

## **FROM CEREMONY TO RESPONSIBILITY: OATH OF OFFICE AS AMANAH IN THE MINISTRY OF RELIGIOUS AFFAIRS**

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### **Abstract**

This study examines the effectiveness of the oath of office within the Ministry of Religious Affairs of Central Sulawesi. It reconstructs its meaning as an entrusted responsibility (amanah) with legal, ethical, and social consequences. Employing a socio-legal approach, this research analyzes the oath of office not only as a normative legal requirement but also as a living legal norm operating within bureaucratic practices. Data were collected through in-depth interviews with civil servants, observation of oath-taking ceremonies, and document analysis. The findings reveal a significant gap between legal norms and bureaucratic practices, in which the oath of office is predominantly perceived as a formal, ceremonial procedure rather than a continuous ethical commitment. From the perspective of legal effectiveness theory, this condition reflects weaknesses in legal culture, organizational environment, and enforcement mechanisms rather than deficiencies in legal substance. Furthermore, this study conceptualizes the oath of office as a form of public trust that aligns with the fiduciary relationship doctrine in modern law and the Islamic concept of amanah. The research contributes theoretically by integrating socio-legal analysis with Islamic legal ethics and practically by offering a reconstruction of the oath of office to strengthen bureaucratic integrity, accountability, and ethical governance.

**Keywords:** amanah; bureaucratic ethics; Oath of office

### **Abstrak**

Penelitian ini mengkaji efektivitas sumpah jabatan dalam birokrasi Kementerian Agama Provinsi Sulawesi Tengah serta merekonstruksi pemaknaannya sebagai amanah yang melahirkan konsekuensi hukum, etika, dan sosial. Penelitian ini menggunakan pendekatan sosiologis hukum untuk menganalisis sumpah jabatan tidak hanya sebagai norma hukum formal, tetapi juga sebagai hukum yang bekerja dalam praktik birokrasi. Data diperoleh melalui wawancara mendalam dengan aparatur sipil negara, observasi

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prosesi sumpah jabatan, dan studi dokumen. Hasil penelitian menunjukkan adanya kesenjangan antara norma hukum dan praktik birokrasi, di mana sumpah jabatan cenderung dipahami sebagai prosedur seremonial, bukan sebagai komitmen etis yang berkelanjutan. Dalam perspektif teori efektivitas hukum, kondisi ini lebih disebabkan oleh lemahnya budaya hukum, lingkungan organisasi, dan mekanisme penegakan, bukan oleh kekurangan substansi hukum. Penelitian ini juga menempatkan sumpah jabatan sebagai hubungan kepercayaan publik yang sejalan dengan doktrin fiduciary relationship dalam hukum modern dan konsep amanah dalam hukum Islam. Secara teoretis, penelitian ini memperkaya kajian hukum ekonomi syariah melalui integrasi analisis sosio-legal dan etika Islam, serta secara praktis menawarkan rekonstruksi sumpah jabatan untuk memperkuat integritas dan akuntabilitas birokrasi.

**Kata Kunci: Amanah; Sumpah jabatan; Etika birokrasi**

## A. INTRODUCTION

In a global context, the crisis of bureaucratic integrity is a serious problem faced by many countries, both developing and developed. Various studies show that the abuse of authority, corruption, and weak accountability of public officials have a direct impact on economic stagnation, declining public trust in state institutions, and deteriorating quality of governance.<sup>1</sup> This phenomenon shows that the problem of bureaucracy is not merely administrative in nature, but is closely related to a crisis of values, ethics, and moral responsibility in the exercise of public power.

In modern government systems, one of the normative instruments designed to maintain the integrity of public officials is the oath of office. Universally, the oath of office is understood as a binding moral and legal commitment, and serves as a mechanism for legitimizing power and ethical control over state administrators.<sup>2</sup> However, various cross-country studies show that the oath of office often loses its substantive

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<sup>1</sup> Nanik Pujiastuti, "Dampak Munculnya Korupsi Di Lingkungan Birokrasi Dan Pembangunan Ekonomi Di Indonesia," *Dedikasi: Jurnal Ilmiah Sosial, Hukum, Budaya* 24, no. 1 (2023): 30–39, <https://doi.org/10.31293/ddk.v24i1.7086>; Rizky Subhan, "Dampak Korupsi Terhadap Perekonomian Di Indonesia," *Jurnal Pustaka* 2, no. 3 (2025): 422–30, <https://doi.org/10.70292/pchukumsosial.v2i3.101>; Faizah Anindita and Trubus Rahardiansyah, "Analisis Yuridis Terhadap Dampak Ekonomi Dan Lingkungan Dari Tindak Pidana Korupsi Dalam Kasus Harvey Moeis," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 3 (2025): 1345–52, <https://doi.org/10.61104/alz.v3i3.1365>.

<sup>2</sup> Asnani Fujiyanti and Ai Wati, "Menggali Makna Sakral Sumpah Pejabat: Antara Ritual, Tanggung Jawab, Dan Janji," *Thengkyang* 9, no. 2 (2024): 125–34, <https://jurnal.unisti.ac.id/thengkyang/article/view/268>.

binding force and functions more as a symbolic ritual in the process of power transition.<sup>3</sup> As a result, the oath is no longer an effective means of preventing abuse of authority.

In Indonesia, this issue becomes even more complex given the state's character, grounded in belief in One God. Civil servants are normatively required to take an oath of office before carrying out their duties, as stipulated in Law Number 5 of 2014 concerning Civil Servants and Government Regulation Number 21 of 1975. The oath of office in this context has both a legal and a religious dimension, as it is taken in the name of God and publicly witnessed.<sup>4</sup> Thus, the oath of office should serve as the foundation of bureaucratic ethics and as a means of internalizing the values of honesty, integrity, and responsibility.

However, empirical reality shows a gap between norms and practices. Various studies show that the work environment, organizational culture, and weak internalization of bureaucratic ethical values significantly influence civil servants' integrity.<sup>5</sup> Studies within the Ministry of Religious Affairs also show that work discipline and leadership do not fully reflect the moral values contained in the oath of office.<sup>6</sup> This condition indicates that the oath of office has not functioned optimally as a tool for controlling the behavior of state officials.

From an Islamic perspective, this issue is a serious paradox. An oath is categorized as *mitsaqan ghaliza* (a solemn covenant) because it involves God's name as the highest witness. The Qur'an explicitly condemns the violation of oaths and promises (QS). *Āli 'Imrān* [3]: 77.

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<sup>3</sup> Nur Lailiyah, Beny Hamdani, and Ahmad Khoironi Arianto, "Tindak Tutur Performatif Dalam Sumpah Jabatan : Sebuah Analisis Wacana Kritis," *Madah: Jurnal Bahasa Dan Sastra* 15, no. 2 (2024): 242–58.

<sup>4</sup> Arief Fuady, "Urgensi Pelaksanaan Sumpah Jabatan Pegawai Negeri Sipil Dalam Pasal 1 Peraturan Pemerintah Republik Indonesia Nomor 21 Tahun 1975 Dalam Perspektif Negara Hukum Di Indonesia," *JOM Fakultas Hukum Universitas Riau X*, no. 2 (2023), <https://jom.unri.ac.id/index.php/JOMFHUKUM/article/view/34774>.

<sup>5</sup> Ni Kadek Yuni Astuti, Gede Wirata, and Anak Agung Gde Raka, "Pengaruh Integritas, Kompetensi Bidang Dan Lingkungan Kerja Terhadap Kinerja Pegawai Negeri Sipil Pada Biro Umum Dan Protokol Sekretariat Daerah Provinsi Bali," *Gema Wiralodra* 14, no. 1 (2023): 394–400.

<sup>6</sup> Latifahannum Latifahannum et al., "Pengaruh Kepemimpinan Dan Disiplin Kerja Terhadap Kinerja Pegawai Pada Kantor Kementerian Agama Kota Pematangsiantar," *Maker: Jurnal Manajemen* 2, no. 2 (2016): 54–62.

Hamka Siregar, in his article, emphasizes that the oath of office in Islamic law is a morally binding agreement that has a direct impact on ukhrawi accountability.<sup>7</sup> Sahran Raden even states that the oath of office should serve as a means of self-control for officials in carrying out their mandate.<sup>8</sup> including in economic and social aspects,<sup>9</sup> Including economic and social aspects.

The phenomenon of symbolizing the oath of office is also evident in Indonesian bureaucratic practices. Living Qur'an research shows that the use of the Al-Qur'an in the oath of office ceremony is mostly interpreted as a symbol of sacredness, but has not been effective in preventing the abuse of power.<sup>10</sup> Alfinsa Galang Pratama also revealed similar findings.<sup>11</sup>, which showed that the oath-of-office procession at the Ministry of Religious Affairs is often understood as a symbolic ritual. At the same time, the meanings of ethical commitment and sustainable responsibility have not been fully internalized in the apparatus's behavior.

The impact of this degradation in the meaning of the oath of office is not only moral but also systemic, affecting social and economic life. Various studies show that bureaucratic corruption, which is essentially a form of betrayal of the oath of office, contributes to state financial losses, social inequality, and environmental damage.<sup>12</sup> From the perspective of public administration ethics and Islamic law, this

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<sup>7</sup> Hamka Siregar, "Sumpah Pegawai Negeri Sipil Dalam Perspektif Hukum Islam," *Al-'Adalah* 12, no. 2 (2015): 715–28, <https://doi.org/10.24042/adalah.v12i2.209>.

<sup>8</sup> Sahran Raden, "Islam Dan Sumpah Jabatan, Konsekwensinya Dalam Dunia Birokrasi Di Indonesia," *LP2M UIN Datokarama Palu*, n.d.

<sup>9</sup> Raden.

<sup>10</sup> Rizal Rahman, "Studi Living Qur'an Dalam Praktik Sumpah Pejabat Menggunakan Mushaf Al-Quran," *Multidisiplin Ilmu Akademik* 1, no. 3 (2024): 880–90, <https://doi.org/10.61722/jmia.v1i3.1897>.

<sup>11</sup> Alfinsa Galang Pratama, "Makna Simbolik Prosesi Sumpah Jabatan (Studi Living Quran Di Kantor Kementerian Agama Kota Salatiga)" (IAIN SALATIGA, 2024).

<sup>12</sup> Subhan, "Dampak Korupsi Terhadap Perekonomian Di Indonesia"; Dea Cintana et al., "Dampak Korupsi Terhadap Pembangunan Ekonomi Nasional," *Journal of the Research Center for Digital Democracy* 1, no. 1 (2025): 12–18; Deby Shintawulan et al., "Analisis Dampak Penyalahgunaan Wewenang Terhadap Tindak Pidana Korupsi," *Penelitian Ekonomi Manajemen Dan Bisnis* 3, no. 4 (2024).

condition reflects a failure to uphold the principle of *amanah*, which should be the moral foundation of public authority management.<sup>13</sup>

Many previous studies have discussed the oath of office from various perspectives, ranging from normative aspects of constitutional law and the sacred and ethical dimensions of leadership<sup>14</sup> to linguistic<sup>15</sup> and symbolic studies of the oath of office.<sup>16</sup> However, most of these studies remain descriptive and normative. Based on this description, there is a significant research gap: the absence of a comprehensive study that reconstructs the oath of office as an *amanah* with binding economic, social, and spiritual consequences, particularly within the Ministry of Religious Affairs bureaucracy at the regional level. Therefore, it is necessary to reconstruct the understanding that shifts the paradigm of the oath of office: from a mere moral promise to an “*amanah*” that has consequences of accountability. In a professional context, the oath of office must be interpreted as a contract that creates binding rights and obligations.<sup>17</sup> This study aims to fill this gap by reconstructing the oath of office within the Ministry of Religious Affairs of Central Sulawesi Province.

This study aims to analyze the factors that contribute to the oath of office's limited effectiveness and to offer a reconstruction of its meaning as an *amanah* that gives rise to real accountability.

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<sup>13</sup> Achmad Rifqi Azdi, Raul Hidayat Nurwahid, and Hayat, “Korupsi Dan Kegagalan Etika Dalam Administrasi Publik: Dampak Pada Pelayanan Masyarakat,” *Wacana: Jurnal Ilmu Sosial Dan Ilmu Politik Interdisipliner* 11, no. 2 (2024), <https://doi.org/10.37304/wacana.v11i2.17005>; Ulia Ulfa and Eti Karini, “Analisis Fiqh Siyasah Tanfidziyah Terhadap Pasal 3 Ayat 1 Peraturan Presiden Nomor 104 Tahun 2007 Tentang Pelaksanaan Penyaluran Gas Elpiji 3Kg Oleh Distributor Kepada Usaha Mikro Dan Rumah Tangga,” *JIHHP: Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 6 (2025): 5545–55.

<sup>14</sup> Fujiyanti and Wati, “Menggali Makna Sakral Sumpah Pejabat: Antara Ritual, Tanggung Jawab, Dan Janji.”

<sup>15</sup> Lailiyah, Hamdani, and Khoironi Arianto, “Tindak Tutur Performatif Dalam Sumpah Jabatan : Sebuah Analisis Wacana Kritis.”

<sup>16</sup> Pratama, “Makna Simbolik Prosesi Sumpah Jabatan (Studi Living Quran Di Kantor Kementerian Agama Kota Salatiga)”; Rahman, “Studi Living Qur'an Dalam Praktik Sumpah Pejabat Menggunakan Mushaf Al-Quran.”

<sup>17</sup> Gladys Angela and Rut Koagouw, “Kewajiban Notaris Dalam Memenuhi Hak Karyawannya Sebagai Implementasi Sumpah Jabatan,” *JIHHP: Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 4 (2025): 3128–40, <https://doi.org/10.38035/jihhp.v5i4>.

Theoretically, this study is expected to enrich the knowledge of Islamic economic law, particularly in the study of ethics and bureaucratic accountability. Practically, the results of this study are expected to serve as a reference in strengthening a culture of integrity and improving the design of the oath of office within the Ministry of Religious Affairs, so that the oath of office no longer remains at a symbolic level but functions as an instrument for preventing irregularities and strengthening fair governance.

## B. LITERATURE REVIEW

To analyze the complexity of oath-taking practices in bureaucracy, this study draws on two complementary theoretical approaches. The Theory of Legal Effectiveness explains the factors that influence officials' compliance with their oaths of office in bureaucratic practice. At the same time, the Theory of *amanah* serves as a reconstructive framework, positioning the oath of office as a normative commitment that gives rise to real responsibility.

### 1. The Theory of Legal Effectiveness

Soerjono Soekanto explains that legal effectiveness is not determined solely by the existence of written norms, but also by five main factors: legal substance, law enforcement officials, facilities and infrastructure, society, and legal culture. If any of these factors do not function optimally, the law may lose its binding force in social life.<sup>18</sup>

In the context of the oath of office for state officials, this theory helps explain why normatively binding oaths often do not correlate with compliant, integrity-based behavior in bureaucratic practice. Various studies show that the work environment and organizational culture have a greater influence on weak compliance among officials than the absence of rules.<sup>19</sup>

Astuti, Wirata, and Raka<sup>20</sup> Found that the integrity of civil servants

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<sup>18</sup> Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Raja Grafindo Persada, 2019).

<sup>19</sup> Pujiastuti, "Dampak Munculnya Korupsi Di Lingkungan Birokrasi Dan Pembangunan Ekonomi Di Indonesia."

<sup>20</sup> Astuti, Wirata, and Raka, "Pengaruh Integritas, Kompetensi Bidang Dan Lingkungan Kerja Terhadap Kinerja Pegawai Negeri Sipil Pada Biro Umum Dan Protokol Sekretariat Daerah Provinsi Bali."

is greatly influenced by the work climate and values that exist within an organization. A permissive bureaucratic environment that tolerates ethical violations can erode individuals' moral awareness, leading them to perceive the oath of office as nothing more than an administrative formality. These findings are consistent with the research by Yolanda and Syamsir.<sup>21</sup> and Widyanti<sup>22</sup> This confirms that the professionalism and work discipline of civil servants are products of an organizational ecosystem that either instills or weakens the value of integrity.

In addition to workplace factors, legal culture also plays an important role in shaping compliance with the oath of office. Local values that emphasize shame, collective responsibility, and social honor can serve as a mechanism for controlling officials' behavior when consistently integrated into the bureaucracy's work ethic.<sup>23</sup> However, when cultural values and public service ethics are ignored or not institutionalized, the oath of office loses its symbolic and normative power, reducing it to a mere formality.<sup>24</sup>

Thus, the Theory of Legal Effectiveness helps map out that violations of the oath of office are not merely a matter of individual morality but a structural and cultural issue related to legal culture and the bureaucratic environment.

## 2. The Concept of *Amanah*

As a reconstructive approach, this study uses the concept of *amanah* to position the oath of office as a form of public trust that gives

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<sup>21</sup> Nadya Meidisyah Yolanda and Syamsir Syamsir, "Pengaruh Integritas Terhadap Kinerja Pegawai Negeri Sipil (PNS) Di Lingkungan Organisasi Perangkat Daerah (OPD) Dinas Kota Padang," *Jurnal Perspektif: Jurnal Kajian Sosiologi Dan Pendidikan* 3, no. 1 (2020): 70–77, <https://doi.org/10.24036/perspektif.v3i1.191>.

<sup>22</sup> Rere Widyanti, "Pengaruh Profesionalisme Dan Disiplin Kerja Terhadap Kinerja Aparatur Sipil Negara Di Direktorat Jendral Otonomi Daerah Kementerian Dalam Negeri" (Universitas Nasional, 2024).

<sup>23</sup> Oktavia Rizki Nuur Azizah and Rizki Amalia, "PENGARUH BUDAYA SIRI'NA PACCE TERHADAP INTEGRITAS ASN DI BKPSDM KOTA MAKASSAR PROVINSI SULAWESI SELATAN" (IPDN, 2025).

<sup>24</sup> Fujiyanti and Wati, "Menggali Makna Sakral Sumpah Pejabat: Antara Ritual, Tanggung Jawab, Dan Janji."

rise to moral, social, and legal responsibilities.<sup>25</sup> In the Islamic perspective, *amanah* is understood as an obligation to fulfill it honestly, fairly, and responsibly, with the awareness that every authority will be held accountable, both in this world and in the hereafter.<sup>26</sup>

In modern law, this type of relationship is known as a fiduciary relationship, a relationship of trust that requires the holder of authority to act honestly, loyally, and to prioritize the interests of the party they represent, as emphasized in the development of contemporary fiduciary law doctrine.<sup>27</sup> This principle aligns with the concept of *amanah*, which demands consistency among authority, competence, and responsibility. Therefore, a violation of the oath of office cannot be understood merely as a procedural or administrative error, but rather as a form of betrayal of the public trust attached to the position.

Hamkah Siregar<sup>28</sup> Emphasizes that the oath of office is a morally binding agreement that demands consistency between the commitments made and the actual actions of public officials. Violations of the oath of office not only reflect administrative noncompliance but also a failure to maintain the trust associated with the position. Rizal Rahman reinforces this view.<sup>29</sup>, who states that the involvement of religious symbols in the oath-taking process emphasizes the weight of responsibility and ethical consequences that are inseparable from public office.

Amiruddin,<sup>30</sup> A comparative interpretive study shows that *amanah* is always associated with the obligation to hand over authority to the

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<sup>25</sup> Amiruddin, “Amanah Dalam Perspektif Al-Quran (Studi Komparatif Tafsir Al-Misbah Dan Al-Azhar),” *MUDARRISUNA: Media Kajian Pendidikan Agama Islam* 11, no. 4 (2021), <https://doi.org/10.22373/jm.v11i4.4665>.

<sup>26</sup> Al Kahfi and Hamidullah Mahmud, “Penerapan Etika Amanah Dalam Manajemen Kepemimpinan Modern Perspektif Q.S Al-Ahzab : 72 Berdasarkan Tafsir Al-Misbah,” *Al-Munir: Jurnal Ilmu Al-Qur'an Dan Tafsir* 6, no. 2 (2024).

<sup>27</sup> Paul Miller, “A Theory of Fiduciary Liability,” *McGill Law Journal / Revue de Droit de McGill* 56, no. 2 (2011): 235–88, <https://doi.org/https://doi.org/10.7202/1002367ar>.

<sup>28</sup> Siregar, “Sumpah Pegawai Negeri Sipil Dalam Perspektif Hukum Islam.”

<sup>29</sup> Rahman, “Studi Living Qur'an Dalam Praktik Sumpah Pejabat Menggunakan Mushaf Al-Quran.”

<sup>30</sup> Amiruddin, “Amanah Dalam Perspektif Al-Quran (Studi Komparatif Tafsir Al-Misbah Dan Al-Azhar).”

rightful party and exercise it fairly. In the context of public office, *amanah* requires consistency between authority, competence, and responsibility. Violations of *amanah* cannot be understood solely as procedural errors; they constitute a betrayal of the public trust attached to the position.<sup>31</sup>

Some empirical studies also show that a weak practical understanding of *amanah* contributes to a decline in the civil service's work ethic. A survey by Hamzah bin Omar et al.<sup>32</sup> Found that although civil servants understand the concept of *amanah* normatively, its application is often hampered by structural pressures, personal interests, and an unsupportive work culture. This confirms that *amanah* cannot be understood as an abstract value; it must be institutionalized within a real accountability system.

In the context of the legal profession, Pingkan Chandra Dewi Tamaka<sup>33</sup> Emphasizes that the oath of office will be meaningful only if understood as an ethical commitment that entails concrete responsibilities. When *amanah* is neglected, the oath of office loses its substance and may give rise to abuse of authority. This view is relevant to government bureaucracy, where public office is essentially a trust that comes with the obligation to protect the public interest.

Various studies also show that the denial of official duties has a broad impact on social and economic life. Abuse of authority and bureaucratic corruption have been proven to harm state finances, weaken public trust, and damage the legitimacy of government

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<sup>31</sup> Amiruddin; Pingkan Chandra Dewi Tamaka, "Prinsip Kepastian Hukum Profesi Notaris Terhadap Amanah Dalam Sumpah Atau Janji Jabatan Notaris," *Al Qodiri: Jurnal Pendidikan, Sosial, Dan Keagamaan* 22, no. 1 (2024), <https://doi.org/10.53515/qodiri.2024.22.1.71-92>; Erik Hamdani, "Pemilu Dan Pemilihan Kepala Daerah Dari Perspektif Islam Untuk Pemilih Pemula Di Kabupaten Kuningan," Komisi Pemilihan Umum Kabupaten Kuningan, 2025, [https://kab-kuningan.kpu.go.id/blog/read/8051\\_pemilu-dan-pemilihan-kepala-daerah-dari-perspektif-islam-untuk-pemilih-pemula-di-kabupaten-kuningan](https://kab-kuningan.kpu.go.id/blog/read/8051_pemilu-dan-pemilihan-kepala-daerah-dari-perspektif-islam-untuk-pemilih-pemula-di-kabupaten-kuningan).

<sup>32</sup> Hamzah Bin Omar et al., "Kefahaman Amanah Menurut Perspektif Al-Sunnah : Analisis Kefahaman Kakinan Pekerja Di Pejabat Agrobank Wilayah Johor/Melaka," in *E-Proceeding of The 2nd International Conference On Contemporary Issues In Al-Quran And Hadith 2020 (THIQAH 2020)* (Jogjakarta, Indonesia, 2020), 21–24.

<sup>33</sup> Tamaka, "Prinsip Kepastian Hukum Profesi Notaris Terhadap Amanah Dalam Sumpah Atau Janji Jabatan Notaris."

institutions.<sup>34</sup> Therefore, violations of the oath of office can be understood as a systemic failure to maintain the mandate of public authority.

The oath of office, as a legal norm, will not be effective if it is merely a formal procedure without the support of a strong legal culture and institutional system. The Theory of Legal Effectiveness helps explain the structural and cultural factors that shape the oath of office in practice. At the same time, the concept of *amanah* provides an ethical and religious basis for reconceptualizing the oath of office as a commitment that gives rise to real accountability.

The synthesis of these two approaches allows research to interpret the oath of office not merely as a symbolic statement, but as a but as a living norm that binds officials legally, morally, and socially. Thus, the reconstruction of the oath of office aims to restore its function as an instrument that strengthens bureaucratic integrity and safeguards public trust.

### C. METHOD

This research is legal research with a socio-legal approach that analyzes the oath of office as a legal norm that operates in bureaucratic practice. The socio-legal approach is used because this study not only examines the normative provisions regarding the oath of office as stipulated in legislation, but also examines how these norms are practiced, understood, and implemented by civil servants in everyday bureaucratic life. Within this framework, law is understood as an operational social institution (*law in action*), not merely as a normative text (*law in books*).<sup>35</sup>

This approach allows the study to read the oath of office as a socio-legal phenomenon, namely one that arises from the interaction among legal norms, bureaucratic structures, and the behavior of state officials. This phenomenon is evident in the tendency to formalize the oath of

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<sup>34</sup> Subhan, “Dampak Korupsi Terhadap Perekonomian Di Indonesia.”

<sup>35</sup> Andi Winarno, “Integrasi Pendekatan Sosiologi Hukum Dalam Perumusan Kebijakan Hukum Yang Responsif Terhadap Realitas Sosial,” *Sultan Adam: Jurnal Hukum Dan Sosial* 3, no. 2 (2025), <https://doi.org/10.71456/sultan.v3i2.1404>; Reza Banakar and Max Travers, “Introduction to Theory and Method in Socio-Legal Research,” *Oxford*, November 22, 2005, <https://ssrn.com/abstract=1511112>.

office, the shift in its meaning from an ethical commitment to an administrative ritual, and the oath's weak binding power in controlling officials' behavior.

This research was conducted at the Regional Office of the Ministry of Religious Affairs in Central Sulawesi Province, focusing on the oath-taking ceremony for structural officials and civil servants. The research data consisted of primary and secondary data. Primary data were obtained through in-depth interviews with civil servants who had taken the oath of office, as well as through observation of the oath-taking process and the dynamics of bureaucratic behavior after the inauguration. The use of interviews and observation in sociological legal research aims to capture the empirical reality of how legal norms are understood and implemented by legal subjects.<sup>36</sup>

Secondary data were obtained through a literature review of laws and regulations governing the oath of office and civil servants, relevant institutional documents, and academic literature on the oath of office, public office ethics, bureaucratic integrity, and trust in public office. In addition, this study draws on normative studies of conceptual sources that discuss oaths and promises as part of the legal-ethical foundation, enriching the analysis and interpretation of empirical findings without making them the primary research method.

Data analysis was conducted using a qualitative-interpretative approach by interpreting empirical data within the framework of the law and theory used. In the study, the Theory of Legal Effectiveness was used to examine the extent to which the norm of the oath of office effectively controls officials' behavior, particularly through the factors of legal culture and the bureaucratic environment. Meanwhile, the concepts of trust and trust-based relationships in public office served as an interpretive framework for reconstructing the meaning of the oath of office as an obligation that gives rise to moral and social responsibilities in bureaucratic practice.

The validity of the data is maintained through triangulation of sources and methods by comparing data from interviews, observations, and document studies. This approach aims to ensure that the research

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<sup>36</sup> Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

findings comprehensively reflect the reality of the oath of office in practice and are academically accountable.

#### **D. RESULTS AND DISCUSSION**

##### **1. Practice of the Oath of Office at the Ministry of Religious Affairs of Central Sulawesi**

The results of the study show that the oath of office within the Ministry of Religious Affairs of Central Sulawesi Province is normatively understood as a legal prerequisite that must be fulfilled before an official can exercise their authority. The oath-taking ceremony is conducted formally and openly, with strong religious symbolism, such as the use of holy books and the mention of God Almighty. Juridically, the oath of office serves as the basis for the legitimacy of administrative authority, so that without taking the oath, the actions of officials can be considered legally invalid.

However, empirical findings show that in everyday bureaucratic practice, the oath of office tends to be formalized in meaning. The oath is perceived more as part of the inauguration procedure than as an ethical commitment that continues to bind officials' behavior. Several informants stated that the oath is understood as an "initial requirement for office" that is completed when the inauguration procession ends, without any mechanism for continuous reminders or reinforcement of values.

From a sociological perspective of law, this condition shows a gap between law in the books and law in action. Legal norms regarding the oath of office are clearly codified in legislation. Still, their effectiveness as a control on officials' behavior is primarily determined by the social and cultural context of the bureaucracy in which they operate. In other words, the oath of office does not stand as an autonomous norm, but rather depends on the value system, organizational structure, and institutional practices that support it.

The study found that the oath of office at the Ministry of Religious Affairs of Central Sulawesi Province was held as an official ceremony attended by the officials taking the oath, clergy, and other guests. The oath text contained a pledge to carry out duties honestly, fairly, and responsibly for the benefit of the nation, state, and religion, with Allah SWT mentioned as the primary witness to the oath. This procession has

two dimensions: symbolic and practical. It is symbolic because it marks a person's transition to a legally valid official; it is practical because the procession affirms a commitment to the values of honesty, loyalty, dedication, and professionalism in public service.

This study identifies four main patterns in the practice of oaths of office, namely normative-legal, ethical-professional, religious-spiritual, and social-institutional. These four patterns show that oaths of office operate across various normative levels, including legal, ethical, and social.

In the normative-legal pattern, the oath of office serves as the basis for the apparatus's authority. The apparatus recognizes that the oath is a legal requirement that must be fulfilled for the position to be carried out legally. However, this normative function has not been fully accompanied by an understanding that the oath is also binding on an ongoing basis, not only at the time of appointment.

In this dimension, the oath of office serves as the legal basis for government officials to begin exercising their formal authority. Without taking the oath, officials are considered not yet legally authorized to perform their duties, as stated in Government Regulation No. 11 of 2017 on ASN Management.<sup>37</sup> This means that the oath of office is a legal requirement that serves as the gateway to the legitimacy of officials' administrative actions. It ensures that all decisions, policies, and actions of officials have a clear legal basis.

In an ethical-professional context, the oath of office is understood as a moral guideline for work. Several informants stated that the oath serves as a reminder to work honestly, be disciplined, and avoid abuse of authority. However, the ethical effectiveness of this depends heavily on the work environment. In a permissive environment, the oath tends to lose its moral force.

The oath of office shapes professional ethics in public service, including through friendly, transparent, anti-gratification, and community-oriented services. Several informants stated that remembering the oath encourages them to reject corruption, collusion, and nepotism (KKN), as well as other forms of misconduct.

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<sup>37</sup> Pemerintah Pusat Republik Indonesia, "Peraturan Pemerintah Nomor 11 Tahun 2017 Tentang Manajemen Pegawai Negeri Sipil" (2017).

Religious-spiritual patterns indicate that the oath of office raises awareness of responsibilities that extend beyond administrative matters. Officials feel that violating the oath not only affects their careers and institutions but also has moral and spiritual consequences. However, without consistent institutional support, this awareness risks weakening and becoming a mere religious symbol. This is reflected in increased awareness of worship, caution in decision-making, and fear of oppressing the community.

Meanwhile, in the socio-institutional context, the oath of office helps shape the institution's image and public trust. Officials are aware that public perceptions of their post-inauguration behavior reflect the integrity of the institution. In this context, the oath of office may function as a social instrument for strengthening accountability when integrated into bureaucratic reform initiatives and integrity-oriented organizational cultures. Such initiatives include the Integrity Zone program an internal governance reform framework within Indonesian public institutions as well as ASN BERAKHLAK, the national code of ethical values for civil servants, and policies promoting religious moderation. The oath is thus understood as a symbol of public trust that must be exercised in an accountable and transparent manner.<sup>38</sup>

However, the study also found critical views from some informants. The oath of office is considered to lose its moral power if it is not followed by strict monitoring and the enforcement of sanctions. Violations of the oath can lead to maladministration and even criminal acts if they involve abuse of authority that harms the state or society.

## **2. Analysis of the Effectiveness of the Oath of Office in the Framework of Legal Effectiveness Theory**

In the context of the oath of office, this study found that the main problem lies not in the substance of the law but in factors related to legal culture and the bureaucratic environment. From the perspective of legal effectiveness theory, the effectiveness of a legal norm is not only determined by its existence in legislation, but also by the extent to

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<sup>38</sup> Ida Bagus, Ketut Wibiastika, and B Econ, "Implementation of the Integrity Zone Program to Improve Indonesian Customs' Anti-Corruption Culture: A Case Study of Denpasar Customs," *World Customs Journal* 18, no. 2 (2024): 77–95, <https://doi.org/10.55596/001c.123944>.

which the norm can function effectively in social life.<sup>39</sup> Drawing on legal effectiveness and legal consciousness literature, new laws can be said to be effective if their normative substance is operational, supported by a consistent enforcement structure, understood by legal subjects, and embedded in a legal culture that upholds compliance.<sup>40</sup> This framework is important for interpreting the practice of the oath of office, which is normatively binding but often loses its influence in bureaucratic practice.

From a legal perspective, the oath of office for civil servants is clearly set out in various laws and regulations and commits them to carry out their duties honestly, fairly, and responsibly, invoking God Almighty as a witness.<sup>41</sup> However, research findings show that the substance of the oath of office norm remains declarative and symbolic. These norms have not been supplemented with operational formulations of indicators of oath violations, mechanisms for measuring compliance, or direct legal consequences for oath violations. As a result, the oath of office functions more as a moral statement than as a legal norm with coercive power and a deterrent effect on officials' behavior.

This weakness in legal substance is reinforced by a law enforcement structure that does not explicitly connect civil servant misconduct with violations of the oath of office. In bureaucratic practice, such misconduct is typically handled through disciplinary procedures or codes of ethics, without being formally construed as a breach of the oath. As a result, ethics councils and internal supervisory bodies tend to regard the oath as a moral reference rather than a normative basis for sanctioning. Although disciplinary and ethical sanctions are legally valid

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<sup>39</sup> Nur Fitryani Siregar, “Efektivitas Hukum,” *Al-Razi: Jurnal Ilmu Pengetahuan Dan Kemasyarakatan* 18, no. 2 (2018): 1–16, <https://ejournal.iaipadanglawas.ac.id/index.php/alrazi/article/view/23>.

<sup>40</sup> Nienke Doornbos, “Nobody’s Law: Legal Consciousness and Legal Alienation in Everyday Life By Marc Hertogh,” *International Journal of Law in Context* 16, no. 1 (2020): 94–96, <https://doi.org/DOI: 10.1017/S1744552320000014>.

<sup>41</sup> Pemerintah Republik Indonesia, “Undang-Undang (UU) Nomor 5 Tahun 2014 Tentang Aparatur Sipil Negara” (2014); Pemerintah Pusat Republik Indonesia, Peraturan Pemerintah Nomor 11 Tahun 2017 tentang Manajemen Pegawai Negeri Sipil; Presiden Republik Indonesia, “Peraturan Pemerintah Republik Indonesia Nomor 21 Tahun 1975 Tentang Sumpah/Janji Pegawai Negeri Sipil” (1975).

within civil service governance, the absence of an explicit normative linkage between these sanctions and the oath weakens its function as an enforceable institutional norm.

In terms of facilities and infrastructure, this study found that mechanisms for internalizing values and continuous evaluation do not support the oath of office. The oath is presented only at the moment of inauguration, without being followed by an ethics training program, periodic reminders, or its integration into the performance appraisal and promotion system for civil servants. The absence of institutional mechanisms that link the oath of office to human resource management makes the oath a ceremonial event rather than a tool for shaping continuous bureaucratic behavior.

From the public's perspective as legal subjects, the oath of office does not yet function as a social contract between officials and the public. The public generally knows that public officials take an oath of office, but there is no space for participation or clear mechanisms to demand accountability for violations of that oath. When authority is abused, the public tends to view it as a general violation of law or ethics rather than a breach of the oath of office. This condition indicates that the oath has not been internalized as a living social norm and does not serve as an instrument of social control over officials' behavior.

The legal culture aspect is the most decisive factor in explaining the oath of office's limited effectiveness.<sup>42</sup> Bureaucratic culture remains dominated by a formalistic orientation, where compliance is assessed primarily through adherence to administrative procedures rather than the internalization of substantive ethical values.<sup>43</sup> Within such a legal culture, the oath of office is treated as a formal prerequisite for holding office rather than as a binding ethical commitment. When trust, integrity, and personal responsibility are not reinforced by consistent leadership examples and institutional practices, the moral and religious

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<sup>42</sup> Any Ismayawati, "Pengaruh Budaya Hukum Terhadap Pembangunan Hukum Di Indonesia (Kritik Terhadap Lemahnya Budaya Hukum Di Indonesia)," *Pranata Hukum Jurnal Ilmu Hukum* 6, no. 1 (2011), <https://doi.org/10.36448/pranatahukum.v6i1.97>.

<sup>43</sup> Zulharbi Amatahir, "Pengaruh Budaya Hukum Terhadap Kebijakan Pembangunan Hukum Di Indonesia," *Jurnal Media Hukum* 10, no. 1 (2022): 38–50, <https://doi.org/10.59414/jmh.v10i1.502>.

dimensions of the oath are reduced to symbolic expressions rather than lived norms.

In this framework, the oath of office is sociologically ineffective, even though it is legally valid. The absence of legal norms does not cause this ineffectiveness; rather, it stems from a systemic failure to integrate the oath of office into institutional design, enforcement mechanisms, and the legal culture of the bureaucracy. Under such conditions, the oath of office risks continuing to degrade from a binding norm to a symbolic ritual, thereby reinforcing the urgency of reconstructing it as a norm of life capable of producing real accountability.

### **3. The Oath of Office as a Relationship of Trust and *Amanah***

The oath of office essentially reflects the trust relationship between officials and the public. In modern legal theory, this type of relationship is known as a fiduciary relationship, in which those in authority are required to act honestly, loyally, and prudently in the interests of those they represent. The empirical findings of this study show that when the oath of office is interpreted as *amanah*, public officials tend to view their positions as responsibilities rather than privileges.

Conversely, when the oath is understood formalistically, violations of office tend to be perceived as technical or administrative errors. In this case, violations of the oath are not considered a betrayal of public trust but rather procedural violations that can be resolved internally. This shows that the meaning of the oath of office greatly determines how officials interpret their responsibilities and the consequences of their actions.

These consequences have a fundamental material dimension. The *amanah* of office is closely related to the principle of protecting state assets (*hifz al-mal*). Therefore, violations of the oath that imply abuse of authority and loss to the state can be categorized as *Ghulul* (betrayal of public assets). The concept of *Ghulul* emphasizes that bureaucratic corruption is not merely an ethical flaw, but an economic crime that violates the social contract between officials and the public, and

demands accountability for the return of misused assets (*dhaman*).<sup>44</sup>

Therefore, the reconstruction of the oath of office aims to shift the paradigm from a mere moral promise to an obligation that gives rise to real accountability. This reconstruction positions the oath of office as a statement of acceptance of a mandate that binds officials ethically, socially, and legally. Within this framework, violation of the oath not only has an impact on administrative aspects but also on moral legitimacy and public trust in institutions.

The reconstruction of the oath of office requires integrating positive law and ethical values. Positive law provides a normative framework and formal sanctions, while ethical values provide moral legitimacy and internal awareness for officials. The integration of these two dimensions is key to restoring the oath of office's function as an instrument of accountability.

Thus, the oath of office is no longer positioned solely as an appointment procedure, but as the ethical foundation of bureaucracy that works simultaneously at the legal, moral, and social levels. This approach is in line with empirical research findings, which show that strengthening the oath of office requires reinterpretation of its meaning, enhancing the culture of law, and consistent enforcement of accountability.

The reconstruction of the oath of office is deemed necessary due to several indications of formalization of the process and to weak internalization of the oath's values in some bureaucratic practices. The reconstruction of the oath of office aims to restore the spirit of ethical office, ensuring that ASNs are not only bound by regulations but also have moral and spiritual awareness as public servants.<sup>45</sup> The reconstruction in this study is directed at two main things: (1) reconstructing the understanding of the meaning of the oath, and (2) reconstructing its implementation.

First, from the aspect of understanding meaning, the oath of office

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<sup>44</sup> Chintya Jiliani et al., “Relevansi Konsep Al-Ghulul Dalam Korupsi : Kajian Terhadap Tindak Pidana Harvey Moeis,” *Jurnal Kajian Agama Islam* 9, no. 1 (2025): 141–45.

<sup>45</sup> Thoha, Miftah, *Birokrasi dan Politik di Indonesia* (Jakarta: Rajawali Pers, 2019), 88.

must be viewed as a statement of sincerity and strong determination to carry out the *amanah* of office with integrity, not merely to fulfill formal obligations. The oath is not only accountable to superiors or guests present, but also to Allah swt. This perspective aligns with the concept of oath in the Qur'an, which carries a sacred nuance and is associated with loyalty to the truth.

Second, from a practical perspective, the reconstruction of the oath of office is proposed through several steps:

- a) Strengthening the legal and regulatory dimensions. The oath of office needs to be more explicitly linked to performance standards and the ASN assessment system. Serious violations of the oath must have clear administrative and legal consequences, for example, through a code of ethics mechanism, an Ethics Council, or an investigation process by internal supervisory authorities. This aligns with Soerjono Soekanto's theory of legal effectiveness, which assesses the effectiveness of norms through obedience and deterrence.
- b) Revitalization of the religious-spiritual dimension. The oath-taking procession is not only recited, but also accompanied by an explanation of the theological meaning of the oath from the perspective of the Qur'an and hadith. A brief explanation of the moral and spiritual consequences of violating the oath, for example, in relation to QS. *Āli 'Imrān* (3): 77, and the hadith about hypocrisy can strengthen the inner awareness of ASNs.
- c) Integration of local cultural values. The reconstruction also needs to consider the local cultural values of Central Sulawesi, such as *morango*, *mosangu*, and *moparamba* (honesty, responsibility, trustworthiness), as a basis for social ethics that can strengthen the meaning of the oath of office. These values can be internalized through training, socialization, and organizational symbols.
- d) Strengthening institutional governance. The values of the oath of office must be woven into bureaucratic reform policies, such as the development of Integrity Zones, the application of sound governance principles, and the government's internal control system. In Nonet

and Selznick's responsive law perspective,<sup>46</sup> this reconstruction serves to make the oath part of the effort to achieve substantive justice, rather than merely an administrative procedure.

#### E. CONCLUSION

The oath of office within the Ministry of Religious Affairs of Central Sulawesi holds a strong normative position as a legal foundation for the legitimacy of public authority, yet its substantive function has not been fully realized in bureaucratic practice. Empirical findings indicate a gap between legal norms and implementation, in which the oath of office is predominantly understood as a procedural and ceremonial requirement rather than a sustained ethical commitment. From a socio-legal perspective and the framework of legal effectiveness theory, this condition reflects weaknesses in legal culture, organizational environment, and enforcement mechanisms rather than deficiencies in legal substance.

This research affirms that the oath of office should be understood as an *amanah* and a form of public trust that entails moral, legal, and social responsibility. When interpreted in this manner, the oath functions not merely as a formal requirement but as a living norm that supports bureaucratic integrity and accountability. Accordingly, the reconstruction of the oath of office is necessary to strengthen its role in promoting ethical governance by aligning it with institutional accountability mechanisms and bureaucratic practice.

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<sup>46</sup> Agam Ibnu Asa, Misnal Munir, and Rr. Siti Murti Ningsih, "Nonet and Selznick's Responsive Law Concept in a Historical Philosophy Perspective," *Jurnal Crepido: Jurnal Mengenai Dasar-Dasar Pemikiran Hukum: Filsafat Dan Ilmu Hukum* 3, no. 2 (2021): 96–109, <https://ejournal2.undip.ac.id/index.php/crepido/>.

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