



Comparison of Administrative Court Systems between Diwan al-Mazhalim in Saudi Arabia and State Administrative Courts in Indonesia

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Abstract

This study aims to examine and compare the administrative justice systems of the Diwan al-Mazhalim in Saudi Arabia and the State Administrative Courts (PTUN) in Indonesia to understand how Islamic law and modern legal frameworks shape judicial governance. Using the theory of comparative law and legal system theory as analytical foundations, the research employs a qualitative-descriptive approach through a comprehensive review of constitutional texts, statutory laws, and scholarly literature. The analysis reveals that the Diwan al-Mazhalim, operating under the direct authority of the King, embodies a theocentric system grounded in Sharia principles, prioritizing moral and religious dimensions of justice. Conversely, Indonesia's PTUN reflects a state-centered legal system based on constitutionalism and the rule of law, emphasizing legality, procedural fairness, and good governance. The findings highlight that while both institutions aim to safeguard citizens' rights and ensure administrative accountability, they differ in their philosophical foundations and institutional orientations. The study contributes to comparative administrative law by providing a conceptual framework for harmonizing Islamic ethical principles with modern administrative justice, offering valuable insights for reforming legal systems in Muslim-majority countries seeking balance between divine law and state regulation.

Keywords

Administrative justice; Comparative law; Diwan al-Mazhalim; Islamic law; Indonesia's State Administrative Courts

Introduction

The judiciary is a fundamental pillar for any state in upholding justice and ensuring the supremacy of law. (Elfi Sahara, 2024). From the perspective of Islamic law, judicial institutions not only serve to resolve disputes between individuals but also function as a balancing mechanism between rulers and the people. Therefore, the judiciary is regarded as a primary instrument for maintaining social justice and upholding the values of *amar ma'rūf nahi munkar* in societal and state life. The fundamental principle of Islamic judicial implementation is to enforce laws derived from the Qur'an, Sunnah, and the *ijtihad* of scholars, with an orientation toward substantive justice (*maqāṣid al-syarī'ah*) aimed at safeguarding the welfare of the community. (Mohammed, 2024)

In the classical Islamic legal tradition, the existence of judicial institutions

aligns with the concept of imāmah (leadership), which constitutes a collective obligation (farḍ kifāyah) for Muslims to ensure that there is an authority responsible for upholding justice.(Alhendi, 2021). When no one performs the judicial function, the entire Muslim community bears the moral responsibility for failing to fulfill this social duty.(Haris, 2021). Thus, the position of a judge in Islam is not merely a profession, but a highly esteemed religious trust. Judges are granted the freedom to exercise ijtihad in deriving legal rulings, provided that they do not contravene the principles of Sharia.(Hanany Naseh, 2012). However, to prevent the abuse of authority by rulers or judicial officials, an institution is needed to oversee the implementation of justice, ensuring that it operates independently and is oriented toward substantive justice.(Cane et al., 2021)

In the modern context, the institution performing this function in the Kingdom of Saudi Arabia is known as the Diwan al-Mazhalim (Grievances Council). This institution serves as an administrative court that addresses disputes between individuals and the government, as well as a mechanism for overseeing state administrative actions. (Law of the Board of Grievances, Royal Decree No. M/78, 2007). The Diwan al-Mazhalim represents an effort to apply the principles of Islamic justice within a modern public law system without abandoning its Sharia roots. According to Abouyounes (2025), This institution plays a crucial role in ensuring that the implementation of administrative decisions remains within the framework of Sharia, including mechanisms for suspending or annulling decisions that violate the principles of justice.

Saudi Arabia is particularly interesting to study due to its unique legal characteristics. First, the country is the birthplace of Islam and regards Sharia as the primary source of state law. Second, although it does not follow a civil law or common law system, the practice of law enforcement in Saudi Arabia demonstrates a high level of consistency and legal certainty. (Mathias & Reinhard, 2006). Third, within the system of an absolute monarchy, legislative, executive, and judicial powers are exercised harmoniously under the authority of the King, while still adhering to the principles of Sharia. Fourth, despite undergoing legal modernization and globalization, Saudi Arabia remains steadfast in upholding the Qur'an and Sunnah as the highest constitution, as affirmed in the Basic Law of Governance (1992).

The study of the administrative justice system in Saudi Arabia becomes increasingly relevant when compared to the system in Indonesia, particularly the Administrative Court (Peradilan Tata Usaha Negara, PTUN). Both institutions serve similar functions, namely as mechanisms for supervising governmental administrative actions; however, they are

built upon different legal ideologies. Indonesia upholds administrative justice based on the principles of the rule of law and the general principles of good governance. (Maulidina, et al., 2023), Meanwhile, Saudi Arabia integrates it as an essential part of the implementation of Islamic law (Sharia).(Cane et al., 2021). In this context, two theories are employed as the analytical framework: Comparative Law Theory and Legal System Theory.

Legal Comparative Theory

Comparative law theory is a branch of legal studies that examines the differences and similarities between legal systems across various countries. According to (Zweigert & Kötz, 1998) Comparative legal studies do not focus solely on the text of statutory regulations, but also examine how the law functions within the social, economic, political, and cultural context of a society. Mereka menekankan bahwa *"the proper subject of comparative law is the legal system in action, not the law in books,"* that means the comparative law must take into account the application and function of law in real life contexts. (Zweigert & Kötz, 1998).

The most well-known approach within this theory is the functional approach. This approach assumes that every legal system, regardless of its form or foundational basis, seeks to address similar social problems through different legal mechanisms.(Mathias & Reinhard, 2006). Thus, the comparison of laws is conducted not to identify formal similarities, but to understand the social functions and objectives underlying the legal norms. In addition, the theory of legal transplants, introduced by (Watson, 1974) It emphasizes that the development of law in a country is often influenced by the adoption of legal elements from other states. According to Watson, law is not a closed system but rather the result of a process of cross cultural exchange and historical experience. This concept suggests that a legal institution can be better understood when examined within a comparative and historical context.

Thus, comparative law theory serves a methodological function in this study, acting as an analytical tool to understand how two different legal systems can perform similar social functions. This theory helps assess the extent to which administrative justice systems in various countries uphold the principles of justice and accountability, even though they are founded upon differing legal ideologies and traditions.

Legal Sistem Theory

The legal system theory was developed by Lawren Friedman (1975) which views law as a social system consisting of three main components: legal structure, legal substance, and legal culture. The legal structure

encompasses the institutions and bodies that carry out legal functions, such as courts, law enforcement agencies, and governmental institutions, determining how the law is practically enforced. Legal substance includes the norms, regulations, principles, and doctrines that govern societal life, representing the content and orientation of the legal system. Legal culture reflects the values, attitudes, and legal awareness of society. (Friedman, 1975).

According to Friedman, the success of a legal system largely depends on the extent to which society values and complies with its legal norms. Friedman emphasizes that the three components structure, substance, and legal culture are interdependent and form a dynamic unity. The law cannot operate effectively if one of these components fails to function in balance. This theory provides an understanding that the effectiveness of law is determined not only by the content of legal norms but also by the performance of legal institutions and the level of legal awareness within society.

In the context of legal research, Friedman's legal system theory serves as an analytical tool to assess the effectiveness and consistency of a legal system in achieving its objectives. It helps researchers understand how the interaction between legal institutions, legal norms, and legal culture determines the success of administrative justice implementation across different countries.(Friedman, 1975).

This study is grounded in the assumption that administrative justice represents a concrete manifestation of the state's responsibility to protect citizens' rights from arbitrary exercises of power. In both the context of Islamic law and positive law, this principle is rooted in the idea that power must be constrained by law. In the Islamic system, such limitation is determined by Sharia, whereas in the modern constitutional system, it is determined by statutory law and the constitution.(Cane et al., 2021). By comparing the *Diwan al-Mazālim* and the Administrative Court (*PTUN*), this article argues that, although the two systems originate from different legal sources, they both affirm the same principle: administrative justice serves as a mechanism for controlling power to realize substantive justice and public accountability. Therefore, this study aims to analyze and compare the administrative justice systems of Saudi Arabia and Indonesia, focusing on the roles of *Diwan al-Mazhalim* and the Administrative Court (*PTUN*) in ensuring governmental accountability and upholding the principle of justice within differing legal-ideological contexts. This research is expected to make a scholarly contribution to the development of comparative studies between Islamic law and modern positive law, as well

as to enrich the discourse of comparative administrative law from a global perspective.

Method

This research employs a normative comparative legal method using a comparative approach. This approach is applied because the study aims to identify the similarities and differences between two legal systems in this case, the administrative justice systems of Saudi Arabia and Indonesia. Primary data sources are obtained from statutory regulations and official documents directly related to the object of study, including Law Number 5 of 1986 on the Administrative Court, along with its subsequent amendments. (UU No. 9 Tahun 2004 dan UU No. 51 Tahun 2009); Undang-Undang Dasar Negara Republik Indonesia Tahun 1945; The Basic Law of Governance (1992) Kerajaan Arab Saudi; Keputusan dan regulasi Raja (Royal Decrees) yang membentuk dan mengatur Diwan al-Mazhalim. Sedangkan sumber data sekunder didapatkan dari buku-buku, jurnal ilmiah, hasil penelitian terdahulu, serta karya ilmiah yang relevan dengan penelitian ini.

Data collection was carried out through documents, books, journals, and statutory regulations from various reliable sources, both in print and digital forms, such as Google Scholar, to obtain the most recent scholarly articles. The process began by identifying the main issues that constitute the focus of this research, followed by classifying them to facilitate systematic data collection. The collected data were then analyzed through three stages: first, data reduction; second, legal interpretation; and third, comparative analysis, which involved comparing the administrative justice systems in Saudi Arabia and Indonesia. To ensure the validity of the findings, the researcher applied source triangulation, by cross-examining data from various types of legal sources and academic literature.

Literature Review

This study departs from the conceptual framework established by previous research. Studies on the judicial system in Saudi Arabia conducted by Mubarok (2017) and Zakiyah Salsabila (2017), for instance, primarily focus on the historical aspects and institutional structure of the Islamic judiciary in Saudi Arabia, emphasizing the Sharia judicial system developed under religious authority. Similarly, as studies (Pratama & Rasmawan, 2025) examine the judicial system in Saudi Arabia from the perspective of public law and institutional reform, yet they have not specifically highlighted the relationship between these judicial bodies and the principles of administrative justice within the framework of Islamic law. Meanwhile, the study on the *Diwan al-Mazhalim* conducted by (Alfarisi, 2020) is more oriented toward the institution's function as an instrument of oversight against the abuse of power, without examining its comparative aspects with

other legal systems.

If regards to (Abouyounes, 2025) Previous studies have examined the *Dīwān al-Mazālim* from historical and theoretical perspectives but have not conducted a systematic comparison with modern administrative judicial institutions. In contrast to these studies, the present research does not merely describe the judicial system of Saudi Arabia or the *Dīwān al-Mazālim* institution; rather, it analytically compares it with Indonesia's modern administrative court system (*PTUN*), as discussed by Maulidina (2023). Thus, this study presents a new, more integrative and contextual perspective, as it not only describes the judicial systems from an institutional standpoint but also explores the substantive values of justice underlying both systems. This approach distinguishes the present study and demonstrates its novelty compared to previous research, which has remained confined to the analysis of a single legal system without engaging in an in-depth comparative examination.

Although various studies have examined the judicial systems of Saudi Arabia and Indonesia separately, there remains a paucity of academic research that comparatively analyzes the administrative justice systems of both countries from the perspectives of legal structure, function, and ideology. Previous studies have generally focused either on explaining the role of the *Dīwān al-Mazālim* within the historical context of Islamic law or on assessing the effectiveness of Indonesia's Administrative Court (*PTUN*) in upholding the principles of good governance. However, no prior research has systematically compared the two systems within the framework of comparative administrative law. This article offers originality through a cross-ideological comparative approach, juxtaposing the administrative justice system grounded in Islamic *Sharia* (Saudi Arabia) with that based on modern constitutionalism (Indonesia). Such an approach remains relatively uncommon in contemporary studies of Islamic law.

Result

The Judicial System in the Kingdom of Saudi Arabia

When discussing the judicial system, the analysis encompasses the sources of law, the hierarchy of courts, judicial authority, and the fundamental principles of adjudication. As previously discussed, Saudi Arabia is a state that upholds the Qur'an and the Sunnah as its primary constitution in the implementation of its judicial system. (Rosadi, 2021). This establishes Islamic law (*Sharia*) as the supreme law and the ultimate source of all legal determinations. According to Royal Decree No. A/90 dated 27 Sha'ban 1412 AH, concerning the *Basic Law of Government*, Article 1, Chapter 1 stipulates that the Kingdom of Saudi Arabia is a sovereign Islamic state

whose constitution is founded upon the Book of Allah (the Qur'an) and the Sunnah of the Prophet (peace be upon him). These two sources constitute the foundation for the enactment of legislation as well as for the judicial process implemented by the *Sharia* Courts, in which judges and legal advisers are themselves scholars of Islamic law (*'ulamā'*). Consequently, the judicial system is required to operate in full conformity with the *Sharia*, as reaffirmed by royal decrees, and the King himself is bound to uphold and adhere to Islamic law in all respects. (Yusrizal, 2017).

In the *Sharia* Courts, Islamic law is applied comprehensively as the primary source of both substantive and procedural law. In contrast, the implementation of Independent or Special Courts is not strictly required to apply Islamic law in its entirety; however, such courts must still embody the spirit and general principles of the *Sharia* and ensure that their rulings do not conflict with Islamic legal norms. (Putra, 2022).

In addition, the classical *fiqh* compendia particularly those of the Hanbali school serve as the principal reference ensuring the implementation of the *Sharia*. However, the authority of these texts is not absolute; they function primarily as a framework for judicial reasoning to safeguard the consistent application of Islamic law. When, in practice, adherence to such texts fails to achieve public welfare (*maṣlaḥah al-ummah*), judges are permitted to consult other legal schools (*madhāhib*) and refer to broader juristic sources in order to arrive at the most sound (*rājiḥ*) decision. Therefore, although the Hanbali school is officially recognized as the state madhhab of Saudi Arabia, other schools of Islamic jurisprudence remain acknowledged, and the government allows its citizens to practice their religious observances in accordance with the school they adhere to. (Putra, 2022).

Before the establishment of the Kingdom of Saudi Arabia, there were three types of judicial systems based on regional divisions. First, in the Hijaz region, the judicial system was considered more advanced compared to other regions. This was due to the series of legal reforms introduced by the Ottoman Empire in 1830, 1856, and 1876. Unfortunately, these reforms were later annulled by Sharif Hussein, the ruler of Hijaz, in the early twentieth century. Second, in the Najd region (around Riyadh), the judicial system followed a traditional or hereditary model, in which disputes were settled jointly by judges (*qādī*) and local rulers (*amīr*). Typically, the enforcement of judicial decisions rendered by judges required authorization from the *amīr*. This system had never undergone any significant reform. Third, in areas outside of Najd and Hijaz, the resolution of disputes was conducted in accordance with the customary practices of individual tribes, which were predominantly based on

arbitration rather than formal adjudication. (tahkim) (Mubarok, 2017).

The Kingdom of Saudi Arabia places great emphasis on and provides full guarantees for judicial independence in the adjudication of cases. Judges are granted broad discretion in interpreting and reasoning upon the *nass* (textual sources). In rendering a judgment, a judge is bound solely by the principles of the *Sharia*. Therefore, judges are required to carefully consider the substance of the case or the nature of the offense committed, rather than the identity or social status of the defendant. Consequently, no external party may interfere with or influence judicial decisions. All individuals, whether the King or ordinary citizens, are regarded as equal before the law. (Putra, 2022; Rosadi, 2021).

In the administration of justice, there are several fundamental principles that judges must observe when rendering a decision in any case, namely: (Putra, 2022) :

- a. Simple, accessible, and prompt
- b. Fair, impartial, and ensuring equality of position
- c. independent and free from interference by any party
- d. Making Sharia or Islamic law the source of rulings

Following the establishment of the Kingdom of Saudi Arabia, by Royal Decree (*al-Marsūm al-Malakī*) dated 4 Shafar 1346 AH (corresponding to 1927 CE), the judicial system as previously described underwent a reorganization and was consolidated into a unified structure. Article 24 of the Royal Decree stipulates that the judiciary in Saudi Arabia is divided into three levels, namely *al-Mahākim al-Musta'jilah* (Summary Courts), *al-Mahākim al-Shar'iyyah* (Sharia Courts), and *Hay'ah al-Murāqabah al-Qaḍā'iyyah* (Judicial Oversight Authority), located in Makkah, Madinah, and Jeddah. The highest judicial authority in the kingdom is the *al-Majlis al-Qaḍā' al-A'lā* (Supreme Judicial Council). Below it are two appellate courts located in Makkah and one in Riyadh. Beneath the appellate level are several first-instance courts, consisting of general courts and summary courts. (Rosadi, 2021).

- a. Majlis al-Qaḍā' al-A'lā (Supreme Judicial Council)
Administratively, this court possesses the authority to regulate judicial appointments, promotions, and the transfer or leave arrangements of judges. Jurisdictionally, it holds the power to review and re-examine decisions issued by lower courts, particularly in cases involving capital punishment, amputation, and stoning. (Sarong et al., 2021).

- b. Mahkamat al-Tamyīz (Court of Appeals)
This court holds the authority to review and reconsider judicial decisions rendered by lower courts in both civil and criminal cases. In issuing judgments at this appellate level, decisions are made collectively by a judicial panel consisting of three judges. However, in cases involving capital punishment, amputation, or stoning, the judgment must be rendered by a panel of five judges.
- c. Al-Mahakim al-‘Ammah (General Courts)
At this level, the judiciary has the authority to adjudicate various types of cases at the first instance, with decisions rendered by a single judge. This court also possesses jurisdiction over family law matters. However, if the case involves crimes such as murder, stoning, or amputation, the judgment must be rendered by a panel of three judges. The General Courts are located in the cities of Makkah, Jeddah, and Madinah.
- d. Al-Mahakim Al-Juz’iyah (Summary Courts)
The jurisdiction of this court is limited to adjudicating urgent cases involving minor offenses that can be resolved promptly, whether in civil or criminal matters. Examples include cases subject to *ta‘zīr* punishment, penalties for intoxication, and debt disputes not exceeding 300 riyals. This court is located in the cities of Makkah, Madinah, and Jeddah, and its verdicts are rendered by a single judge.
- e. Hay’ah al-Muraqabah al-Qadhiyah (Judicial Supervisory Board)
This appeals body is based in the city of Mecca and is appointed by the king with the task and authority to supervise and control the administration and proceedings of the judiciary; issue fatwas requested of it; supervise educational institutions and curricula; and supervise institutions that ammar ma’ruf nahy munkar.

In addition to the courts mentioned above, Saudi Arabia also has a special court called Diwan Al-Mazhalim. This council is headed by a minister-level official who is tasked with handling cases such as bribery and corruption. The head of the Diwan Al-Mazhalim is not accountable to the Minister of Justice but directly to the King. This council plays a very important role in protecting the state's finances from misappropriation by those in power, similar to the Corruption Eradication Commission (KPK) in

Indonesia.(Mallat, 2022;Kamila, 2021).

The Historical formation of Diwan Mazhalim

The Diwan Mazhalim is a judicial authority that has a higher position than ordinary judges and muhtasibs, whose authority includes examining and resolving cases related to persecution committed by rulers against ordinary people. (Kamila, 2021);(Mallat, 2022). According to Alaidin Kotto, based on history, the al-mazhalim institution was first practiced by the emperors of Persia before the arrival of Islam. Prior to the arrival of Islam, this institution had emerged and was practiced in Arabia as a form of commitment by the Quraish tribe to reject injustice and defend those who had been wronged.(Koto, 2011).

The Quraish tribe implemented this institution in the form of al-Fudhul (Hilf al-Fudhul). In a narration from Az-Zubair bin Bakar, it is recorded that a Yemeni man from the Bani Zubaid tribe came to the city of Mecca to trade. Then someone from the Bani Sahm tribe (in some accounts, his name is mentioned as al-Ash bin Wail) came and bought his goods. The man took more goods than the agreed amount. When the merchant asked for his goods back, the man refused. Finally, the merchant lost his patience and shouted from atop a rock located next to the Kaaba, reciting a poem condemning the injustice that had befallen him. His actions received a positive response from the Quraish, as evidenced by the intervention of Abu Sufyan and Abbas bin Abdul Muthlib to help restore the merchant's rights. The Quraish then gathered at the house of Abdullah bin Jadz'an and agreed to reject all forms of injustice in Mecca so that similar incidents would not happen again. This agreement became known as Hilf al-Fudhul. (Kamila, 2021).

The al-Mazhalim court also has historical roots in the time of the Prophet Muhammad, where there was an incident involving a dispute over irrigation between Zubair bin Awwam and a member of the Anshar tribe. Then, during the era of the Rightly Guided Caliphs, the concept of the al-Mazhalim institution began to take shape during the reign of Caliph Ali (may Allah be pleased with him), who felt it necessary to take firm and decisive action to investigate complaints against the actions of unjust rulers. During this period, the caliph was preoccupied with jihad activities, so there were very few cases within the jurisdiction of the Diwan Mazhalim. Although there are indications that mazahlim courts had been practiced since the time of the Prophet Muhammad and his companions, their existence had not yet been specifically regulated. (Seylab & Hashjin, 2019); (Mujeeb & Rahman, 2022).

In the Islamic world, the idea of establishing al-mazhalim courts arose when Caliph Abdul Malik bin Marwan read and examined a report on a dispute

case. He also became the first Caliph to separate al-mazhalim affairs during the Umayyad dynasty. Mazhalim cases were resolved on certain days by nazhir al-mazhali. Later, during the reign of Caliph Umar bin Abdul Aziz, he paid great attention to the al-mazhalim court. He was known as a strong leader in upholding truth, justice, and eradicating injustice. For him, it was impossible to uphold justice if the rulers and judges did not have unassailable power, therefore the judiciary must be ensured to be free from corruption in carrying out its duties and authority. (Seylab & Hashjin, 2019).

Discussion

Implementation of the Diwan Mazhalim in the Kingdom of Saudi Arabia

Based on the decision of the Kingdom of Saudi Arabia No. M/51, dated 17 Rajab 1402 H, corresponding to May 10, 1982, which explains the establishment and jurisdiction of the Complaints Board or Diwan Mazhalim, Section One Article 1 reads: "The Complaints Board/Mazhalim is an independent administrative judicial institution or commission that reports directly to His Majesty the King. It is based in the city of Riyadh, but branches may be established as necessary by decision of the Chairman of the Board." (Seylab & Hashjin, 2019; Putra, 2022).

This law also explains that the Diwan Mazhalim is an administrative judicial body that functions in parallel with the Sharia court, consisting of a chairperson, one or more deputy chairpersons, and a number of assistant deputy chairpersons and members who are specialists in law and Sharia. (Rosadi, 2021).

Initially, the mazhalim court during the reign of King 'Abd al-'Aziz was a forum for responding to public complaints about injustice or oppression experienced by the people. As time went on, the number and variety of complaints increased, so in 1954 AD / 12-6-1373 AH, the Diwan Mazhalim was established as an official state agency under the Prime Minister's Office. This agency professionally handled all complaints submitted by the public, whether they concerned injustices committed by judges or government officials. Diwan Mazhalim also handled issues related to agreements or contracts made by the public involving foreign parties or government agencies themselves. In addition, Diwan Mazhalim also handled disputes related to the distribution of goods, representatives in trade, maritime disputes, and all trade disputes except those involving banks. (Mallat, 2022; Mujeeb & Rahman, 2022).

Article 8 No. M/51, 17 Rajab 1402H /May 10, 1982 The Complaints Council or Diwan Mazhalim Law explains the jurisdiction of the Diwan Mazhalim in resolving the following cases (Seylab & Hashjin, 2019);(Putra, 2022):

1. Matters concerning rights regulated in the Civil Service and Pension Law for government employees and workers, as well as independent

public agencies and their heirs and plaintiffs.

2. Submission of objections by interested parties to administrative decisions on the grounds of lack of jurisdiction, deficiencies in form, errors or violations in the application of the law or interpretation of the law, or abuse of authority. Administrative decisions are considered to be a refusal or refusal of administrative authority to make decisions that should be made in accordance with laws and regulations.
3. Compensation or damages cases filed by interested parties against the government and independent public enterprises as a result of their actions.
4. Cases filed by interested parties regarding contractual disputes in which the government or an independent public enterprise is one of the parties involved.
5. Disciplinary cases filed by the Control and Investigation Bureau.
6. Criminal cases filed against suspects who have committed crimes of forgery as regulated by law, criminal acts regulated by the Corruption Eradication Law, criminal acts regulated by Royal Decree No. 43 dated 29/Zulqa'dah/1377 H, and criminal acts as regulated in the on the Handling of Public Funds issued pursuant to Royal Decree No. 77 dated 23 Shawwal 1395 AH, as well as criminal offenses filed against persons who have committed crimes and violations as regulated by law, where the order to adjudicate such cases has been issued by the Chairman of the Council of Ministers to the Council.
7. Requests for the enforcement of foreign judgments.
8. Cases falling within the jurisdiction of the Diwan Mazhalim in accordance with specific legal provisions.
9. Requests from foreign courts to carefully seize property or funds within the Kingdom.

In addition, one of the important functions of the Diwan Mazhalim is to implement the decisions of foreign judicial and arbitration institutions. The request is submitted by attaching the legalized decision and then submitted through the Legal Office of the Minister of Foreign Affairs, which then forwards it to the Diwan. The decision submitted must first be final, and the country where the case was decided must have an execution agreement with Saudi Arabia. In some cases, the Saudi Arabian court will re-examine the decision before proceeding. (Alfarisi, 2020; Mujeeb & Rahman, 2022).

Procedures for filing cases with the Diwan Mazahlim judicial institution in Saudi Arabia according to the Council of Ministers Resolution Procedures for filing cases with the Diwan Mazahlim judicial institution in Saudi Arabia according to the Council of Ministers Resolution No.190, 16 Dzulqa'dah 1409 H / 19 June 1989 Section One, Article 1 explains that:

"Administrative cases must be submitted by the plaintiff to the Chair of

the Diwan Mazhalim or his appointed representative. The submitted statement must contain details about the plaintiff, the defendant, the subject matter of the case, and the date of filing the claim against the administrative body, if the case filed is of a type that must be requested before filing a case, in accordance with Article 2 of this regulation, and the outcome of the claim; or the date of filing a complaint against the disputed decision if the decision is a case that must be submitted to the Administrative Body before filing a case, as explained in Article 3 of this regulation, along with the outcome. The Chairman of the Diwan Mazhalim will then refer the case to the competent jurisdiction where the defendant's head office is located, or to the competent jurisdiction where the defendant's branch office is located, if the plaintiff so desires and the case relates to that branch office..”(Hukum Dewan Pengaduan / Kedutaan Besar Kerajaan Arab Saudi, n.d.)

In practice, the Diwan Mazhalim has grown to include three divisions: administrative, commercial, and criminal. There is also an Audit Panel that functions as an appeals court. If a complaint is received, it is submitted to the Chair of the Council, who then forms a panel to discuss the complaint. Panel members must be legal experts or lawyers. After several weeks of filing complaints, a decision is made based on a majority vote. The panel of judges can grant or reject the complaint. Once the judges have made a decision, objections can only be submitted to the Cabinet or Council of Ministers. To file an objection to the decision, the applicant can submit it to the King's Office or the Crown Prince's Office, which will then forward it to the King's or Crown Prince's Legal Office. The response will then be given to the Diwan Mazhalim. The decision of the Diwan Mazhalim is final once it has been signed by the King. This differs from decisions in the Sharia Court, where the decision of the audit panel in the field of administrative law can set a precedent for the Diwan Mazhalim.(Putra, 2022).

Based on the Royal Decree of 2007, there was a restructuring of the Diwan Mazhalim or Complaints Board system in Saudi Arabia. Under the new pyramidal structure, the Diwan Mazhalim stands on an equal footing with the regular court system. In a further effort to develop the Kingdom's judiciary, Royal Decree No. M/3 was issued on November 25, 2013, announcing new procedural laws before the Diwan Mazhalim, which became the legal basis. Then, at the end of 2013, the Diwan Mazhalim Procedural Law was also issued, which in Article 1 explains that the Mazhalim court applies Sharia law to the settlement of disputes it faces and is bound by the provisions of the Procedural Law. In terms of legal remedies and financing, the court has the authority to impose costs on the winning party, but in general, the court does not do so if it is considered to

be burdensome.(Vogel, 2000).

Currently, Diwan Mazhalim has been extensively developed based on King Salman's Royal Decree No. 29175 on March 23, 2017, which approved Diwan Mazhalim's strategy to achieve the objectives of the 2020 National Transformation Program. Therefore, the Ministry of Justice launched an initiative called "Paperless Court" which seeks to shift judicial procedures through an integrated interactive system where petitions can be submitted without having to come to court. To achieve the objectives of the strategy, Diwan Mazhalim launched an electronic system for receiving complaints. This system is a further development of the judicial procedure system by complementing the "Moeen" electronic program service. This process aims to reduce the duration of court proceedings for cases filed, improve the quality of decisions and the division of judicial tasks, and have a positive impact on the level of achievement in court. Currently, Diwan Mazhalim has been extensively developed based on King Salman's Royal Decree No. 29175 on March 23, 2017, which approved Diwan Mazhalim's strategy to achieve the objectives of the 2020 National Transformation Program. Therefore, the Ministry of Justice launched an initiative called "Paperless Court" which seeks to shift judicial procedures through an integrated interactive system where petitions can be submitted without having to come to court. To achieve the objectives of the strategy, Diwan Mazhalim launched an electronic system for receiving complaints. This system is a further development of the judicial procedure system by complementing the "Moeen" electronic program service. This process aims to reduce the duration of court proceedings for cases filed, improve the quality of decisions and the division of judicial tasks, and have a positive impact on the level of achievement in court.(Sfeir, 1989).

Comparative Analysis of Diwan al-Mazhalim in Saudi Arabia and PTUN in Indonesia

In the perspective of comparative law theory, as developed by Zweigert & Kötz (1998) and updated in The Oxford Handbook of Comparative Administrative Law (Cane et al., 2021), Comparative law aims not only to assess differences in legal texts, but also to understand how laws work in different social and ideological contexts. This approach emphasizes three main dimensions: legal structure (judicial institutions and organizations), legal substance (rules and principles applied), and legal culture (values and beliefs that shape legal behavior). With this framework, the comparison between Diwan al-Mazhalim and PTUN is not merely a comparison between two institutions, but between two legal worldviews born of different epistemologies: Islamic law on the one hand and modern constitutionalism on the other.

From a legal structure perspective, Diwan al-Mazhalim is an independent

administrative court that reports directly to the King. This institution has an internal hierarchy that includes administrative, commercial, and criminal divisions, as well as an appeal mechanism through an audit panel. (Law of the Board of Grievances, Royal Decree No. M/51, 1982). Close institutional ties with the monarchy reflect the theocentric and centralistic nature of Saudi Arabia's legal system, in which the highest sources of law are the Qur'an and Sunnah.(Alhendi, 2021; Sfeir, 1989). In contrast, the Administrative Court in Indonesia is part of the national judicial system under the Supreme Court, with three judicial levels (Administrative Court, Administrative Court of Appeal, and Supreme Court), and its independence is guaranteed by the constitution and legislation.(Maulidina et al., 2023). From the perspective of legal system theory by Friedman (1975), This difference shows that the legal structure of the Diwan is rooted in the Islamic legal model, which emphasizes religious and moral legitimacy, while the structure of the PTUN reflects a rule of law system based on constitutional democracy. (Maulidyna, 2025).

In legal substance, Diwan al-Mazhalim uses Islamic law as the main source for every decision. Article 1 of the Basic Law of Government (1992) states that the Qur'an and Sunnah are the constitution of the state. Therefore, judges in the Diwan use the approaches of *ijtihad* and *ta'wil* to interpret the text in accordance with *maqāṣid al-syarī'ah*—the moral and social objectives of Sharia, such as justice, benefit, and prevention of harm (Mohammed, 2024). These principles provide judges with interpretive flexibility to assess not only the formal legality but also the substantive morality of a government action. In contrast, the Administrative Court applies the principle of legality and the principles of good governance (AUPB) as the basis for assessing administrative decisions. Administrative Court judges are bound by written positive law, with limited room for interpretation in the form of rational and objective legal findings (*rechtsvinding*). (Maulidina et al., 2023); (Arofah & Taufiq, 2023).

This analysis shows a fundamental difference in legal paradigms: the Diwan operates within a legal culture based on religious values and social ethics, while the PTUN operates within a rational-positivist legal culture. In Friedman's (1975) terminology, legal culture is a factor that determines how law is understood and applied in society. In the context of Saudi Arabia, the value of justice is understood as the embodiment of divine command (*adl*), whereas in the context of Indonesia, justice is defined as equality before the law and the protection of citizens' rights. (Zulhadi, 2021).

In terms of function and jurisdiction, Diwan al-Mazhalim has broad and multidimensional authority. Based on Law No. M/51 of 1982 and the 2007 reforms, the Diwan not only handles administrative disputes, but also civil service cases, claims for compensation against the government, public contract disputes, and criminal acts of corruption and misuse of public funds.

In fact, the Diwan has the authority to enforce arbitration awards and foreign judgments under certain conditions. (Al-Rasheed, 2010; Abouyounes, 2025). This demonstrates the integrative nature of administrative, civil, and criminal jurisdictions within a single institution. Meanwhile, the State Administrative Court has limited authority only over disputes regarding concrete, individual, and final state administrative decisions, as well as claims for administrative compensation. Criminal or commercial authority falls outside the jurisdiction of the State Administrative Court. (Maulidyna, 2025). From the perspective of legal system theory, this difference shows that the Diwan functions as an integrated adjudicative authority in the Islamic monarchy system, while the PTUN is a specialized judicial body in the modern legal system that separates the judiciary from the executive branch. (Cane et al., 2021).

At the level of legal culture, the most notable differences lie in the sources of legitimacy and value orientation. The Diwan views justice as a theological mandate that is internalized through the morality of judges; therefore, judges are given the space to interpret texts contextually as long as they remain based on Sharia law. (Arofah & Taufiq, 2023). Moral principles such as piety, trustworthiness, and public interest serve as ethical controls on power. Conversely, PTUN judges perform administrative functions based on the principles of separation of powers and legal rationality, not theological mandates. The legitimacy of the PTUN derives from the constitution and institutional accountability, not the moral authority of individuals.

Although the two systems have fundamental differences, the social functions of both administrative justice systems show a convergence of objectives, namely to limit the abuse of government power and protect the rights of citizens. This is in line with the findings of the study. Cane (2021) that various legal systems can achieve similar results through different normative paths, because administrative justice is essentially a means of oversight of state actions. Using Friedman's legal system theory, it can be concluded that the administrative justice systems of Saudi Arabia and Indonesia have different structures and contrasting substance, but convergent social functions. From the perspective of comparative law theory, this study shows that Diwan al-Mazhalim represents a model of theocratic administrative justice, while PTUN represents constitutional administrative justice. Both systems demonstrate unique ways of balancing state authority and the protection of the people. This distinction is an important contribution to comparative legal literature because it enriches our understanding of how the principle of justice can be realized in pluralistic and cross-ideological legal systems.

Conclusion

Based on the results of a comparative analysis between Diwan al-Mazhalim in Saudi Arabia and the Administrative Court (PTUN) in Indonesia, it can be concluded that both institutions have similar functions as administrative

justice mechanisms to oversee government actions and protect citizens' rights from abuse of power, but differ fundamentally in their normative foundations, institutional structures, and legal cultures. Diwan al-Mazhalim operates within a theocentric framework with religious legitimacy rooted in Islamic law, making the values of *maqāṣid al-syarī'ah*, such as justice, public interest, and morality, the main orientation in legal decisions. Meanwhile, the Administrative Court operates within a modern constitutional legal system that places the principles of legality, legal certainty, and good governance as the basic principles in assessing state administrative actions. These differences show that legal systems are not only shaped by formal structures and regulations, but also by the underlying ideology, legal culture, and social values. The findings of this study contribute to the development of comparative law and administrative law studies by showing that administrative justice can be realized through various legal paradigms, whether based on Sharia or positive law, as long as both are oriented towards the protection of rights and the welfare of society. This research expands the discourse on the integration of Islamic ethical values and modern legal principles, which can serve as a conceptual basis for the reform of administrative justice systems in countries with dual legal traditions.

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References

- Abouyounes, M. W. (2025). Stay of Enforcement of Administrative Rulings Under Saudi Law. *Journal of Lifestyle and SDGs Review*, 5(3), e05567. <https://doi.org/10.47172/2965-730X.SDGsReview.v5.n03.pe05567>
- Al-Rasheed, M. (2010). *A History of Saudi Arabia*. Cambridge University Press. <https://doi.org/https://doi.org/10.1017/CBO9780511993510>
- Alfarisi, M. H., & Me, C. (2020a). Urgensi Peran Peradilan Al – Mazalim Dalam Menyelesaikan Sengketa Administrasi. *Minhaj: Jurnal Ilmu Syariah*, 1(2), 103–118. <https://doi.org/10.52431/MINHAJ.V1I2.306>
- Alhendi, N. I. (2021). Stopping implementation of administrative decisions in Saudi regulation. *Heliyon*, 7(7), e07638. <https://doi.org/10.1016/J.HELIYON.2021.E07638>
- Cane, P., Hofmann, H., Ip, E., & Lindseth, P. (2021). The Oxford Handbook of Comparative Administrative Law. In P. Cane, H. C. H. Hofmann, E. C. Ip, & P. L. Lindseth (Eds.), *The Oxford Handbook of Comparative Administrative Law*. Oxford University Press . <https://researchportalplus.anu.edu.au/en/publications/the-oxford->

- Elfi Sahara. (2024). Jurnal Hukum Ekonomi Syariah Mapping Research Topics Regarding Resolving Sharia Economic Disputes : Bibliometric Analysis Study. *Saqifah* :, 31–38.
- Friedman, L. M. (1975). *The Legal System: A Social Science Perspective*. Russell Sage Foundation.
- Hanany Naseh, A. (2012). Ijtihad Dalam Hukum Islam. *Jurnal An-Nur*, 4(2), 248–259.
- Haris. (2021). Peradilan Islam. *UIN Alauddin Makassar*, 1(Desember), 85.
- Hukum Dewan Pengaduan | Kedutaan Besar Kerajaan Arab Saudi*. (n.d.). Retrieved October 9, 2025, from <https://www.saudiembassy.net/board-grievances-law>
- Kamila, M. Z. (2021). Hukum Keluarga Di Saudi Arabia. *Al-Ahwal Al-Syakhsyiah: Jurnal Hukum Keluarga Dan Peradilan Islam*, 2(2), 133–146. <https://doi.org/10.15575/AS.V2I2.14328>
- Koto, A. (2011). *Sejarah Peradilan Islam*. PT RajaGrafindo Persada.
- Mallat, C. (2022). Diwan Al-Mazalem: A Court for All Seasons. *The Normalization of Saudi Law*, 223–248. <https://doi.org/10.1093/OSO/9780190092757.003.0010>
- Mathias, R., & Reinhard, Z. (2006). *The Oxford Handbook of Comparative Law*. Oxford University Press.
- Maulidina, B., Anzani, S. R., & Kristya, V. N. (2023). Peran Peradilan Tata Usaha Negara Dalam Penegakan Hukum Administrasi Negara Berbasis Prinsip Good GovernanceMaulidina, B., Anzani, S. R., & Kristya, V. N. (2023). Peran Peradilan Tata Usaha Negara Dalam Penegakan Hukum Administrasi Negara Berbasis Prinsip. *Yustisi*, 10(1), 196–209. <https://doi.org/10.32832/yustisi.v10i1.17256>
- Maulidyna, S. A. (2025). The Existence of “PTUN” as Judicial Power Institution in Indonesia (A Comparative Study of Institutional Format). *Arena Hukum*, 18(1), 102–126. <https://doi.org/10.21776/UB.ARENAHUKUM2025.01801.5>
- Mohammed, T. A. S. (2024). A scientometric study of Maqasid al-shariah research: trending issues, hotspot research, and co-citation analysis. *Frontiers in Research Metrics and Analytics*, 9, 1439407. <https://doi.org/10.3389/FRMA.2024.1439407>
- Mubarok, A. Z. S. (2017). Reformasi Konstitusi dan Yudisial dalam Bingkai Konstitusionalisme di Arab Saudi. *Journal of Islamic Studies and Humanities*, 2(1), 1–29. <https://doi.org/10.21580/jish.21.2514>
- Mujeeb, S., & Rahman, U. (2022). مکی دور کے شہری نظم و نسق میں حلف الفضول کا کردار اور عصر حاضر میں اس کا اطلاق: The Role of” Hilf Al Fudhul” in the Social Governance of the Makki era and its Application in Modern times. *Pakistan Research Journal of Social*

- Sciences*, 1(2). <https://prjss.com/index.php/prjss/article/view/4>
- Mustofa, Usman. "Pembaharuan Hukum Islam Di Saudi Arabia." *Syaksia : Jurnal Hukum Perdata Islam* 21, No. 1 (August 11, 2020).
- Pratama, F., & Rasmawan, D. P. (2025). Pertanggungjawaban Tindak Pidana Pembunuhan : Studi Perbandingan Hukum Pidana Indonesia Dengan Arab Saudi. *Jaksa : Jurnal Kajian Ilmu Hukum Dan Politik*, 3(1), 31–48. <https://doi.org/10.51903/KFQ9WZ49>
- Putra, G. R. A. (2022). Sistem Peradilan Pada Kerajaan Arab Saudi. *ADALAH*, 6(4), 15–30. <https://doi.org/10.15408/ADALAH.V6I4.26993>
- Rosadi, A. (2021). Islamic Jurisdiction System In Saudi Arabic. *Al-Ahwal Al-Syakhsiyyah: Jurnal Hukum Keluarga Dan Peradilan Islam*, 2(1), 1–14. <https://doi.org/10.15575/AS.V2I1.12170>
- Sarong, H., Abbas, S., & Mahdi, M. (2021). Kewenangan Mahkamah Syar'iyah dalam Wilayah Otonomi Aceh. *Syarah: Jurnal Hukum Islam & Ekonomi*, 10(1), 37–77. <https://doi.org/10.47766/SYARAH.V10I1.220>
- Seylab, G. A., & Hashjin, Z. G. (2019). Continuation Of The Process Of State-Building And Institutionalization In The Leadership Of The Islamic Republic Of Iran. *Journal of Organizational Behavior Research*, 4(2–2019), 1–13. <https://odad.org/article/continuation-of-the-process-of-state-building-and-institutionalization-in-the-leadership-of-the-islamic-republic-of-iran?html>
- Sfeir, G. N. (1989). An Islamic Conseil d'Etat: Saudi Arabia's Board of Grievance. *Arab Law Quarterly*, 4(2), 128. <https://doi.org/10.2307/3381804>
- Vogel, F. E. (2000). *Islamic law and legal system : studies of Saudi Arabia*. Brill Nijhoff.
- Warsito, Adi, And Serli Wulandari. "Konsep Pemerintahan Arab Saudi Dan Kebijakan Visi 2030." *Tanjak: Sejarah Dan Peradaban Islam* 2, No. 3 (August 31, 2022).
- Watson, A. (1974). *Legal Transplants: An Approach to Comparative Law*. Scottish Academic Press.
- Yusrizal, Y. (2017). Studi Komparatif Pelaksanaan Peradilan Islam Di Negara Malaysia Dan Saudi Arabia. *De Lega LATA: Jurnal Ilmu Hukum*, 2(2), 445–471. <https://doi.org/10.30596/DLL.V2I2.1227>
- Zweigert, K., & Kötz, H. (1998). *An Introduction to Comparative Law* (3rd ed.). Oxford: Clarendon Press.

