

The Dismissal of State Administrative Officials under Indonesian Positive Law and *Maqasid al-Shariah*

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Abstract: This study aims to analyze the dismissal of state administrative officials through a comparative examination of Indonesian positive law and the perspective of *Maqasid al-Sharia*, focusing on the relationship between formal legal certainty and substantive justice. This study employs qualitative field research using interviews and documentation of dismissal cases involving the Heads of Payakumbuh Timur and Lengayang Subdistricts in Pesisir Selatan Regency. The data were analyzed comparatively by integrating principles of Indonesian administrative law with the framework of *Maqasid al-Sharia*. The findings reveal that Indonesian positive law provides a normative and procedural framework for the dismissal of administrative officials; however, its implementation may undermine procedural justice, particularly when officials are not adequately given opportunities for clarification and self-defense. From the perspective of *Maqasid al-Sharia*, dismissals that disregard procedural justice may create bureaucratic *mafsadah* and undermine public welfare. The study concludes that the dismissal of administrative officials should balance legal certainty with substantive justice by ensuring procedural fairness throughout the administrative decision-making process. The academic contribution of this study lies in developing an integrative analytical framework that connects administrative law with *Maqasid al-Sharia* to evaluate dismissal practices and promote administrative governance that is legally valid, procedurally fair, substantively just, and ethically legitimate..

Keywords: Administrative Governance, Administrative Dismissal, Legal Certainty, Maqasid al-Sharia, Procedural Justice

1. Introduction

The dismissal of state administrative officials is an important issue in contemporary public administration because it directly affects administrative stability,¹ professional status, and the legal rights of officials. Government authorities possess the power to appoint and dismiss officials, but such authority must be exercised within established legal and procedural boundaries.² In practice, dismissal decisions may generate disputes when officials consider that the decision-making process lacks transparency, adequate justification,³ or opportunities for clarification and self-defense. These concerns demonstrate that formal compliance with administrative rules does not necessarily guarantee substantive procedural justice. The issue is particularly relevant in Indonesia, where administrative decisions are expected to reflect legality, accountability,⁴ good governance,⁵ and protection of citizens' rights.⁶ From the perspective of Islamic

¹ Kamalesh Newaj, "Defining Fairness in Dismissals of Unauthorised Foreign Nationals," *Potchefstroom Electronic Law Journal* 23 (2020): 1–25, <https://doi.org/10.17159/1727-3781/2020/v23i0a7586>.

² Jesús Lahera Forteza, "New Configuration of Collective Dismissal," *Trabajo y Derecho*, no. 34 (2017), <https://www.scopus.com/pages/publications/85054902503?origin=resultslst>.

³ Nadir Uchia, "Overwork Leading to Burnout, Failure of the Employer to Comply with Its Safety Obligation, and Cancellation of the Dismissal," *Sante Mentale et Droit* 24, no. 1 (2024): 38–41, <https://doi.org/10.1016/j.smed.2023.12.010>.

⁴ Nikolaos A Papadopoulos, "Assessing the Effectiveness of the European Social Charter: A Case Study on Dismissal Reforms," *European Papers - A Journal on Law and Integration* 7, no. 3 (2022): 1569–92, <https://doi.org/10.15166/2499-8249/628>.

⁵ Carmen Salcedo Beltrán, "The Effectiveness of Article 24 of the Revised European Social Charter on Unfair Dismissal by the European Committee of Social Rights," *Revista Del Ministerio de Trabajo y Economía Social*, no. 161 (2025): 139–71, <https://doi.org/10.55617/revmites.105>.

⁶ Marco Peruzzi, "The Proof of Retaliatory Dismissal under Act No. 179/2017 on Whistleblowing," *Lavoro e Diritto* 34, no. 1 (2020): 33–35, <https://doi.org/10.1441/96105>.

legal thought,⁷ the exercise of public authority is similarly connected to justice and public welfare. *Maqasid al-Sharia* provides a broader normative framework for evaluating whether governmental actions protect legitimate interests and prevent harm. Consequently, administrative dismissal should not be viewed merely as an institutional mechanism for managing government personnel. It is also a legal and ethical process that may affect individual rights,⁸ institutional trust, and the quality of public administration. Examining the relationship between administrative authority,⁹ procedural justice, and public welfare is therefore important for developing a more balanced approach to governmental dismissal practices.

The existing literature has examined administrative dismissal from several perspectives, including administrative law, civil service regulation, judicial review, good governance, and Islamic political jurisprudence. Previous studies generally emphasize the importance of legal authority, procedural compliance, administrative discretion, and judicial protection in determining the validity of dismissal decisions. Other studies employing Islamic legal perspectives have discussed public authority through concepts such as justice, *maslahah*, accountability, and the objectives of Islamic law.¹⁰ Nevertheless, several limitations remain apparent in the existing scholarship.¹¹ First, much of the literature focuses on normative analysis of legislation or judicial decisions rather than examining how dismissal procedures operate in actual administrative settings.¹² Second, studies that discuss administrative dismissal and Islamic legal principles rarely integrate empirical evidence with *Maqasid al-Sharia* as a systematic analytical framework. Third, limited attention has been given to dismissal practices involving subdistrict heads, particularly in regional government administration.¹³ These gaps are significant because administrative practices may differ from the formal requirements established in legal norms.¹⁴ An empirical examination can therefore reveal whether procedural safeguards are genuinely implemented and whether affected officials receive meaningful opportunities to respond before dismissal decisions are finalized.

The evaluation of previous studies indicates that existing approaches provide valuable explanations of the legal validity of administrative decisions but remain insufficient for assessing the substantive dimensions of procedural justice. Normative legal studies are useful for identifying the authority, procedures, and legal consequences associated with dismissal, while judicial studies demonstrate how courts evaluate administrative defects and protect legal rights. However, these approaches tend to place greater emphasis on the existence of formal legal rules than on the practical experiences of officials subjected to dismissal.¹⁵ Similarly, studies based on Islamic legal concepts often explain justice and public welfare at a general normative level without connecting these principles to concrete administrative practices.¹⁶ This study positions itself at the intersection of these approaches by combining qualitative field research, Indonesian administrative law, and *Maqasid al-Sharia*. The focus is not merely on whether dismissal decisions possess formal legal grounds but also on how the decision-making process affects

⁷ Junaidah Abd. Karim et al., "Employees' Pre-Dismissal Right to Be Heard: The Malaysian and Islamic Perspective," *UUM Journal of Legal Studies* 9 (2018): 57–89, <https://www.scopus.com/pages/publications/85061643429?origin=resultslist>.

⁸ Marisa Sousa and Maria João MacHado, "Brief Notes on Dismissal Due to the Extinction of the Work Post," *Revista Juridica Portucalense*, no. 29 (2021): 78–97, [https://doi.org/10.34625/issn.2183-2705\(29\)2021.ic-05](https://doi.org/10.34625/issn.2183-2705(29)2021.ic-05).

⁹ Meshal Nayef Alharbi, "Assessment of Changes to Saudi Labour Law Regarding Unfair Dismissal of Employees," *International Journal of Law and Management* 63, no. 4 (2020): 369–86, <https://doi.org/10.1108/IJLMA-08-2020-0219>.

¹⁰ Etienne Tête, "Requalification of a Resignation into Dismissal Without Real and Serious Cause in the Context of Professional Burnout," *Sante Mentale et Droit* 22, no. 5 (2022): 764–67, <https://doi.org/10.1016/j.smed.2022.08.021>.

¹¹ Francisca Fernández Prol, "Gender and Business Restructuring in Spanish Law: Women Workers Facing Collective Dismissals," *Revista Juridica Digital Uandes* 8, no. 1 (2024): 125–49, <https://doi.org/10.24822/rjduandes.0801.6>.

¹² Elena-Sabina Turnea et al., "Dismissals and Temporary Leaves in Romanian Companies in the Context of Low Demand and Cash Flow Problems During the COVID-19 Economic Lockdown," *Sustainability (Switzerland)* 12, no. 21 (2020): 1–22, <https://doi.org/10.3390/su12218850>.

¹³ Daniel Silva Horta, "Disciplinary Dismissal as a Consequence of a Serious Infraction of the Principle of Administrative Probity in the Jurisprudence of Contraloría General de La República," *Revista de Derecho* 29, no. 2 (2016): 157–73, <https://doi.org/10.4067/s0718-09502016000200007>.

¹⁴ Horta.

¹⁵ Álvaro Domínguez Montoya, "Automation, Work, and Protection: On Technological Dismissal in Chile," *Revista de Derecho* 38, no. 2 (2025): 81–106, <https://doi.org/10.4067/S0718-0950202500020081>.

¹⁶ Régis Durand, "Wrongful Modification of the Employment Contract, Requalification of a Resignation as Dismissal, and Recognition of a Situation of Harassment," *Sante Mentale et Droit* 22, no. 1 (2022): 34–37, <https://doi.org/10.1016/j.smed.2022.01.003>.

procedural fairness and the rights of the officials concerned. The cases involving the Heads of Payakumbuh Timur and Lengayang Subdistricts provide an empirical context for examining this relationship. Through this positioning, the study seeks to extend existing scholarship by demonstrating how *Maqasid al-Sharia* can be applied to evaluate contemporary administrative practices beyond conventional areas of Islamic family and personal law.

The purpose of this study is to analyze the implementation of the dismissal procedures of the Heads of Payakumbuh Timur and Lengayang Subdistricts under Indonesian administrative law and to evaluate these dismissal practices from the perspective of *Maqasid al-Sharia*. The study argues that the legality of administrative dismissal should not be determined solely by the existence of formal authority or compliance with procedural requirements. Rather, legitimate administrative decision-making should also ensure fairness, transparency, meaningful opportunities for clarification and self-defense, and consideration of the broader public interest. Within the framework of *Maqasid al-Sharia*, these requirements are relevant to the protection of justice (*'adl*), the realization of public welfare (*maslahah*), and the prevention of harm (*mafsadah*). The study therefore proposes that administrative dismissal should be understood through an integrated relationship between legal certainty and substantive justice. This argument does not seek to replace Indonesian administrative law with Islamic legal principles but to demonstrate how *Maqasid al-Sharia* can provide an ethical and substantive dimension for evaluating the exercise of administrative authority. By examining empirical dismissal practices through both legal and *Maqasid*-based perspectives, this study aims to contribute to the development of administrative governance that is legally valid, procedurally fair, socially responsible, and oriented toward public welfare.

2. Method

This study employed qualitative field research with a comparative approach to examine the dismissal of state administrative officials under Indonesian positive law and *Maqasid al-Sharia*. The research was conducted in Pesisir Selatan Regency, West Sumatra, focusing on the dismissal cases involving the Heads of Payakumbuh Timur and Lengayang Subdistricts. The research participants were selected purposively based on their direct knowledge of or involvement in the dismissal process. They included relevant government officials and other parties who possessed substantive information concerning the cases under investigation. Data were collected through semi-structured interviews and documentation. Interviews were conducted by the researcher using a structured interview guide covering the legal basis of dismissal, administrative decision-making procedures, the reasons underlying the dismissal, opportunities provided to officials for clarification and self-defense, and the implementation of dismissal decisions. Documentary data consisted of relevant administrative records and official documents concerning the dismissal cases. The use of multiple data sources enabled the researcher to obtain comprehensive information regarding both the formal procedures and practical implementation of administrative dismissal. The qualitative design was selected because the study sought to understand administrative practices, legal considerations, and procedural experiences within their specific institutional context.

The collected data were analyzed qualitatively through systematic data reduction, organization, interpretation, and conclusion drawing. Following data collection, interview materials and documentary evidence were organized according to the research questions and analytical categories. Relevant information was identified, compared, and interpreted to determine patterns concerning the legality, procedure, and implementation of administrative dismissal. The empirical findings were then compared with the principles and procedures of Indonesian administrative law and subsequently examined through the framework of *Maqasid al-Sharia*. Particular attention was given to the principles of justice (*'adl*), public welfare (*maslahah*), and prevention of harm (*mafsadah*) in assessing whether dismissal practices achieved both legal and substantive objectives. Data validity was strengthened through source and technique triangulation by comparing information obtained from different participants with documentary evidence. Discrepancies between sources were examined through repeated comparison and contextual interpretation. This analytical procedure was selected because it provides a systematic means of

connecting empirical administrative practices with normative legal principles and *Maqasid al-Sharia*, thereby ensuring coherence between the research objectives, data collected, analytical process, and conclusions.

3. Result and Discussion

3.1. Administrative Dismissal of Subdistrict Heads

The dismissal of subdistrict heads was preceded by specific circumstances that were considered relevant to the continuation of their positions within the governmental structure. The first case concerned a subdistrict head whose social media activity generated public controversy because the uploaded content was perceived as inconsistent with prevailing ethical expectations for public officials. The controversy expanded through public comments and responses from community and religious actors, creating pressure for administrative action. The second case involved a subdistrict head whose social media statement was allegedly directed toward a former regional head and generated broader public concern. The statement was perceived as potentially damaging to the dignity of public office and social relations within the community. These circumstances became the principal basis for administrative consideration concerning the continuation of both officials in their respective positions. The cases demonstrate that administrative dismissal may arise from conduct occurring both within and outside formal governmental duties when such conduct is perceived to affect institutional credibility, public confidence, or the proper performance of official responsibilities. Nevertheless, the existence of public controversy alone does not automatically establish a legally sufficient ground for dismissal. The nature of the alleged conduct, its connection to official duties, the applicable disciplinary standards, and the evidence supporting the allegation must be assessed before an administrative sanction is imposed.

The administrative decision-making process in the two cases demonstrates differences in the manner through which the authorities responded to alleged misconduct. Administrative dismissal should ordinarily be preceded by an examination of the circumstances underlying the alleged violation, identification of the applicable administrative standards, and assessment of whether the conduct warrants removal from office. In the case involving the subdistrict head whose social media content generated controversy, the available account indicates that public reactions and institutional concerns became important considerations in the administrative response. However, questions arise concerning the extent to which clarification, verification, and an opportunity for the official to provide a defense were adequately incorporated before the dismissal decision was taken. In the second case, the administrative response reportedly involved several stages, including summons, warnings, internal clarification, and evaluation before the final decision was issued. Such a sequence indicates a more structured approach to administrative decision-making because the alleged conduct was subjected to institutional consideration before the sanction was determined. The distinction is important because dismissal from a public position represents a serious administrative measure with consequences for the official's professional status and reputation. Accordingly, decision-making should be based on verified information, documented procedures, proportional assessment, and a clear connection between the alleged conduct and the legal grounds for dismissal.

The two dismissal practices reveal significant differences in the relationship between the alleged misconduct, administrative procedure, and justification for removal from office. In the first case, the dismissal was closely associated with controversy surrounding social media content and the negative public response that followed.¹⁷ The administrative response therefore appears to have been influenced not only by the substance of the uploaded material but also by perceptions concerning public morality, institutional reputation, and local social expectations.¹⁸ The absence of a sufficiently transparent process

¹⁷ Zoltán Petrovics, "Do Workers Want Security? Protection Against Dismissal in the 21st Century," *E-Journal of International and Comparative Labour Studies* 14, no. 1 (2025): 1–26, <https://www.scopus.com/pages/publications/105006998404?origin=resultslist>.

¹⁸ Jeremy J Foreman, Brian P Soebbing, and Chad S Seifried, "Executive Deviance as a Sociopolitical Force in Dismissals," *Deviant Behavior* 42, no. 2 (2021): 193–209, <https://doi.org/10.1080/01639625.2019.1659261>.

of clarification and defense raises concerns regarding the proportionality and procedural legitimacy of the decision.¹⁹ By contrast, the second case involved a more developed administrative sequence in which the alleged statement was followed by institutional intervention, warnings, clarification, and internal evaluation before dismissal.²⁰ The distinction between the two practices demonstrates that similar forms of conduct involving social media can generate different administrative consequences depending on the circumstances, evidence, procedural treatment,²¹ and perceived effects on public administration. The comparison also indicates that the legitimacy of dismissal cannot be assessed solely from the alleged misconduct itself.²² A valid administrative response requires an integrated assessment of the seriousness of the conduct, available evidence, institutional consequences, procedural safeguards, and proportionality of the sanction. This distinction provides an important basis for evaluating administrative dismissal through substantive legal and ethical principles.

3.2. Transformative Dimensions of Administrative Dismissal

The dismissal of public officials directly affects individual rights, particularly the right to fair administrative treatment, professional status, and protection of personal dignity. In the context of administrative dismissal, these rights cannot be separated from the obligation of government authorities to exercise their powers according to established legal procedures. An official accused of misconduct should be informed of the allegations, provided with adequate opportunities to clarify the circumstances, and given a meaningful opportunity to respond before a final decision is adopted. Such procedural safeguards are particularly important when the alleged misconduct originates from personal conduct or social media activity, because public perception may develop rapidly without necessarily reflecting the complete factual circumstances. The two cases examined in this study illustrate the importance of distinguishing between public criticism, alleged ethical violations, and legally established disciplinary misconduct. Administrative authority should therefore avoid treating public pressure as an automatic substitute for evidence and formal examination. Protection of individual rights does not mean preventing the government from imposing legitimate sanctions. Rather, it requires that sanctions be imposed through procedures that respect fairness, proportionality, transparency, and the dignity of the official concerned. A dismissal decision that fails to provide these safeguards may undermine confidence in administrative justice and create uncertainty regarding the limits of governmental authority.

Administrative accountability requires public officials and government institutions to remain responsible for the exercise of authority, including decisions concerning appointment, discipline, and dismissal. The two cases demonstrate that institutional integrity depends not only on the ability of authorities to respond to alleged misconduct but also on their capacity to ensure that such responses are based on objective standards and accountable procedures. Public officials occupy positions that carry institutional responsibilities, and conduct that seriously undermines the credibility of government may legitimately require administrative intervention. Nevertheless, institutional integrity cannot be achieved through arbitrary or disproportionate dismissal. Government institutions must demonstrate that the authority to remove an official has been exercised for legitimate administrative purposes rather than as a response to personal disagreement, public pressure, or political considerations. Accountability therefore operates in two directions: officials must be accountable for their conduct, while decision-makers must also be accountable for the legality and fairness of the decisions they adopt. This reciprocal accountability strengthens institutional legitimacy because it prevents disciplinary authority from becoming an unrestricted instrument of administrative power. In this context, dismissal should be supported by

¹⁹ Hasan Kayirgan and Mustafa Nalbant, "The Third-Party Pressure for Dismissal at the Time of the Pandemic," *Kutafin Law Review* 12, no. 2 (2025): 308–33, <https://doi.org/10.17803/2713-0533.2025.2.32.308-333>.

²⁰ Judith A Godschalx-Dekker et al., "Is Insufficient Introspection a Reason to Terminate Residency Training? Scrutinising Introspection Among Residents Who Disputed Dismissal," *Medical Teacher* 47, no. 1 (2025): 143–50, <https://doi.org/10.1080/0142159X.2024.2323175>.

²¹ Falguni Sheth, "Dismissal, Legibility, and the Normalising of Colonial Misrecognition," *Race and Class* 65, no. 4 (2024): 53–73, <https://doi.org/10.1177/03063968231219165>.

²² Régis Durand, "Dismissal for Serious Misconduct of the Director of a Facility for People with Disabilities for Harassing Managerial Practices," *Sante Mentale et Droit* 24, no. 4 (2024): 683–85, <https://doi.org/10.1016/j.smed.2024.06.019>.

adequate evidence, clear reasoning, documented procedures, and proportional sanctions. Such requirements help ensure that disciplinary mechanisms protect both the credibility of public institutions and the rights of individual officials.

Public trust constitutes an important dimension of administrative governance because government institutions depend on public confidence in the fairness and reliability of their decisions. Administrative dismissal may strengthen public trust when it responds appropriately to conduct that genuinely undermines institutional credibility,²³ but it may have the opposite effect when the decision is perceived as arbitrary or procedurally unfair.²⁴ The two cases demonstrate this tension. Where alleged misconduct produces substantial social concern and is accompanied by a structured administrative examination, dismissal may be understood as an institutional effort to protect public confidence and maintain governmental standards.²⁵ Conversely, where dismissal is strongly influenced by controversy without adequate clarification or objective assessment,²⁶ the decision may generate perceptions of injustice and weaken trust in government institutions.²⁷ Substantive justice therefore requires more than formal compliance with administrative authority. It requires decision-makers to consider the seriousness of the conduct, the evidence available, the consequences for the public, the rights of the official, and the proportionality of the sanction. This approach places administrative power within a broader framework of responsible governance. The legitimacy of dismissal ultimately depends on whether it simultaneously protects institutional credibility, respects individual dignity, and serves the public interest. Consequently, public trust is better sustained when administrative decisions demonstrate both legal accountability and substantive fairness.

3.3. Administrative Dismissal and Disciplinary Sanctions in *Maqasid al-Sharia*

Administrative dismissal should be assessed not only through the formal existence of legal authority but also through the quality of the procedures and substantive considerations underlying the decision.²⁸ The cases examined in this study reveal differences in the exercise of dismissal authority,²⁹ particularly concerning the justification of administrative decisions,³⁰ opportunities provided to affected officials, and consideration of public interests.³¹ Administrative dismissal may possess formal legal validity while simultaneously raising concerns regarding procedural fairness when clarification, examination, or opportunities for self-defense are insufficient. Conversely, dismissal becomes more defensible when supported by identifiable misconduct,³² adequate administrative examination, proportional sanctions, and

²³ Régis Durand, "Work Overload: Psychological Harassment, Breach of the Employer's Safety Obligation, and Nullity of the Dismissal," *Sante Mentale et Droit* 24, no. 5 (2024): 905–9, <https://doi.org/10.1016/j.smed.2024.08.011>.

²⁴ Jan Hladik, "Landmark Judgment 4457 of the Administrative Tribunal of the International Labour Organization Concerning Summary Dismissal," *Czech Yearbook of Public and Private International Law* 14 (2023): 79–94, <https://www.scopus.com/pages/publications/85185684675?origin=resultlist>.

²⁵ Tatsiana Ushakova, "Towards a European Concept of Protection against Unjustified Dismissal," *E-Journal of International and Comparative Labour Studies* 12, no. 3 (2023): 45–67, <https://www.scopus.com/pages/publications/85205300448?origin=resultlist>.

²⁶ David Michael Miller, "The Role of Religious Politics in the Dismissal of Lowell Mason from the Boston Public Schools in 1845," *Journal of Historical Research in Music Education* 40, no. 2 (2019): 105–24, <https://doi.org/10.1177/1536600617737062>.

²⁷ Beatriz Sánchez-Girón Martínez, "Legal Protection Against Dismissal in the 2030 Agenda as a Guarantee of Decent Work (SDG 8) and Its Impact on Workers' Mental Health (SDG 3)," *Estudios de Deusto* 74, no. 1 (2026): 341–71, <https://doi.org/10.18543/ed.3583>.

²⁸ Elina Weiste, Melisa Stevanovic, and Lise-Lotte Uusitalo, "Experiential Expertise in the Co-Development of Social and Health-Care Services: Self-Promotion and Self-Dismissal as Interactional Strategies," *Sociology of Health and Illness* 44, no. 4–5 (2022): 764–80, <https://doi.org/10.1111/1467-9566.13457>.

²⁹ R R Dunlea and Miranda A Galvin, "Whose Decision Is It Anyway? Defendants' Prior Experience Shapes Prosecutorial Case Dismissal," *Criminology* 64, no. 3 (2026): 734–70, <https://doi.org/10.1111/1745-9125.70043>.

³⁰ Loubena Azehana, "Excessive Workload, Burnout, Damage to Health, and Judicial Termination of the Employment Contract Are Equivalent to Dismissal Without Real and Serious Cause," *Sante Mentale et Droit* 24, no. 3 (2024): 458–62, <https://doi.org/10.1016/j.smed.2024.04.008>.

³¹ Judith Godschalx-Dekker and Walther van Mook, "Dutch Dismissal Practices: Characteristics, Consequences, and Contrasts in Residents' Case Law in Community-Based Practice Versus Hospital-Based Specialties," *BMC Medical Education* 24, no. 1 (2024), <https://doi.org/10.1186/s12909-024-05106-w>.

³² Jennifer M Silva, T Elizabeth Durden, and Annemarie Hirsch, "Erasing Inequality: Examining Discrepancies Between Electronic Health Records and Patient Narratives to Uncover Perceived Stigma and Dismissal in Clinical Encounters," *Social Science and Medicine* 323 (2023), <https://doi.org/10.1016/j.socscimed.2023.115837>.

consideration of its consequences for institutional governance.³³ These observations demonstrate that legality alone cannot fully determine the legitimacy of administrative dismissal. Legitimacy instead emerges from the interaction between formal authority,³⁴ procedural safeguards,³⁵ proportionality, and the broader objectives of administrative governance.³⁶ Accordingly, the exercise of dismissal authority should be supported by adequate reasons, reliable information, fair procedures, and a legitimate public purpose. This perspective establishes a basis for connecting positive administrative law with substantive principles of justice,³⁷ accountability,³⁸ and public welfare.³⁹

From the perspective of *Maqasid al-Sharia*, the differences in administrative dismissal practices can be understood through the relationship between *maslahah* and *mafsadah*. Administrative authority is legitimate when its exercise is directed toward achieving genuine public benefit and preventing greater harm, rather than merely responding to institutional pressure, public sentiment, or unverified allegations. The principle of *al-'adl* requires decision-makers to treat affected officials fairly, while *tabayyun* requires sufficient verification before an adverse administrative decision is imposed. These principles indicate that procedural safeguards are not merely technical requirements but constitute essential components of legitimate governance. The seriousness of alleged misconduct should therefore be established through a reliable process before dismissal is imposed. Similarly, proportionality requires the administrative response to correspond to the nature and seriousness of the established violation. An authority that exercises dismissal without adequate clarification or objective assessment risks transforming disciplinary power into arbitrary power. Conversely, dismissal supported by evidence, procedural safeguards, and a demonstrable public interest may be consistent with the objectives of *Maqasid al-Sharia*. The legitimacy of dismissal therefore depends not only on the existence of misconduct but also on whether the decision protects institutional integrity, individual rights, and public welfare through a fair process.

The consequences of administrative dismissal extend beyond the immediate termination of an official's position and may affect individual rights,⁴⁰ institutional integrity, and public confidence in government. When dismissal is conducted without adequate procedural protection, it may undermine the dignity and professional standing of the affected official,⁴¹ create perceptions of arbitrariness, and weaken confidence in administrative institutions.⁴² Such practices may also produce institutional harm because officials may become reluctant to exercise professional judgment when administrative sanctions are perceived as unpredictable or influenced by external pressure.⁴³ From a *Maqasid al-Sharia* perspective,

³³ Martín Godino Reyes, "Collective Dismissal: Case Law Assessment of the Supreme Court of Justice (2013–2019)," *Revista Del Ministerio de Empleo y Seguridad Social* 143 (2019): 335–56, <https://www.scopus.com/pages/publications/85139796981?origin=resultslist>.

³⁴ Muath Alqarni, "Compensation for Unfair Dismissal in Saudi Arabia: A Comparative Analysis with the UK and International Labour Standards of Protection," *Manchester Journal of Transnational Islamic Law and Practice* 21, no. 4 (2025): 275–97, <https://www.scopus.com/pages/publications/105030020209?origin=resultslist>.

³⁵ Serhii Silchenko et al., "Compliance by Employers with the Labor Code of Ukraine: On the Issue of Dismissal for Improper Performance of Work," *Social and Legal Studies* 6, no. 4 (2023): 217–25, <https://doi.org/10.32518/sals4.2023.217>.

³⁶ Rodrigo Tascón López, "Enforcement of Judgments of Collective Dismissal: Legal Swings and Jurisprudential Criteria," *Trabajo y Derecho*, no. 24 (2016), <https://www.scopus.com/pages/publications/85054953603?origin=resultslist>.

³⁷ Abdul Rohim, "The Status of Civil Servants' Pension Fund Inheritance: A Comparative Fiqh Study between Bahtsul Masa'il NU and the Majelis Tarjih Muhammadiyah," *QURU: Journal of Family Law and Culture* 3, no. 2 (May 8, 2025): 219–37, <https://doi.org/10.59698/quru.v3i2.364>.

³⁸ Eduardo Rojo Torrecilla, "Dismissal and Guarantees to Maintain Employment: Regulatory Regime and Jurisprudential Interpretation, the Judicial and Doctrinal Debate," *Revista Del Ministerio de Trabajo y Economía Social* 149 (2021): 37–70, <https://www.scopus.com/pages/publications/85131785008?origin=resultslist>.

³⁹ Jakub Tomsej, "From Discrimination to Dismissal: Navigating Obstacles on the Path to Workplace Justice," *Białostockie Studia Prawnicze* 29, no. 2 (2024): 19–28, <https://doi.org/10.15290/bsp.2024.29.02.02>.

⁴⁰ Juan Ignacio Paillán Aguilar, "Outstanding Dissents and Forethought of the Supreme Court Related to the Dismissal of Public Employees, 2016–2020: A Perspective on the Development of Jurisprudence," *Revista de Derecho Administrativo Económico*, no. 33 (2021): 269–84, <https://doi.org/10.7764/redae.33.10>.

⁴¹ Alberto Cámara Botía, "Dismissal and Reconciliation Between Work and Family Life," *Revista Del Ministerio de Empleo y Seguridad Social* 133 (2017): 269–311, <https://www.scopus.com/pages/publications/85139769124?origin=resultslist>.

⁴² Khady Badiane-Devers, "Unrecognized Sexual Harassment, Recognized Moral Harassment, and Cancellation of Dismissal," *Sante Mentale et Droit* 23, no. 6 (2023): 1175–79, <https://doi.org/10.1016/j.smed.2023.10.029>.

⁴³ Maria Teresa Carinci, "The Constitutional Redesign of the Protection Against Individual Dismissal in Italy," *Trabajo y Derecho*, no. 60 (2019), <https://www.scopus.com/pages/publications/85106705570?origin=resultslist>.

these consequences constitute potential *mafsadah* because administrative authority that produces unnecessary harm cannot easily be reconciled with the objectives of justice and public welfare. Conversely, disciplinary dismissal that follows a transparent,⁴⁴ proportionate, and evidence-based process may strengthen institutional accountability and protect public trust.⁴⁵ The distinction is therefore not simply between dismissal and non-dismissal, but between responsible and irresponsible uses of administrative power.⁴⁶ The *Maqasid* framework provides a substantive basis for evaluating these consequences by asking whether an administrative decision protects rights, prevents greater harm, maintains institutional integrity, and advances collective welfare.⁴⁷ Procedural justice consequently functions as an instrument for achieving substantive justice rather than as a merely formal administrative requirement.

These findings complement previous scholarship emphasizing legality, due process, accountability, and public interest as foundations of administrative governance,⁴⁸ while extending the discussion through the incorporation of *Maqasid al-Sharia* as an integrated evaluative framework.⁴⁹ Previous studies have generally examined administrative dismissal from perspectives such as statutory compliance, disciplinary authority,⁵⁰ bureaucratic accountability,⁵¹ or principles of good governance.⁵² These approaches are important for determining whether administrative decisions comply with positive law,⁵³ but they may provide limited analytical space for assessing the ethical and substantive consequences of administrative authority.⁵⁴ This study extends the existing literature by connecting positive administrative law with the *Maqasid* principles of justice,⁵⁵ public welfare,⁵⁶ prevention of harm,⁵⁷ verification,⁵⁸ and proportionality. Its novelty lies not merely in applying Islamic legal concepts to administrative dismissal, but in establishing an integrated relationship between formal legality and substantive legitimacy.⁵⁹ The framework requires administrative decisions to be evaluated through several interconnected dimensions:

⁴⁴ Cerah Andika Syah and Zaid Alfauza Marpaung, "Pemberhentian Tidak Dengan Hormat Pegawai Negeri Sipil Karena Tindak Pidana Korupsi: Perspektif Fiqh Siyasah (Analisis Putusan PTUN No. 4/G/2019/PTUN.PDG)," *MUKADIMAH: Jurnal Pendidikan, Sejarah, Dan Ilmu-Ilmu Sosial* 9, no. 2 (October 1, 2025): 667–75, <https://doi.org/10.30743/mkd.v9i2.11993>.

⁴⁵ Ana Castro Franco, "Regulatory Delimitation of Collective Dismissal in the European Union: Historical Developments and 'De Facto' Redundancies," *Lex Social* 14, no. 2 (2024): 1–72, <https://doi.org/10.46661/lexsocial.10523>.

⁴⁶ Stevanus Eka Kristiawan and Lego Karjoko, "The Principle of Legal Certainty in Dismissal of Civil Servants Who Have Reached the Retirement Age Limit and Are Undergoing the Corruption Criminal Court Process," *International Journal of Law and Politics Studies* 5, no. 4 (July 2, 2023): 07–14, <https://doi.org/10.32996/ijlps.2023.5.4.2>.

⁴⁷ Marilyn Pittard, "A Fair Deal? Justice in Dismissal in Australia," *King's Law Journal* 33, no. 2 (2022): 248–77, <https://doi.org/10.1080/09615768.2022.2106677>.

⁴⁸ Magdalena Llompарт Bennàssar, "Legislative Power Versus Judiciary in Dismissals for Economic, Technical, Organizational, or Production Reasons," *Trabajo y Derecho*, no. 18 (2016), <https://www.scopus.com/pages/publications/85054750497?origin=resultslist>.

⁴⁹ Howard Chitimira and Kefilwe Lekopanye, "A Conspectus of Constitutional Challenges Associated with the Dismissal of Employees for Social Media-Related Misconduct in the South African Workplace," *Revista Direito GV* 15, no. 1 (2019), <https://doi.org/10.1590/2317-6172201909>.

⁵⁰ Paola Dardano, "How to Be Impolite in Ancient Greek: Silencers and Dismissals in Greek Comedy," *Veleia* 2022, no. 39 (2022): 65–83, <https://doi.org/10.1387/veleia.22300>.

⁵¹ Jonathan Hunter-Parsonage, "Respect for Private Life in the Context of Dismissal from Employment: Mile Novaković v. Croatia (Application No. 73544/14)," *European Human Rights Law Review* 2021, no. 2 (2021): 218–21, <https://www.scopus.com/pages/publications/85111706215?origin=resultslist>.

⁵² Nadir Ouchia, "Dismissal for Serious Misconduct by RATP of a Bus Driver for a Positive THC Test," *Sante Mentale et Droit* 24, no. 3 (2024): 486–90, <https://doi.org/10.1016/j.smed.2024.04.014>.

⁵³ Anna Kutsevych, "German Experience in Regulating Procedure for Dismissal of Civil Servants: Areas of Application in National Labour Legislation," *Baltic Journal of Legal and Social Sciences*, no. 1 (April 5, 2023): 35–39, <https://doi.org/10.30525/2592-8813-2023-1-4>.

⁵⁴ Francisco Vila Tierno, "Dismissal in Transition: Preventive Guarantees, Reasonable Adjustments, and Reconfiguration of the Power to Terminate Employment," *Lex Social* 16, no. 1 (2026), <https://doi.org/10.46661/lexsocial.13102>.

⁵⁵ David J Doorey and Andrew Hills, "Statutory Unjust Dismissal in Canada: What Is the Value of a Lost Job?," *King's Law Journal* 33, no. 2 (2022): 318–44, <https://doi.org/10.1080/09615768.2022.2091823>.

⁵⁶ Larry Au et al., "Long COVID and Medical Gaslighting: Dismissal, Delayed Diagnosis, and Deferred Treatment," *SSM - Qualitative Research in Health* 2 (2022), <https://doi.org/10.1016/j.ssmqr.2022.100167>.

⁵⁷ Thomas J Fewer et al., "Organizational Identity Orientation and CEO Dismissal After Corporate Misconduct," *Business and Society*, 2026, <https://doi.org/10.1177/00076503261425350>.

⁵⁸ M. Najibur Rohman, "The President's Authority in the Appointment, Transfer, and Dismissal of Civil Servants in Democracy in Indonesia," *Journal Philosophy of Law* 2, no. 1 (November 20, 2021): 43, <https://doi.org/10.35973/jpl.v2i1.2587>.

⁵⁹ Junaidah Abd Karim, Siti Zaharah Jamaluddin, and Abdul Muhsin Ahmad, "Enhancement of Employees' Pre-Dismissal Procedures in Malaysia: Lessons from the UAE," *Advanced Science Letters* 23, no. 9 (2017): 8356–61, <https://doi.org/10.1166/asl.2017.9891>.

whether the authority exists, whether the procedure is fair,⁶⁰ whether the sanction is proportionate, and whether the decision genuinely serves the public interest. This contribution expands comparative scholarship on administrative justice by demonstrating how Islamic legal objectives can engage constructively with contemporary principles of accountable governance without replacing positive administrative law.

This study recommends that future administrative governance adopt an integrated approach in which the legitimacy of dismissal is assessed through legality, procedural justice, proportionality, and public welfare. Administrative institutions should ensure that dismissal decisions are based on clear legal authority,⁶¹ reliable evidence, transparent procedures,⁶² adequate opportunities for clarification and self-defense, and a demonstrable relationship between the sanction and the seriousness of the misconduct. At the conceptual level, *Maqasid al-Sharia* can function as a complementary ethical and substantive framework for evaluating the exercise of administrative authority. At the methodological level, future research should compare dismissal practices across administrative institutions, governmental levels, regions, and categories of public officials to assess the wider applicability of this framework. At the policy level, maqasidi principles may inform disciplinary guidelines, administrative review mechanisms, institutional oversight,⁶³ and judicial assessment of dismissal decisions. The broader global contribution of this approach lies in demonstrating that principles derived from Islamic legal thought can contribute constructively to international debates on administrative justice, accountable governance, and ethical public administration. The proposed framework does not seek to weaken governmental disciplinary authority but to ensure that such authority is exercised transparently, proportionately, responsibly, and consistently with individual rights and public welfare. In this way, the integration of positive administrative law and *Maqasid al-Sharia* can support governance that is legally valid, procedurally fair, substantively just, and ethically legitimate.

4. Conclusion

This study concludes that the dismissal of state administrative officials in the examined cases demonstrates a tension between formal legal certainty and substantive procedural justice. Indonesian positive law provides a normative and procedural framework governing the dismissal of administrative officials, but its implementation does not always ensure adequate procedural protection for the officials concerned. The findings particularly indicate the importance of providing officials with sufficient opportunities to obtain clarification, present explanations, and exercise their right to self-defense before a dismissal decision is finalized. The cases involving the Heads of Payakumbuh Timur and Lengayang Subdistricts further demonstrate that compliance with formal administrative procedures alone is insufficient to guarantee a just decision. Administrative dismissal should therefore be assessed not only according to its formal legality but also according to the fairness of the decision-making process and its consequences for the parties affected. From the perspective of *Maqasid al-Sharia*, a dismissal process that neglects procedural justice may produce *mafsadah* within public administration and weaken the realization of public welfare. Accordingly, administrative decision-making should integrate legal certainty, procedural fairness, and substantive justice.

The significance of this study lies in its development of an integrative analytical perspective that connects Indonesian administrative law with *Maqasid al-Sharia* in examining the legitimacy of administrative dismissal. Conceptually, the study demonstrates that the validity of an administrative decision should not be understood exclusively through formal compliance with legal rules, but should also be evaluated in

⁶⁰ Rosa Pérez Garijo, "Protection Against Arbitrary Dismissal: The Criterion of the European Committee of Social Rights and the Response of the Supreme Court," *Lex Social* 16, no. 1 (2026), <https://doi.org/10.46661/lexsocial.13037>.

⁶¹ Ripsimé K Bledsoe, "From Setback to Success: A Restorative Momentum Model of Success for Students Returning From Academic Dismissal," *Community College Review* 53, no. 2 (2025): 159–91, <https://doi.org/10.1177/00915521241294018>.

⁶² Julián José Miguel Barrado, "Dismissal Based on Illness," *Anuario de La Facultad de Derecho. Universidad de Extremadura*, no. 41 (2025): 291–314, <https://doi.org/10.17398/2695-7728.41.2492>.

⁶³ Asanga Welikala, "The Dismissal of Prime Ministers in the Asian Commonwealth: Comparing Democratic Deconsolidation in Malaysia and Sri Lanka," *Political Quarterly* 91, no. 4 (2020): 786–94, <https://doi.org/10.1111/1467-923X.12916>.

relation to justice, public welfare, and the prevention of harm. This perspective broadens the application of *Maqasid al-Sharia* beyond conventional areas of Islamic family or personal law and demonstrates its relevance to contemporary public administration. Methodologically, the comparative integration of empirical findings with administrative law principles and *Maqasid al-Sharia* provides a framework for examining the relationship between legal norms and administrative practices. The study therefore contributes to discussions on responsive and ethically responsible governance by proposing that administrative authority should be exercised within a framework that combines legality with substantive justice and public interest.

This study has several limitations that should be considered when interpreting its findings. First, the research focuses on two specific dismissal cases involving subdistrict heads in Pesisir Selatan Regency, so the findings cannot automatically be generalized to all administrative dismissal practices in Indonesia. Second, the qualitative field approach depends on the availability and perspectives of participants and documentary evidence, which may limit the breadth of information accessible to the researcher. Third, the analysis focuses primarily on the relationship between Indonesian administrative law and *Maqasid al-Sharia* and does not examine all possible dimensions of administrative dismissal, such as institutional, political, or comparative international perspectives. Future research could therefore examine a larger number of cases across different regions and administrative levels to identify broader patterns. Comparative studies involving other legal systems and Islamic governance frameworks could also strengthen the theoretical development of justice-oriented administrative law.

Declarations

Author Contribution Statement

Nadya Fransiska contributed to the conception, research design, data analysis, and writing of the manuscript. Bustamar contributed to the research design, critical revision, and final approval of the manuscript. Both authors contributed equally to the manuscript and approved the final version.

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The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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References

- Abdul Rohim. "The Status of Civil Servants' Pension Fund Inheritance: A Comparative Fiqh Study between Bahtsul Masa'il NU and the Majelis Tarjih Muhammadiyah." *QURU': Journal of Family Law and Culture* 3, no. 2 (2025): 219–37. <https://doi.org/10.59698/quru.v3i2.364>.
- Aguilar, Juan Ignacio Paillán. "Outstanding Dissents and Forethought of the Supreme Court Related to the Dismissal of Public Employees, 2016–2020: A Perspective on the Development of Jurisprudence." *Revista de Derecho Administrativo Económico*, no. 33 (2021): 269–84. <https://doi.org/10.7764/redae.33.10>.
- Alharbi, Meshal Nayef. "Assessment of Changes to Saudi Labour Law Regarding Unfair Dismissal of Employees." *International Journal of Law and Management* 63, no. 4 (2020): 369–86. <https://doi.org/10.1108/IJLMA-08-2020-0219>.
- Alqarni, Muath. "Compensation for Unfair Dismissal in Saudi Arabia: A Comparative Analysis with the UK and International Labour Standards of Protection." *Manchester Journal of Transnational Islamic Law and Practice* 21, no. 4 (2025): 275–97. <https://www.scopus.com/pages/publications/105030020209?origin=resultslist>.
- Au, Larry, Cristian Capotescu, Gil Eyal, and Gabrielle Finestone. "Long COVID and Medical Gaslighting: Dismissal, Delayed Diagnosis, and Deferred Treatment." *SSM - Qualitative Research in Health* 2 (2022). <https://doi.org/10.1016/j.ssmqr.2022.100167>.
- Azehana, Loubena. "Excessive Workload, Burnout, Damage to Health, and Judicial Termination of the Employment Contract Are Equivalent to Dismissal Without Real and Serious Cause." *Sante Mentale et Droit* 24, no. 3 (2024): 458–62. <https://doi.org/10.1016/j.smed.2024.04.008>.
- Badiane-Devers, Khady. "Unrecognized Sexual Harassment, Recognized Moral Harassment, and Cancellation of Dismissal." *Sante Mentale et Droit* 23, no. 6 (2023): 1175–79. <https://doi.org/10.1016/j.smed.2023.10.029>.
- Barrado, Julián José Miguel. "Dismissal Based on Illness." *Anuario de La Facultad de Derecho. Universidad de Extremadura*, no. 41 (2025): 291–314. <https://doi.org/10.17398/2695-7728.41.2492>.
- Beltrán, Carmen Salcedo. "The Effectiveness of Article 24 of the Revised European Social Charter on Unfair Dismissal by the European Committee of Social Rights." *Revista Del Ministerio de Trabajo y Economía Social*, no. 161 (2025): 139–71. <https://doi.org/10.55617/revmites.105>.
- Bennàssar, Magdalena Llompart. "Legislative Power Versus Judiciary in Dismissals for Economic, Technical, Organizational, or Production Reasons." *Trabajo y Derecho*, no. 18 (2016). <https://www.scopus.com/pages/publications/85054750497?origin=resultslist>.
- Bledsoe, Ripsimé K. "From Setback to Success: A Restorative Momentum Model of Success for Students Returning From Academic Dismissal." *Community College Review* 53, no. 2 (2025): 159–91. <https://doi.org/10.1177/00915521241294018>.
- Botía, Alberto Cámara. "Dismissal and Reconciliation Between Work and Family Life." *Revista Del Ministerio de Empleo y Seguridad Social* 133 (2017): 269–311. <https://www.scopus.com/pages/publications/85139769124?origin=resultslist>.
- Carinci, Maria Teresa. "The Constitutional Redesign of the Protection Against Individual Dismissal in Italy." *Trabajo y Derecho*, no. 60 (2019). <https://www.scopus.com/pages/publications/85106705570?origin=resultslist>.
- Chitimira, Howard, and Kefilwe Lekopanye. "A Conspectus of Constitutional Challenges Associated with the Dismissal of Employees for Social Media-Related Misconduct in the South African Workplace." *Revista Direito GV* 15, no. 1 (2019). <https://doi.org/10.1590/2317-6172201909>.
- Dardano, Paola. "How to Be Impolite in Ancient Greek: Silencers and Dismissals in Greek Comedy." *Veleia* 39 (2022): 65–83. <https://doi.org/10.1387/veleia.22300>.
- Doorey, David J., and Andrew Hills. "Statutory Unjust Dismissal in Canada: What Is the Value of a Lost Job?" *King's Law Journal* 33, no. 2 (2022): 318–44. <https://doi.org/10.1080/09615768.2022.2091823>.

- Dunlea, R. R., and Miranda A. Galvin. "Whose Decision Is It Anyway? Defendants' Prior Experience Shapes Prosecutorial Case Dismissal." *Criminology* 64, no. 3 (2026): 734–70. <https://doi.org/10.1111/1745-9125.70043>.
- Durand, Régis. "Dismissal for Serious Misconduct of the Director of a Facility for People with Disabilities for Harassing Managerial Practices." *Sante Mentale et Droit* 24, no. 4 (2024): 683–85. <https://doi.org/10.1016/j.smed.2024.06.019>.
- . "Work Overload: Psychological Harassment, Breach of the Employer's Safety Obligation, and Nullity of the Dismissal." *Sante Mentale et Droit* 24, no. 5 (2024): 905–9. <https://doi.org/10.1016/j.smed.2024.08.011>.
- . "Wrongful Modification of the Employment Contract, Requalification of a Resignation as Dismissal, and Recognition of a Situation of Harassment." *Sante Mentale et Droit* 22, no. 1 (2022): 34–37. <https://doi.org/10.1016/j.smed.2022.01.003>.
- Fewer, Thomas J., Dali Ma, Andrea C. Farro, and ChuanRen Liu. "Organizational Identity Orientation and CEO Dismissal After Corporate Misconduct." *Business and Society* (2026). <https://doi.org/10.1177/00076503261425350>.
- Foreman, Jeremy J., Brian P. Soebbing, and Chad S. Seifried. "Executive Deviance as a Sociopolitical Force in Dismissals." *Deviant Behavior* 42, no. 2 (2021): 193–209. <https://doi.org/10.1080/01639625.2019.1659261>.
- Forteza, Jesús Lahera. "New Configuration of Collective Dismissal." *Trabajo y Derecho*, no. 34 (2017). <https://www.scopus.com/pages/publications/85054902503?origin=resultslist>.
- Franco, Ana Castro. "Regulatory Delimitation of Collective Dismissal in the European Union: Historical Developments and 'De Facto' Redundancies." *Lex Social* 14, no. 2 (2024): 1–72. <https://doi.org/10.46661/lexsocial.10523>.
- Garijo, Rosa Pérez. "Protection Against Arbitrary Dismissal: The Criterion of the European Committee of Social Rights and the Response of the Supreme Court." *Lex Social* 16, no. 1 (2026). <https://doi.org/10.46661/lexsocial.13037>.
- Godschalx-Dekker, Judith A., Frank L. Gerritse, Sebastiaan A. Pronk, Robbert J. Duvivier, and Walther N. K. A. van Mook. "Is Insufficient Introspection a Reason to Terminate Residency Training? Scrutinising Introspection Among Residents Who Disputed Dismissal." *Medical Teacher* 47, no. 1 (2025): 143–50. <https://doi.org/10.1080/0142159X.2024.2323175>.
- Godschalx-Dekker, Judith, and Walther van Mook. "Dutch Dismissal Practices: Characteristics, Consequences, and Contrasts in Residents' Case Law in Community-Based Practice Versus Hospital-Based Specialties." *BMC Medical Education* 24, no. 1 (2024). <https://doi.org/10.1186/s12909-024-05106-w>.
- Hladík, Jan. "Landmark Judgment 4457 of the Administrative Tribunal of the International Labour Organization Concerning Summary Dismissal." *Czech Yearbook of Public and Private International Law* 14 (2023): 79–94. <https://www.scopus.com/pages/publications/85185684675?origin=resultslist>.
- Horta, Daniel Silva. "Disciplinary Dismissal as a Consequence of a Serious Infraction of the Principle of Administrative Probity in the Jurisprudence of Contraloría General de La República." *Revista de Derecho* 29, no. 2 (2016): 157–73. <https://doi.org/10.4067/S0718-09502016000200007>.
- Hunter-Parsonage, Jonathan. "Respect for Private Life in the Context of Dismissal from Employment: Mile Novaković v. Croatia (Application No. 73544/14)." *European Human Rights Law Review* 2021, no. 2 (2021): 218–21. <https://www.scopus.com/pages/publications/85111706215?origin=resultslist>.
- Karim, Junaidah Abd., Tay Pek San, Siti Zaharah Jamaluddin, and Abdul Muhsin Ahmad. "Employees' Pre-Dismissal Right to Be Heard: The Malaysian and Islamic Perspective." *UUM Journal of Legal Studies* 9 (2018): 57–89. <https://www.scopus.com/pages/publications/85061643429?origin=resultslist>.
- Karim, Junaidah Abd., Siti Zaharah Jamaluddin, and Abdul Muhsin Ahmad. "Enhancement of Employees' Pre-Dismissal Procedures in Malaysia: Lessons from the UAE." *Advanced Science Letters* 23, no. 9 (2017): 8356–61. <https://doi.org/10.1166/asl.2017.9891>.

- Kayirgan, Hasan, and Mustafa Nalbant. "The Third-Party Pressure for Dismissal at the Time of the Pandemic." *Kutafin Law Review* 12, no. 2 (2025): 308–33. <https://doi.org/10.17803/2713-0533.2025.2.32.308-333>.
- Kristiawan, Stevanus Eka, and Lego Karjoko. "The Principle of Legal Certainty in Dismissal of Civil Servants Who Have Reached the Retirement Age Limit and Are Undergoing the Corruption Criminal Court Process." *International Journal of Law and Politics Studies* 5, no. 4 (2023): 07–14. <https://doi.org/10.32996/ijlps.2023.5.4.2>.
- Kutsevych, Anna. "German Experience in Regulating Procedure for Dismissal of Civil Servants: Areas of Application in National Labour Legislation." *Baltic Journal of Legal and Social Sciences*, no. 1 (2023): 35–39. <https://doi.org/10.30525/2592-8813-2023-1-4>.
- López, Rodrigo Tascón. "Enforcement of Judgments of Collective Dismissal: Legal Swings and Jurisprudential Criteria." *Trabajo y Derecho*, no. 24 (2016). <https://www.scopus.com/pages/publications/85054953603?origin=resultslist>.
- Martínez, Beatriz Sánchez-Girón. "Legal Protection Against Dismissal in the 2030 Agenda as a Guarantee of Decent Work (SDG 8) and Its Impact on Workers' Mental Health (SDG 3)." *Estudios de Deusto* 74, no. 1 (2026): 341–71. <https://doi.org/10.18543/ed.3583>.
- Miller, David Michael. "The Role of Religious Politics in the Dismissal of Lowell Mason from the Boston Public Schools in 1845." *Journal of Historical Research in Music Education* 40, no. 2 (2019): 105–24. <https://doi.org/10.1177/1536600617737062>.
- Montoya, Álvaro Domínguez. "Automation, Work, and Protection: On Technological Dismissal in Chile." *Revista de Derecho* 38, no. 2 (2025): 81–106. <https://doi.org/10.4067/S0718-0950202500020081>.
- Newaj, Kamallesh. "Defining Fairness in Dismissals of Unauthorised Foreign Nationals." *Potchefstroom Electronic Law Journal* 23 (2020): 1–25. <https://doi.org/10.17159/1727-3781/2020/v23i0a7586>.
- Ouchia, Nadir. "Dismissal for Serious Misconduct by RATP of a Bus Driver for a Positive THC Test." *Sante Mentale et Droit* 24, no. 3 (2024): 486–90. <https://doi.org/10.1016/j.smed.2024.04.014>.
- . "Overwork Leading to Burnout, Failure of the Employer to Comply with Its Safety Obligation, and Cancellation of the Dismissal." *Sante Mentale et Droit* 24, no. 1 (2024): 38–41. <https://doi.org/10.1016/j.smed.2023.12.010>.
- Papadopoulos, Nikolaos A. "Assessing the Effectiveness of the European Social Charter: A Case Study on Dismissal Reforms." *European Papers - A Journal on Law and Integration* 7, no. 3 (2022): 1569–92. <https://doi.org/10.15166/2499-8249/628>.
- Peruzzi, Marco. "The Proof of Retaliatory Dismissal under Act No. 179/2017 on Whistleblowing." *Lavoro e Diritto* 34, no. 1 (2020): 33–35. <https://doi.org/10.1441/96105>.
- Petrovics, Zoltán. "Do Workers Want Security? Protection Against Dismissal in the 21st Century." *E-Journal of International and Comparative Labour Studies* 14, no. 1 (2025): 1–26. <https://www.scopus.com/pages/publications/105006998404?origin=resultslist>.
- Pittard, Marilyn. "A Fair Deal? Justice in Dismissal in Australia." *King's Law Journal* 33, no. 2 (2022): 248–77. <https://doi.org/10.1080/09615768.2022.2106677>.
- Prol, Francisca Fernández. "Gender and Business Restructuring in Spanish Law: Women Workers Facing Collective Dismissals." *Revista Juridica Digital Uandes* 8, no. 1 (2024): 125–49. <https://doi.org/10.24822/rjduandes.0801.6>.
- Reyes, Martín Godino. "Collective Dismissal: Case Law Assessment of the Supreme Court of Justice (2013–2019)." *Revista Del Ministerio de Empleo y Seguridad Social* 143 (2019): 335–56. <https://www.scopus.com/pages/publications/85139796981?origin=resultslist>.
- Rohman, M. Najibur. "The President's Authority in the Appointment, Transfer, and Dismissal of Civil Servants in Democracy in Indonesia." *Journal Philosophy of Law* 2, no. 1 (2021): 43. <https://doi.org/10.35973/jpl.v2i1.2587>.
- Sheth, Falguni. "Dismissal, Legibility, and the Normalising of Colonial Misrecognition." *Race and Class* 65, no. 4 (2024): 53–73. <https://doi.org/10.1177/03063968231219165>.

- Silchenko, Serhii, Olena Sereda, Danylo Kravtsov, Iliana Zinovatna, and Tetiana Krasiuk. "Compliance by Employers with the Labor Code of Ukraine: On the Issue of Dismissal for Improper Performance of Work." *Social and Legal Studies* 6, no. 4 (2023): 217–25. <https://doi.org/10.32518/sals4.2023.217>.
- Silva, Jennifer M., T. Elizabeth Durden, and Annemarie Hirsch. "Erasing Inequality: Examining Discrepancies Between Electronic Health Records and Patient Narratives to Uncover Perceived Stigma and Dismissal in Clinical Encounters." *Social Science and Medicine* 323 (2023). <https://doi.org/10.1016/j.socscimed.2023.115837>.
- Sousa, Marisa, and Maria João MacHado. "Brief Notes on Dismissal Due to the Extinction of the Work Post." *Revista Juridica Portucalense*, no. 29 (2021): 78–97. [https://doi.org/10.34625/issn.2183-2705\(29\)2021.ic-05](https://doi.org/10.34625/issn.2183-2705(29)2021.ic-05).
- Syah, Cerah Andika, and Zaid Alfauza Marpaung. "Pemberhentian Tidak Dengan Hormat Pegawai Negeri Sipil Karena Tindak Pidana Korupsi: Perspektif Fiqh Siyasah (Analisis Putusan PTUN No. 4/G/2019/PTUN.PDG)." *MUKADIMAH: Jurnal Pendidikan, Sejarah, Dan Ilmu-Ilmu Sosial* 9, no. 2 (2025): 667–75. <https://doi.org/10.30743/mkd.v9i2.11993>.
- Tête, Etienne. "Requalification of a Resignation into Dismissal Without Real and Serious Cause in the Context of Professional Burnout." *Sante Mentale et Droit* 22, no. 5 (2022): 764–67. <https://doi.org/10.1016/j.smed.2022.08.021>.
- Tierno, Francisco Vila. "Dismissal in Transition: Preventive Guarantees, Reasonable Adjustments, and Reconfiguration of the Power to Terminate Employment." *Lex Social* 16, no. 1 (2026). <https://doi.org/10.46661/lexsocial.13102>.
- Tomsej, Jakub. "From Discrimination to Dismissal: Navigating Obstacles on the Path to Workplace Justice." *Bialostockie Studia Prawnicze* 29, no. 2 (2024): 19–28. <https://doi.org/10.15290/bsp.2024.29.02.02>.
- Torrecilla, Eduardo Rojo. "Dismissal and Guarantees to Maintain Employment: Regulatory Regime and Jurisprudential Interpretation, the Judicial and Doctrinal Debate." *Revista Del Ministerio de Trabajo y Economia Social* 149 (2021): 37–70. <https://www.scopus.com/pages/publications/85131785008?origin=resultslist>.
- Turnea, Elena-Sabina, Ștefan Andrei Neșțian, Silviu Mihail Tiță, Ana Iolanda Vodă, and Alexandra Luciana Guță. "Dismissals and Temporary Leaves in Romanian Companies in the Context of Low Demand and Cash Flow Problems During the COVID-19 Economic Lockdown." *Sustainability (Switzerland)* 12, no. 21 (2020): 1–22. <https://doi.org/10.3390/su12218850>.
- Ushakova, Tatsiana. "Towards a European Concept of Protection against Unjustified Dismissal." *E-Journal of International and Comparative Labour Studies* 12, no. 3 (2023): 45–67. <https://www.scopus.com/pages/publications/85205300448?origin=resultslist>.
- Weiste, Elina, Melisa Stevanovic, and Lise-Lotte Uusitalo. "Experiential Expertise in the Co-Development of Social and Health-Care Services: Self-Promotion and Self-Dismissal as Interactional Strategies." *Sociology of Health and Illness* 44, no. 4–5 (2022): 764–80. <https://doi.org/10.1111/1467-9566.13457>.
- Welikala, Asanga. "The Dismissal of Prime Ministers in the Asian Commonwealth: Comparing Democratic Deconsolidation in Malaysia and Sri Lanka." *Political Quarterly* 91, no. 4 (2020): 786–94. <https://doi.org/10.1111/1467-923X.12916>.