUU-XIII/2015)," *Ay-Syir'ah: Journal of Sharia and Legal Sciences* 51, no. 1 (2017), <https://doi.org/10.14421/ajish.v51i1.324>.

<sup>27</sup> Bambang Ariyanto, "Basic Order in the Formation of Regional Regulations in East Java Province," *ARGUMENTUM Master of Law Journal* 6, no. 1 (May 6, 2019): 1035–50, <https://doi.org/10.24123/argu.v6i1.1856>.

demands inter-agency coordination in formulating legislative priorities. Thus, integrating *maqashid al-syari'ah* in the amendment to the SPPN Law strengthens the ethical dimension of development and creates institutional mechanisms more responsive to local dynamics.

Application of concepts *al-takhsis bi al-zaman* (temporal specialisation) in the legal framework of regional government in Indonesia is carried out through a gradual mechanism designed to bridge emergency needs with the principles of democratic accountability. In the first stage, the Regional Head Regulation (Perkada) functions as an emergency instrument that allows the executive to immediately implement the Regional Medium Term Development Plan (RPJMD) for the first three months without waiting for the formal legislative process. This model provides a valid temporary legal basis based on Article 244 of Law Number 23 of 2014 concerning Regional Government, while preventing a legal vacuum in implementing public policies. The second stage involves the transformation of Perkada into Regional Regulations (Perda) through in-depth discussions with the Regional People's Representative Council (DPRD) over six months, ensuring legislative participation in strategic decision-making by the principles of *checks and balances*. Combining these two stages creates a synergy between legal certainty through the formal legitimacy of the Regional Regulation and government responsiveness through the flexibility of the Regional Regulation, while meeting the criteria of *good governance* in transparency and public participation.

### 3.3 Policy Recommendations Based on Siyasa Fiqh to Strengthen Regional Development Governance

Implementing Fiqh Siyasa-based development policy requires a holistic approach that integrates the principles of Islamic Sharia with modern government governance. First, the formation of the forum *al-shura al-wathaniyah* (national deliberation) between the Ministry of Home Affairs, Bappenas, and the DPRD aims to create a coordination mechanism that aligns with the value of *shura* (deliberation) in Islam.<sup>28</sup> This forum functions as a space for policy dialogue. It ensures stakeholders' active involvement in preparing stakeholders' involvement in preparing technical guidelines for the RPJMD (Regional Medium Term Development Plan), thereby ensuring alignment between local aspirations and national goals. Second, an integrated digital platform for real-time synchronisation of RPJMD-RPJMN should be developed into a technical solution that aligns with the principles of transparency and efficiency in Fiqh *Politics*. This platform can prevent policy disparities through an algorithmic mechanism that monitors the consistency of development programs with social justice indicators (*ma'ayan al-adl*), while meeting the demands of the digital era of government.

Third, organising fiqh training *al-qanun al-idari* (Islamic administrative law) for regional planners is designed to strengthen the capacity of bureaucrats to resolve conflicting norms between regional regulations and sharia principles. This training covers conflict resolution-based methods, *maslahah mursalah* (public interest) and *darurah* (emergency conditions), so policies remain flexible without ignoring *syar'i* restrictions. Fourth, the adoption of *syar'i* performance indicators in the RPJMD evaluation refers to the concept *maqasid al-shariah* (goal of Islamic law), which includes economic equality (*al-'adl al-iqtisadi*), environmental sustainability (*hifz al-bi'ah*), and social inclusion (*al-takamul al-ijtima'i*). This indicator not only measures physical output, but also the impact of policies on fulfilling people's fundamental rights according to principles of *Kulliyat al-Khams* (the five universal goals of Sharia). By integrating these four recommendations, regional development governance

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<sup>28</sup> Mustafid, "Government Ethics Based on Siyasa Fiqh in the Digital Era," *EL-SIRRY: Journal of Islamic and Social Law* 2, no. 1 (2024): 29–42, <https://doi.org/10.24952/ejhis.v2i1.11025>.

can balance administrative efficiency and Sharia accountability, while realising the vision *Baldatun thayyibatun wa rabbun ghafur* (the blessed good country).<sup>29</sup>

The conflict over determining the RPJMD reflects the legal dynamics between centralisation and autonomy. Through the approach *ta'arudh al-adillah*, this dualism does not have to be seen as a diametric opposition, but rather a space for dialogue to find a legal synthesis that is responsive to the real needs of society. Harmonisation ultimately lies in a country's ability to integrate principles *al-muwazānah bain al-mashalih* (balancing benefits) within the framework of the Republic of Indonesia.

#### 4. Conclusion

This research analyses the dualism in the regulation of determining the Regional Medium Term Development Plan (RPJMD), which occurs between Law Number 25 of 2004 concerning the National Development Planning System (UU SPPN) and Law Number 23 of 2014 concerning Regional Government (UU Pemda). This dualism creates significant legal uncertainty in regional government practice due to fundamental differences regarding three crucial aspects: the type of legal product used (Perkada or Perda), the time limit for enactment (3 months or 6 months), and different drafting mechanisms as a consequence of differences in legal products.

Through the approach *Ta'arudh al-Adillah*, this research identifies that norm conflicts can be resolved using three primary methods. First, method *al-jam'u wa al-taufiq* (reconciliation) allows both legal instruments to be considered an integral part of a complementary planning system. Perkada functions as an emergency measure, and Perda as definitive ratification. Second, the method *tarjih* (preference) prioritises the Regional Government Law as *a special law* and *lex posterior*, which regulates regional government in a more specific and new way. Third, concept *copy* (abrogation) confirms that the provisions of the Regional Government Law override the SPPN Law in the formal-procedural aspect of determining the RPJMD, even though the planning substance still refers to the philosophical framework of the SPPN Law.

The results of the analysis show that the approach *al-takhsis bi al-zaman* (temporal specialisation) can be implemented through a gradual mechanism, where the Perkada functions as an emergency instrument for the first three months, then transforms into a Regional Regulation through discussions with the DPRD within six months. This model creates a synergy between legal certainty and government responsiveness, while meeting *good governance* criteria.

Policy recommendations based on *Siyasah Fiqh* to strengthen regional development governance include: establishing forums *al-shura al-wathaniyah* between the Ministry of Home Affairs, Bappenas, and DPRD; development of a digital platform for synchronising the RPJMD-RPJMN; organising *fiqh al-qanun al-idari* training for regional planners; and adoption of sharia performance indicators in the RPJMD evaluation, which refers to the concept of *maqasid al-syariah*.

This research concludes that the conflict in determining the RPJMD reflects the legal dynamics between centralisation and autonomy, which can be bridged through this approach, *Ta'arudh al-Adillah*. This dualism does not have to be seen as a diametric opposition but rather as a space for dialogue to find a legal synthesis that is responsive to society's needs. Harmonisation ultimately lies in the country's ability to integrate principles *al-muwazānah bain mashallah* (balancing benefits) within the framework of the Republic of Indonesia.

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