



## Local Government Responsibility in Ensuring the Functional Feasibility of Provincial Roads: An Administrative Law and *Siyasah Dusturiyah* Perspective

<sup>1</sup>Misdin Arifin HM, <sup>2</sup>Salwa Husni Aprilia Pasaribu, <sup>3</sup>Putri Nayla Khairuna Lubis, <sup>4</sup>Rizky Ananda Marpaung, <sup>5</sup>Khoiril Muhammad Ufara Dzikri Nasution

<sup>1</sup>Universitas Malaya

<sup>2,3,4,5</sup>Universitas Islam Negeri Sumatera Utara

E-mail: <sup>1</sup>[ioa180018@siswa.um.edu.my](mailto:ioa180018@siswa.um.edu.my), <sup>2</sup>[salwahusnyapriliah@gmail.com](mailto:salwahusnyapriliah@gmail.com), <sup>3</sup>[putrinaylalubis@gmail.com](mailto:putrinaylalubis@gmail.com), <sup>4</sup>[anandarizky@gmail.com](mailto:anandarizky@gmail.com), <sup>5</sup>[muhammadulfaranst@gmail.com](mailto:muhammadulfaranst@gmail.com)

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<b>Article History</b> Received: 2026-01-02 Revised: 2026-01-12 Published: 2026-01-30  <b>Keywords:</b> <i>Roadworthiness;</i> <i>Provincial Roads;</i> <i>Government</i> <i>Accountability; Siyasah</i> <i>Dusturiyah</i>	Roadworthiness of provincial roads is a fundamental aspect in ensuring traffic safety and protecting the public interest. Roads that do not meet roadworthiness standards have the potential to cause accidents, material losses, and reflect weak accountability on the part of government authorities. This study aims to analyze the accountability of local governments in fulfilling the roadworthiness requirements of provincial roads from the perspectives of administrative law and <i>siyasah dusturiyah</i> . This research employs a normative legal research method with juridical and conceptual approaches. The research stages involve examining statutory regulations related to road administration, analyzing doctrines of administrative law, and reviewing the thoughts of classical and contemporary Islamic scholars within the framework of <i>maqāṣid al-sharī'ah</i> . The analysis is conducted qualitatively by assessing the consistency between legal norms and the actual practices of road administration, as reflected in previous studies. The findings indicate that there remains a gap between the normative provisions governing roadworthiness and their implementation at the local government level. From the perspective of administrative law, this condition reflects the weak application of the principles of legality and accountability in public service delivery. Meanwhile, from the perspective of <i>siyasah dusturiyah</i> , negligence in fulfilling roadworthiness requirements constitutes a breach of leadership trust ( <i>amanah</i> ) and contradicts the principles of protecting life ( <i>ḥifẓ al-naḥs</i> ) and property ( <i>ḥifẓ al-māl</i> ). This study emphasizes that ensuring roadworthiness is not merely an administrative obligation, but also an ethical and <i>shar'ī</i> duty in realizing public welfare.

### I. INTRODUCTION

Provincial roads constitute an integral part of public infrastructure that serves a strategic function in supporting social, economic, and governmental activities at the regional level. Roads are not merely perceived as physical connectors between regions, but also as state instruments for guaranteeing citizens' rights to safety, comfort, and accessibility. Therefore, the administration of provincial roads cannot be separated from the legal responsibility of local governments as holders of administrative authority in the management of public infrastructure (Ruben et al., 2024).

One of the fundamental aspects of road administration is the fulfillment of road functional

feasibility (road worthiness for operation). The concept of road functional feasibility emphasizes that a road may only be operated once it has met the technical and administrative requirements stipulated by statutory regulations. These requirements include road geometry, pavement structure, road facilities, and administrative completeness aimed at ensuring the safety of road users. Accordingly, road functional feasibility is not solely related to the physical condition of the road, but also reflects the compliance of local governments with legal norms and public service standards (Sahyana, 2022).

In the practice of local governance, the fulfillment of road functional feasibility often encounters various challenges, particularly in

planning, supervision, and implementation. This situation gives rise to a gap between the normative provisions governing road functional feasibility obligations and the realities on the ground. Roads that continue to operate despite failing to meet functional feasibility standards indicate problems of accountability in local government administrative actions. Accountability is a crucial principle in administrative law, as every governmental policy and action must be legally, morally, and administratively accountable, especially when it directly concerns public safety (Ruben et al., 2024).

From the perspective of administrative law, the obligation of local governments to ensure road functional feasibility constitutes an implementation of the principle of legality and the principle of protection of public interest. Local governments are not only required to exercise their authority in accordance with statutory regulations, but also to ensure that infrastructure policies do not pose risks to the public. When such obligations are neglected, questions arise regarding the extent of local government responsibility and accountability in safeguarding road user safety as part of public service delivery (Firmansyah & Syam, 2021).

Beyond administrative law, the fulfillment of road functional feasibility also carries a normative dimension within the perspective of *siyasah dusturiyah*. In Islamic political-legal thought, government is positioned as a trustee (*amanah* holder) responsible for preserving public welfare. The provision of public infrastructure, including roads, forms part of leadership duties that must be oriented toward the protection of human life and property. Roads that are not functionally feasible and potentially endanger users contradict the fundamental principles of *maqashid al-shari'ah*, particularly the protection of life (*hifzh al-nafs*) and the protection of property (*hifzh al-mal*) (Nurhidayatullah & Sw, 2024).

Accordingly, the negligence of local governments in fulfilling road functional feasibility cannot merely be understood as a violation of state administrative provisions, but also as a disregard of leadership trust within the framework of *siyasah dusturiyah* (Rinaldo &

Pradikta, 2021). The integration of administrative law and Islamic governance values is therefore essential to comprehensively assess local government accountability in the administration of provincial roads.

Based on the foregoing discussion, this study aims to analyze the accountability of local governments in fulfilling provincial road functional feasibility by examining its conformity from the perspectives of administrative law and *siyasah dusturiyah*. This research is expected to contribute academically to the development of public law and Islamic legal studies, as well as to serve as a normative reference for local governments in improving the quality and accountability of road infrastructure administration in order to realize public welfare.

## **II. RESEARCH METHODS**

This study employs normative legal research focusing on the examination of legal norms, legal principles, and doctrines related to local government accountability in fulfilling the functional feasibility of provincial roads (Jonaedi Efendi et al., 2018). Normative legal research is selected because this study does not aim to collect empirical field data, but rather to analyze statutory regulations, concepts of state administrative law, and the principles of *siyasah dusturiyah* as the basis for assessing local government responsibility in road administration.

The approaches used in this study include the statute approach and the conceptual approach. The statute approach is conducted by examining various legal regulations governing road administration, local government authority, and the principle of accountability in governmental administration. Meanwhile, the conceptual approach is applied to analyze concepts in state administrative law, such as the principle of legality, accountability, and public service, as well as the concepts of *siyasah dusturiyah* and *maqashid al-shari'ah* related to leadership trust (*amanah*) and the protection of public welfare.

The research is carried out through systematic stages. The first stage involves the inventory and classification of legal materials. Primary legal materials consist of statutory regulations related

to road administration and local government governance. Secondary legal materials include legal textbooks, scientific journals, previous research findings, and relevant scholarly articles, including the lecturer's writings that serve as the primary references in this study. Tertiary legal materials are used as complementary sources to assist in understanding specific legal terms and concepts.

The second stage involves the analysis of the collected legal materials. The analysis is conducted qualitatively using a deductive reasoning method, by drawing conclusions from general legal norms toward an assessment of local government responsibility in fulfilling the functional feasibility of provincial roads. At this stage, administrative law provisions are compared and connected with the principles of *siyasah dusturiyah* to examine the compatibility between legal obligations and the moral-religious responsibilities of local governments.

The third stage is the formulation of conclusions, which is carried out by providing answers to the research problems based on the results of the normative analysis. The conclusions are systematically structured to demonstrate the position of local government accountability in fulfilling road functional feasibility, both from the perspectives of administrative law and *siyasah dusturiyah*.

This study does not employ samples or populations in the empirical sense, as its object of analysis consists of legal norms and normative concepts. Substantively, the research context refers to the administration of provincial roads in Indonesia, with analytical emphasis on local government practices as reflected in academic studies and previous research. Through this methodological framework, the study is expected to provide a comprehensive and systematic analysis of local government accountability in fulfilling the functional feasibility of provincial roads.

### **III. RESULTS AND DISCUSSION**

#### **A. Results**

The research findings indicate that the fulfillment of the functional feasibility of

provincial roads constitutes a legal obligation that is inseparable from the responsibility of local governments as road administrators. Road functional feasibility serves as a legal instrument aimed at ensuring traffic safety, user comfort, and legal certainty in the delivery of public services. Normatively, a road may only be operated after it has fulfilled both technical and administrative requirements as stipulated in statutory regulations.

The study conducted by Nasution and Matondang (2025) explicitly positions road functional feasibility as part of the administrative obligations of local governments. They emphasize that the fulfillment of road functional feasibility does not merely concern the physical condition of the road, but also reflects the quality of regional governance in exercising administrative authority. In this context, road functional feasibility functions as a form of preventive legal protection against traffic accidents and public losses (Abdullah Amir, 2024).

Furthermore, Nasution and Matondang (2025) explain that the obligation to fulfill the functional feasibility of provincial roads in North Sumatra is specifically regulated under Governor Regulation of North Sumatra Number 48 of 2023, particularly Article 6 paragraph (3), which stipulates that functional feasibility encompasses both technical and administrative aspects as prerequisites for road operation. This provision demonstrates that local governments possess a clear legal basis for conducting feasibility inspections and assessments prior to the operation of roads for public use (Rinaldo & Pradikta, 2021).

However, the research results reveal that there remains a gap between these normative provisions and the actual practice of road administration. Nasution and Matondang (2025) found that, in practice, certain provincial roads continue to be operated despite not fully meeting functional feasibility standards. This condition reflects weaknesses in regulatory implementation and the suboptimal functioning of supervisory mechanisms exercised by local governments.

These findings are consistent with the study by Wahyu Ramadhan (2022), which notes that inadequate technical supervision and evaluation

frequently result in roads being operated without fully satisfying safety standards. This situation illustrates that issues related to road functional feasibility are not solely technical in nature, but also administrative and institutional problems within the system of local governance.

## **B. Discussion**

The discussion of these findings demonstrates that the fulfillment of provincial road functional feasibility represents a key indicator of local government accountability in the provision of public services. From the perspective of administrative law, accountability requires local governments to justify every administrative action undertaken, particularly those directly affecting public safety. The operation of roads that have not met functional feasibility standards indicates a deviation from the principle of legality and the principle of protection of the public interest.

As emphasized by Nasution and Matondang (2025), the fulfillment of road functional feasibility should not be regarded merely as an administrative formality, but rather as a substantive obligation that must be implemented consistently. This view underscores that the failure of local governments to meet such obligations may be categorized as a form of administrative negligence with potential legal consequences (Nasution et al., 2025).

Within the framework of Governor Regulation of North Sumatra Number 48 of 2023, the fulfillment of road functional feasibility should function as a governmental control instrument to ensure that every operational road meets minimum safety standards. Inconsistencies in the application of this regulation reveal a gap between legal norms (*das sollen*) and governmental practice (*das sein*). This gap represents a classic issue in administrative law, reflecting the weak effectiveness of law enforcement at the regional level.

From the perspective of *siyasah dusturiyah*, local government accountability in fulfilling road functional feasibility carries a broader meaning beyond administrative compliance. Government authority is understood as a trust (*amanah*) that

obliges leaders to safeguard public welfare. Roads, as public facilities, are directly linked to the protection of life and property; therefore, neglecting functional feasibility standards contradicts the principles of *maqashid al-shari'ah*, particularly the protection of life (*hifzh al-nafs*) and the protection of property (*hifzh al-mal*) (Pertiwi & Herianingrum, 2024).

This perspective aligns with the emphasis of Nasution and Matondang (2025) that road administration must be framed within the state's responsibility to ensure public safety. Accordingly, the fulfillment of road functional feasibility constitutes not only a positive legal obligation, but also a moral and religious responsibility inherent in local government leadership. When local governments fail to perform this obligation, such negligence not only affects administrative legality but also reflects a failure to uphold leadership trust (Nasution et al., 2025).

Thus, the integration of administrative law and *siyasah dusturiyah* provides a comprehensive analytical framework for assessing local government accountability. The fulfillment of provincial road functional feasibility must be understood as a multidimensional responsibility encompassing regulatory compliance, public safety protection, and the realization of public welfare values in local governance. This approach affirms that the quality of road infrastructure governance should be assessed not merely from a technical standpoint, but also from the extent to which local governments fulfill their legal and ethical responsibilities in a balanced manner (Rinaldo & Pradikta, 2021).

In the broader context of good governance, accountability in road administration is closely linked to transparency, supervision, and legal certainty. Bovens argues that accountability functions as a mechanism through which public authorities are obliged to explain and justify their actions, while being subject to sanctions in cases of misconduct or negligence (Nuh, 2012). Applied to provincial road administration, this concept implies that local governments must not only ensure compliance with functional feasibility standards, but also be prepared to publicly account for failures that endanger road users. The

absence of such accountability mechanisms weakens public trust and undermines the legitimacy of local governance.

Furthermore, the fulfillment of road functional feasibility reflects the effectiveness of administrative control instruments within local government institutions. According to Hadjon, administrative supervision serves as a preventive tool to ensure that governmental actions remain within the boundaries of legality and public interest. When roads are operated without meeting feasibility standards, it indicates deficiencies in internal control systems, including technical audits, administrative inspections, and regulatory enforcement. This reinforces the argument that accountability failures often stem from institutional weaknesses rather than mere technical constraints (Kelvianto & Mustamu, 2018).

From a comparative administrative law perspective, the obligation to ensure road safety and feasibility has been widely recognized as an integral part of state responsibility. De Smith, Woolf, and Jowell emphasize that public authorities may be held accountable not only for unlawful acts, but also for omissions that result in public harm. In this regard, the failure of local governments to enforce functional feasibility standards may be interpreted as an omission that compromises the state's duty to protect citizens, thereby strengthening the normative basis for governmental accountability (Lois & Bakhtiar, 2025).

In addition to legal accountability, contemporary public administration theory highlights the importance of ethical accountability. Frederickson notes that public administrators are expected to act not merely as rule-followers, but as guardians of public values, including safety, equity, and welfare. This perspective resonates strongly with the principles of *siyasah dusturiyah*, where leadership is inherently value-oriented and inseparable from moral responsibility (Abdullah Amir, 2024). The convergence of these theories underscores that road administration is not a neutral technical task, but a value-laden governmental function with direct implications for human life.

Within Islamic governance thought, scholars such as Ibn Khaldun emphasize that the sustainability of governance depends on justice and the protection of public interests. Negligence in infrastructure provision, including road feasibility, may lead to social harm and undermine the stability of governance itself. This view strengthens the argument that ensuring road functional feasibility is part of a broader ethical obligation to maintain social order and prevent harm (*dar' al-mafasid*), which aligns with the objectives of *maqashid al-shari'ah* (Pertiwi & Herianingrum, 2024).

The integration of these administrative and Islamic perspectives demonstrates that accountability in fulfilling road functional feasibility operates at multiple levels: legal, institutional, ethical, and religious. Local governments are therefore required to internalize accountability not only through compliance with statutory regulations, but also through the development of governance cultures that prioritize public safety and welfare. Strengthening administrative supervision, enhancing regulatory consistency, and reinforcing leadership ethics are essential strategies to bridge the gap between normative obligations and practical implementation.

Accordingly, extending the analysis beyond formal legal compliance allows accountability to be understood as a dynamic and multidimensional concept. The fulfillment of provincial road functional feasibility should thus be viewed as a continuous responsibility that demands legal rigor, institutional capacity, and ethical commitment. Through this extended framework, local governments can be more effectively positioned as accountable actors in the administration of public infrastructure, ensuring that road governance genuinely serves the public interest and upholds the principles of justice and welfare.

## **IV. CONCLUSION AND SUGGESTIONS**

### **A. Conclusion**

Based on the results of the research and the comprehensive discussion presented, it can be concluded that the fulfillment of the functional feasibility of provincial roads constitutes a

fundamental legal obligation that is inseparable from the responsibility of local governments as road administrators. Road functional feasibility is not merely a technical-administrative requirement, but a legal instrument aimed at ensuring traffic safety, protecting public interests, and providing legal certainty for road users. Accordingly, the fulfillment of road functional feasibility serves as a crucial indicator in assessing the quality of public service delivery in the field of infrastructure.

The findings of this study reveal a persistent gap between the normative provisions governing road functional feasibility and the actual practices of provincial road administration at the local government level. This condition indicates that the obligation to fulfill road functional feasibility has not been fully understood or implemented as a substantive duty oriented toward public safety. From the perspective of administrative law, this gap reflects weaknesses in the application of the principles of legality, prudence, and accountability in local government administrative actions. Local governments, as holders of administrative authority, have not consistently positioned road functional feasibility as an integral component of their administrative responsibility.

Furthermore, this study emphasizes that local government accountability in fulfilling road functional feasibility cannot be assessed solely on the basis of formal compliance with statutory regulations, but must also be evaluated through the consistency of authority implementation that directly affects public safety. The operation of roads that have not met functional feasibility standards indicates the potential for maladministration and opens the possibility of legal liability on the part of local governments for losses that may arise in the future.

From the perspective of *siyasah dusturiyah*, the negligence of local governments in fulfilling the functional feasibility of provincial roads constitutes a disregard for the trust of leadership (*amanah*). Government authorities bear moral and religious obligations to safeguard public welfare and prevent harm. Roads that are not functionally feasible yet remain in operation contradict the fundamental objectives of Islamic

law (*maqashid al-shari'ah*), particularly the protection of life (*hifzh al-nafs*) and the protection of property (*hifzh al-mal*). Therefore, the fulfillment of road functional feasibility must be understood as a simultaneously juridical, ethical, and religious obligation.

Based on these overall findings, this study affirms that the fulfillment of the functional feasibility of provincial roads represents a concrete manifestation of local government accountability that must be implemented consistently and sustainably. The integration of administrative law and *siyasah dusturiyah* provides a comprehensive analytical framework for assessing local government responsibility and reinforces the importance of safety orientation and public welfare as fundamental principles in road infrastructure administration.

## **B. Suggestion**

Based on the conclusions of this study, it is recommended that local governments strengthen their commitment to fulfilling the functional feasibility of provincial roads by enhancing planning, supervision, and continuous evaluation mechanisms. Local governments should ensure that every operational road has met all technical and administrative requirements in accordance with applicable statutory regulations, while prioritizing road user safety as the primary consideration in infrastructure policy-making.

In addition, local governments are advised to reinforce the application of accountability and transparency principles in road administration, including through improved inter-agency coordination and the regular implementation of road safety audits. The integration of administrative law principles and *siyasah dusturiyah* values should also be adopted as a normative foundation in public policy formulation, so that road infrastructure administration not only satisfies formal legal requirements but also reflects moral responsibility and ethical leadership.

For the advancement of scholarship, future research is recommended to examine the fulfillment of provincial road functional feasibility through empirical and comparative approaches

across regions, thereby complementing the normative analysis conducted in this study. Such further research is expected to provide a more comprehensive understanding of the effectiveness of road functional feasibility policies and their contribution to enhancing public safety and societal welfare.

## REFERENCE LISTAN

- Abdullah Amir, F. S. (2024). Tinjauan siyasah dusturiyah tentang fungsi partai politik demokrasi di indonesia. *Tinjauan Siyasah Dusturiyah Tentang Fungsi Partai Politik Demokrasi Di Indonesia*, Vol.5(No.4), hlm.1-14. <https://digilib.uinsgd.ac.id/111263/>
- Firmansyah, V. Z., & Syam, F. (2021). Penguatan Hukum Administrasi Negara Pencegah Praktik Korupsi dalam Diri Pemerintahan Indonesia. *Integritas: Jurnal Antikorupsi*, 7(2), 325-344.
- Jonaedi Efendi, S. H. I., Johnny Ibrahim, S. H., & Se, M. M. (2018). *Metode penelitian hukum: normatif dan empiris*. Prenada Media.
- Kelvianto, I., & Mustamu, R. H. (2018). Implementasi prinsip-prinsip good corporate governance untuk keberlanjutan usaha pada perusahaan yang bergerak di bidang manufaktur pengolahan kayu. *Agora*, 6(2), 1-7.
- Lois, A., & Bakhtiar, H. S. (2025). Perbandingan Hukum Perdata di Negara-Negara Asean Kajian Terhadap Perbandingan Indonesia dan Malaysia. *Jembatan Hukum: Kajian Ilmu Hukum, Sosial Dan Administrasi Negara*, 2(2), 389-399.
- Nasution, Almunadia, & Matondang, M. M. (2025). Laik Fungsi Jalan Provinsi Berdasarkan Peraturan Gubernur Sumatera Utara Nomor 48 Tahun 2023 Tentang Rencana Aksi Keselamatan Lalu Lintas dan Angkutan Jalan Tahun 2024-2028 dan Perspektif Siyasah Dusturiyah. *AL-SULTHANIYAH*, 14(2), 551-567.
- Nuh, H. M. S. (2012). Hakikat Pertanggungjawaban Pemerintah Daerah Dalam Penyelenggaraan Pemerintah. *Masalah-Masalah Hukum*, 41(4), 50-58.  
<https://www.neliti.com/publications/4622/hakikat-pertanggungjawaban-pemerintah-daerah-dalam-penyelenggaraan-pemerintahan>
- Nurhidayatullah, A. S., & Sw, O. F. (2024). Maqashid Syariah sebagai kerangka kerja untuk inovasi produk keuangan non bank dalam era digital. *Jurnal Masharif Al-Syariah: Jurnal Ekonomi Dan Perbankan Syariah*, 9(5), hlm.14.
- Pertiwi, T. D., & Herianingrum, S. (2024). Menggali konsep maqashid syariah: Perspektif pemikiran tokoh Islam. *Jurnal Ilmiah Ekonomi Islam*, 10(1), 807-820.
- Rinaldo, M. E., & Pradikta, H. Y. (2021). Analisis Fiqh Siyasah Dusturiyah Dalam Pembentukan Peraturan Tentang Trading in Influence Dalam Hukum Positif Di Indonesia. *As-Siyasi: Journal of Constitutional Law*, 1(1), 63-84.
- Ruben, A., Asnawi, E., & Oktapani, S. (2024). Implementasi tanggung jawab pemerintah terhadap pemeliharaan jalan di Kabupaten Bengkalis. *Collegium Studiosum Journal*, 7(1), 142-157.
- Sahyana, Y. (2022). PROBLEMATIKA PENGELOLAANJALAN DI ERA OTONOMI DAERAH: KEWENANGAN VERSUS KEMAMPUAN. *Jurnal Ilmiah Wahana Bhakti Praja*, 12(1), 54-70.