

Implications of the Second Amendment to Law Number 17 of 2014 on the Performance of Members of the House of Representatives in the Perspective of Fiqh Siyasah*

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Abstract

Transparency in the legislative process is essential for the successful implementation of legislation that is in the public's best interests. As previously indicated, when one examines the problematic rules contained in this new iteration of the MD3 Law, one will find several articles that contribute to non-transparency in various actions carried out inside the DPR, particularly in the Baleg DPR. understand the legal rules contained in Law Number 17 of 2014 concerning MD3 that pertain to the performance of the DPR; in addition, understand the implications of the DPR's performance of the legislative function contained in Law Number 17 of 2014 concerning MD3 from the perspective of Siyasah Fiqh. A legal approach is taken in the research, which is done through normative legal research or library law research with a legal approach, in this case, research on legal products. The findings revealed that the legislative function of the DPR-RI as Ahlul Halli Wal Aqdi from the standpoint of fiqh siyasah increased from 16 (sixteen) bills in the 2016–2017 session year to 17 (seventeen) bills in the 2015–2016 session year, compared to the previous year. In comparison to the aim set for the 2017 Annual Priority National Legislation Program, which is 49 bills, this rise appears to be less substantial. According to Fiqh Siyasah, Ahlul Halli Wal Aqdi must prioritize policies that are beneficial to Islam and refrain from establishing laws that are in conflict with the Qur'an. Meanwhile, members of the DPR may amend rules that are in conflict with religious beliefs so long as the rules are state policies that are approved by a majority of its members.

Keywords: MD3 Law; DPR; Legislation Function

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A. INTRODUCTION

The House of Representatives (DPR) is a government agency that works in the area of legal politics. The Act is a sign of legal politics. In the 1945 Constitution of the Republic of Indonesia, Article 20 says that all Indonesians have the same power as legislators. This means that legislators have this power. People have a say in how things run. This is an important part of a government that is run by the people, for the people, and by the people. Those who live in a state or country decide how the government is run. They also decide what the government should be able to do. However, too many people made it impossible to hold power and run the country well. So, it comes down to the idea of people's representatives, or the DPR, as a state institution that is a place for the people's hopes and ideas and a legal link between the people and the executive government in the structure of state institutions. People's representative institutions show that democracy is alive and well.³

It is important for the DPR, which is made up of people, to act in a democratic and responsive way because it is representative of the people. A legal point of view says that the DPR, as a group that makes laws, should be able to make legal products that are based on the law and don't conflict with other laws. The most important thing is that it doesn't break the constitution and is still on the same path as the Constitution of 1945. From a sociological point of view, the DPR, as a representative of people's aspirations, is in charge of getting rid of problems in the social environment that have different backgrounds and types of groups. In this country, which is both pluralistic and religious, there is a lot of diversity. The DPR, through its legal products, must make policies that are more in line with the orientation of the legal products that are made and not just for political parties and oligarchs.⁴

Mac. Iver says that a political party is a group of people who work together to support a certain idea or policy that they want to make the foundation of government.⁵

Political parties are part of the political infrastructure in the form of groups of people who work together to make decisions for the government. In Jimly Asshiddiqie's view, political parties are not just groups of people, but

³ Charles Simabura. *Parlemen Indonesia Lintasan Sejarah dan Sistemnya*. (Jakarta: PT Rajagrafindo Persada, 2011), 23.

⁴ Yunus, N.R.; Anggraeni, RR Dewi.; Rezki, Annisa. "The Application of Legal Policy Theory and its relationship with Rechtsidee Theory to realize Welfare State," 'Adalah, Volume 3, No. 1 (2019)

⁵ Busroh, Abu Daud. *Ilmu Negara*. (Jakarta: Bumi Aksara, 2008), 155.

they also have some flaws. One of them is that organizations are usually run by a few people. There are times when organizations, like political party organizations, speak up for and on behalf of the people's interests. But in reality, they are fighting for the interests of their own administrators.⁶

These words are about the opinion of Robert Michels. Michels said that when people were chosen, they had a lot of power over people who didn't get chosen, and they had a lot of power over people who did. The organization is a type of oligarchy that anyone who talks about is talking about.⁷ Because the DPR is made up of different political party factions, it's not surprising that every policy the DPR makes will be very clear about what the group wants to do. Because these groups have a lot of power, the power to make laws has a lot of room for abuse. Even if it makes laws that don't make sense for the people, this power can still be used for their benefit.

Politically, enacting legislation is a significant tool for the DPR to achieve its goals. The Act allows a concealed interest to be carried out in the shadows of a void in the law. Since this power can be misused, it is not unusual for it to be misused by making policies that benefit their own group. As a result, parliament is today populated with inept people because of the low mindset and sense of nationalism of the council members. Fewer than half of the DPR's members attend plenary meetings, which are frequently attended by just a few members.⁸

As a result, the DPR's legal products no longer meet the needs of the general public. It is difficult to execute the law since it has been utilized as a political and power weapon, according to Mahfud MD. According to Mahfud's description, the manifestation of political instruments and authority is the same as Law No. 17 of 2014, which established the People's Consultative Assembly, People's Council, Regional People's Council, and Regional People's Representative Council (Law MD3). this. Numerous facets of state administration, administration, politics, and even the efficient operation of the criminal justice system are at odds with the stated purpose of revising MD3. Administrative concerns must be tied to political ones and vice versa.⁹ This legislative body's ability to be held accountable, particularly for the DPR's

⁶ Jimly Asshiddiqie. *Konstitusi dan Konstitualisme Indonesia*. (Jakarta: Sinar Grafika, 2010), 409.

⁷ Jimly Asshiddiqie. *Konstitusi dan Konstitualisme Indonesia*, 410.

⁸ Maggalatung, A.S.; Aji, A.M.; Yunus, N.R. *How The Law Works*, Jakarta: Jurisprudence Institute, 2014. See: Aji, A.M.; Yunus, N.R. *Basic Theory of Law and Justice*, Jakarta: Jurisprudence Institute, 2018.

⁹ Ali Faried. *Filsafat Administrasi*. (Jakarta: Rajagrafindo Persada, 2006), 21.

performance, could be harmed by the prominence of group political interests and the lack of transparency that would be valuable to the public.

The public expects state institutions to be open and transparent, with public access to information about their internal workings. Additionally, the public should be able to monitor the DPR's performance by having access to the same information that the DPR has access to. The DPR will be able to track its progress and use this information as a benchmark for evaluating the quality of the institution's work if information is readily available. This is also a direct link to the creation of accountable organizations. Transparency refers to DPR's performance being held accountable. Public access to the DPR's activities, progress, and performance will increase its sense of duty and incentive to work. The DPR's activities consume a huge nominal budget, and the public expects accountability from the agency.

The MD3 Act is a piece of legislation enacted to keep the rulemaker in check. In other words, the legislators in the legislature write their own laws (regulations). This is a type of law. All legal powers are restricted, and no one, not even the DPR, the legislator, is above the law.¹⁰ Is the fault with the "law" itself the issue? Given the current state of the DPR's quality, it's safe to assume that any restrictions enacted will exclusively serve the political elite. In the MD3 Law, there is an unusual effort to protect members of the Democratic People's Republic of Korea. Revisions to MD3 Law are seen in several articles to be undermining transparency in the DPR institution in cases involving the APB Network.

The DPR's openness is critical to determining the APBN. Honorary Election Organizing Council Chairman Jimly Asshiddiqie stressed that budget preparation, in particular the State Revenue and Expenditure Budget, should be transparent and clear to all parties involved (APBN). It appears halal if it is enacted as state budget law, according to Jimly." Jimly went on to say. In spite of the fact that anything is amiss." According to Scmidt's theory, "power tense to corrupt," that is, power tends to diverge and be exploited, this is in keeping with his views.

That in this amended MD3 Law, there is an article that governs the procedure for summoning council members suspected of involvement in criminal acts by investigators, as a result of criminal difficulties. "Summons and requests for information for the investigation of DPR members suspected of

¹⁰ H.L.A. Hart, M. Khozim, Nurainun Mangunsong, *Konsep Hukum*. (Bandung: Nusamedia, 2010), 104.

committing a crime must get written consent from the Honorary Court of the Council," states article 245 paragraph 1. In order to sabotage the criminal justice system, investigators will have a tough time conducting their investigations. To make matters worse, this legislation impedes the work of investigators who should be able to carry out their jobs without interference, which is in direct conflict with the constitutional ideals of equal protection under the law and openness in government. "In the previous MD3 Law, there was a provision if members of the DPR did not attend the plenary session six times in a row, they would be dismissed," reiterating the point that this Law is of poor quality.

The 30-day acceptance buffer before approval specified in Article 224 paragraph (6) can potentially raise public concern. An opportunity to "pack up" to establish an alibi, prepare for legal defense, destroy evidence or even go overseas was provided by the 30-day period in the Democratic People's Republic of Korea (DPR).

The bureaucratic method of conducting investigations against members of the DPR that requires the written consent of the MKD breaches the concept of equality before the law, according to an examination of the articles. Somehow, it seems as if DPR investigators are more qualified than the average citizen, whose inquiries must go through the medium of an investigation warrant. This system suggests that the DPR is treated differently from the rest of the population in terms of the law.

Good governance principles, including accountability and openness, must guide the DPR. DPR officials have reacted angrily to provisions for the meeting that have been labeled private and secret. Additional "secret" and "closed" clauses appear in articles relevant to both the trial and the scope of DPR's jurisdiction, but there is no explanation as to why or why these sections were deemed to be so. The level and size of an affair that may be described as secret or conducted in a closed session is also needed by the people. A "closed" or "secret" dictionary is listed, but no explanation is given as to why it is significant or how it came to be thought so, although it is sometimes imbued with a traditional excuse, specifically "state secret". DPR members appear to be purposely creating a loophole for corruption because of the lack of openness, according to Roy Salam, budget advocacy coordinator at the Indonesian Budget Center (IBC).

It is important to note that the legislative process is the starting point for the creation of problematic rules, and the Legislation Body is responsible for this responsibility (Baleg). As a result of the lack of institutional transparency of the DPR, notably the Legislative Body, the MD3 Law has been troublesome in terms of the quality of this Law, and will indirectly affect the quality of future laws as

a result. For this reason, it is clear that a law that is in the public interest requires transparency in the legislative process. With regard to this recent amendment to the MD3 Law that has been described as containing problematic rules that contribute to non-transparency in different DPR Baleg-based operations. As a result, this discussion is worth paying attention to.

The writer thought of a title for the problem after he or she explained the problems above. It was called the Implications of the Second Amendment to Law Number 17 of 2014 on the People's Representative Council, the People's Representative Council, the Regional Advisory Council, and the Regional People's Representative Council on the Performance of DPR Members in the Siyasa Perspective. Based on the background and title of the problem, it can be said that the formulation of the problem can be said to look like this: In Law Number 17 of 2014, what are the rules about how the DPR is supposed to work? This is a question that people are asking about the DPR's performance on a law called Law Number 17 of 2014.

B. METHODS

This study is a literary or textual investigation. For Noeng Muhadjir, a text study includes: first, a theoretical investigation into a scientific field that must then be followed up empirically in order to arrive at actual factual truth. This is followed by a philosophical or theoretical investigation that aims to examine the entire subject of research in terms of validity. Third, research into theoretical linguistics is an important consideration. Literature studies are the fourth. To a greater extent, this research falls under the first category of literature review because it aims to examine the effects of the Second Amendment to Law Number 17 of 2014 on the performance of DPR members in light of Fiqh Siyasa perspectives on the People's Representative Council, People's Representative Council, Regional Advisory Council, and Regional People's Representative Council.

Primary legal materials are authoritative legal materials. In this case, it is Law No. 17 of 2014, which regulates the MPR, DPR, DPD, and DPRD. All publications regarding law that are not official law are considered secondary legal documents. These publications include: (a) textbooks that examine a single or several legal problems, such as theses, theses, and legal dissertations; (b) legal dictionaries; (c) legal journals; and (d) comments on a judge's ruling. These books contain instructions or explanations for the use of primary legal materials or secondary legal materials drawn from dictionaries, encyclopedias, journals, and newspapers, among other sources.

C. RESULTS AND DISCUSSION

1. Duties and Functions of DPR

The DPR is in charge of the legislative function, and it has the following responsibilities and powers: drafting the National Legislation Program (Prolegnas), compiling and discussing Draft Laws (RUU), accepting bills from the DPD that deal with regional autonomy, central and regional relations, the formation, expansion, and merger of regions, and the management of natural resources and other natural resources. It also talks about bills proposed by the President. The DPR has a lot of responsibilities and powers when it comes to the budget. The President's Bill on the State Budget must be approved by the DPR. When the DPD is looking at the bills on taxes, education, and religion that they're going to be putting on the table, pay attention. As a follow-up to a report by the BPK on how state funds were managed and how well they were kept, we're going to talk about what happened next. Giving the go-ahead for the transfer of state assets and for agreements that have a big impact on people's lives because of the state's money.

The DPR is in charge of overseeing the implementation of laws, the APBN, and government policies. The DPR also talks about and follows up on the results of the DPD's supervision (related to the implementation of the law on regional autonomy, formation, expansion, and merger of regions, management of natural resources and other natural resources, implementation of the state budget, taxes, education, and religion).

Additionally, the DPR's other responsibilities and powers include: absorbing, collecting, accommodating, and following up on the aspirations of the people; granting amnesty and abolition; appointing and dismissing members of the Judicial Commission; granting amnesty and abolition; accepting and appointing an ambassador; and appointing an ambassador. taking into account the DPD concerns when selecting BPK members; Approving the Judicial Commission's selection of Supreme Court justices; electing three constitutional judges to be presented to President Obama for his consideration.

2. Implementation of Legislative Functions for 2016-2017

The bill that was approved to be passed into law in 2016-2017. The DPR has completed deliberation on 17 (seventeen) Bills with the Government and has been approved by the DPR Plenary Meeting to be ratified into Laws. The explanations and materials of the Bill that have been approved in the Plenary

Meeting to be ratified into law are as follows: a). Bill on Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions; b). Bill on Trademarks and Geographical Indications; c). Bill on Construction Services; d). Bill on Bookkeeping System; e). Bill on the Advancement of Culture; f). Bill on Architects; g). Bill on General Elections.

In addition to the bills contained in the Prolegnas, there are 10 (ten) Open Cumulative Bills which have also been discussed in the 2016-2017 Session Year. The Open Cumulative Bill consists of 4 (four) bills in the field of international agreements, 4 (four) bills in the budget sector, and 2 (two) Stipulation of Government Regulations in Lieu of Law.

In the field of international agreements, the Indonesian House of Representatives has completed discussions on the Bill on: Ratification of the Maritime Labor Convention, 2006; Ratification of the Paris Agreement To The United Nations Framework Convention On Climate Change; Treaty Between The Republic Of Indonesia And The Republic Of Singapore Relating To The Delimitation of The Territorial Seas of The Two Countries In The Eastern Part of The Strait of Singapore, 2014; Agreement Between The Government Of The Republic Of Indonesia And The Government Of The Republic Of The Philippines Concerning The Delimitation Of The Exclusive Economic Zone Boundary, 2014.

The ratification of the international treaty instruments shows that Indonesia as part of the international community establishes cooperative relations with each other and has a commitment to participate in and adopt international law into national law while still paying attention to national interests.

In the budget sector, in the 2016-2017 Session Year, the DPR has completed the discussion of the Bill on: State Revenue and Expenditure Budget for Fiscal Year 2017; Accountability for the Implementation of APBN for Fiscal Year 2015; Accountability for the Implementation of ABPN for Fiscal Year 2016; Revised State Budget for Fiscal Year 2017.

Other things the DPR can do: Take in, collect, accommodate, and follow up on the people's wants and needs; Give the President permission to start war or make peace with other countries; Appoint and fire members of the Judicial Commission; Consider giving amnesty and abolishing it; Appoint an ambassador and accept the placement of another ambassador; Selecting BPK members by taking into account the DPD's considerations Elect three constitutional judges to be sent to the President by the Judicial Commission, who will then choose three more judges to be sent to the President for him to choose from.

3. DPR RI Legislation Performance for the 2016–2017 Session Year

Overall, the number of bills that have been discussed starting from the beginning of the 2014-2019 DPR RI membership period is 45 (forty-five) bills. The number of bills that have been discussed can be detailed through two approaches, namely based on the Session Year and the Calendar Year/Fiscal Year.

Based on the Year of the Session, the details are as follows: a). In the 2014-2015 session year, 12 (twelve) bills were completed; b). During the 2015-2016 session, 16 (sixteen) bills were completed; c). In the 2016-2017 session year, 17 (seventeen) bills were completed. Meanwhile, based on the calendar year / fiscal year, the details are as follows; a). In 2014, 1 (one) bill that was finished being discussed; b). In 2015, there were 17 (seventeen) Bills that were completed; c). In 2016, 19 (nineteen) bills have been completed; d). As of July 2017, there are 8 (eight) bills that have been discussed.

The DPR RI Performance Report is submitted every Session Year, namely in August, while Prolegnas, as a planning document for the formation of laws that is often used as a measure of the achievement of legislative performance, is compiled based on the calendar year. If based on the Year of the Session, the legislative performance of the DPR RI in the 2016–2017 Session Year showed an increase compared to the 2015–2016 Session Year, from 16 (sixteen) bills to 17 (seventeen) bills.

When compared to the 49 bills expected in the 2017 Annual Priority National Legislation Program, this rise is seen as less substantial. Achieving the Prolegnas goals is important, however it should be noted that relying solely on the number of laws passed is a flawed way of assessing the DPR's effectiveness in this area. The evolution of democracy cannot be assessed by the DPR's ability to produce legislation. Because of the negative impact on economic and social well-being that over-regulation will have, even in well-established democracies, it is generally avoided. When legislation is passed, it should have a long-term perspective, be flexible, and be able to keep pace with the rapid pace of change we face in today's world.

Legislation also has the role of creating laws, which is something that cannot be done alone by the DPR but rather requires discussion and approval by the President. Differences of opinion among factions and between the DPR RI and the government about the substance of fundamental bills are among the many reasons for the unfinished business of the DPR RI during the debating stage. Government representatives from multiple ministries or non-ministerial bodies involved in conversations with the DPR frequently disagree on the best course of

action. Despite the fact that a majority vote is conceivable, it is the preferred method of making decisions in Indonesia because of the nation's emphasis on debate and consensus. When debating the law, there is usually an effort to establish a middle ground over the differences of opinion. The bill's completion is often delayed as a result of this procedure, but it is all for the greater good of the community, the nation, and the state.

4. *Ahlul Hal Wal Aqdi* in Islamic State Administration

Etymologically *Ahl al-Halli Wa al-'Aqdi* means people who can decide and bind. The *Siyasah Fiqh* experts understand *Ahl al-Halli Wa al-'Aqdi* as a person who has the authority to decide and determine something on behalf of the citizens.¹¹ In other words, *Ahl al-Halli wa al-'Aqdi* is a representative institution that accommodates and channels the aspirations of the community. They are a group of people from among the Muslims who are considered the best in their religion, morals, brilliance of ideas and arrangements, they consist of scholars, caliphs, and guides of the people. As for the language, the term *Ahl al-Halli Wa al-'Aqdi* consists of three sentences: a). *Ahl*, which means the person who has the right (who has); b). *Al-Hall* translates as "let go, adjust, and break;" c). In the *Koran* and *al-Hadith*, the term *al-Aqd*, which denotes binding, engaging into transactions, and creating the *Ahl al-Halli wal al-'Aqdi*, is not found. *Al-Sahaba* (ulama) were the first to use this phrase after Muhammad's lifetime. This does not imply that the term is unconstitutional since it was never used by the Prophet or his Companions. This and other scientific words, such *ushul fiqh*, *Nahwu* science, *Mustolahul Hadith*, and others, can be categorized under *Islamic Shari'a* as *Masalihul Mursalah* (public benefit).

Abu A'la al-Maududi mentions *Ahl al-Halli Wa al-'Aqdi* as an intermediary institution and giving fatwas, also mentions it as a legislative body.¹² Al-Mawardi mentions *Ahl al-Halli Wa al-'Aqdi* with *Ahl al-Ikhtiyar*¹³ because they are the ones who have the right to choose the caliph. Meanwhile, Ibn Taimiyah mentions *Ahl al-Halli Wa al-'Aqdi* with *Ahl al-Syawkah*. Ash-Shaykh Abdurrahman as-Sa'di called *Ahl al-Halli Wa al-'Aqdi ahl al-shura'*. It is contained in his *Tafsir* mentions the benefits of deliberation, including: a). Deliberation is an act of worship that draws closer to Allah; b). With deliberation will relieve those (who are invited to consult) and eliminate heart problems that arise because of an event. It is different from those who do not conduct deliberation. So it is

¹¹ Muhammad Iqbal. *Fiqh Siyasah: Kontekstualisasi doktrin politik islam*. (Jakarta: Prenada Media Grup, 2014), 137.

¹² Al- Maududi. *Hukum dan Konstitusi*, terj Asep Hikmat, (Bandung: Mizan, 1990), 245.

¹³ Imam Mawardi. *Ahkam shultoniyah*. (Jakarta: Darul Falah, 2000), 7

feared that people will not truly love and disobey it. Even if you obey, not with full obedience; c). By deliberation, will illuminate the mind because it uses it in its place.

Deliberation will produce the right opinion because almost a person who consults will not be wrong in his actions. Even if something he seeks is wrong or imperfect, then he is not blameworthy. However, all of them refer to the notion that *Ahl al-Halli Wa al-'Aqdi* is a group of community members who represent the people in determining the direction and policy of government in order to achieve the benefit of their lives.¹⁴ Thus *Ahl al-Halli Wa al-'Aqdi* is a means used by the people through their representatives to discuss state problems and the benefit of the people.

5. Analysis of Legislative Function Performance in the Perspective of Fiqh Siyasah

Indonesia's implementation of the House of Representatives, according to the author, is in keeping with democratic ideals, as decisions are determined by a simple majority vote. The DPR was established to provide a platform for people's representatives to weigh in on national policy and decision-making. While the DPR has the jurisdiction to establish laws, it also has additional functions and responsibilities. It is true that the DPR shares some authority with *Ahlul Halli Wal Aqdi*, but not all of them have it. In addition, the DPR has the authority to remove the president if he breaks any of the regulations that govern it as a high state entity. Also, *Ahlul Halli Wal Aqdi*, the organization that owns it, holds the power to remove and replace the president of the country at any time.

Ahlul Halli Wal Aqdi differs from the DPR in terms of selecting its members. If in the *Ahlul Halli Wal Aqdi* institution there are no members who are not Muslim because the condition is that they are Muslim, while the DPR is valid to elect members who are non-Muslims if they are chosen by a majority vote. In addition, in terms of its function as policy implementers, *Ahlul Halli Wal Aqdi* must prioritize policies that bring benefits to Islam, and must not make rules that are contrary to the Qur'an. Meanwhile, members of the DPR may change rules that conflict with religion as long as the rules are state policies that are supported by the majority of their members.

Thus, there are several similarities between *Ahlul Halli Wal Aqdi* and the House of Representatives, these two institutions also have basic

¹⁴ Muhammad Iqbal. *Fiqh Siyasah: Kontekstualisasi doktrin politik islam*, 138.

differences that characterize each. The author also agrees with Ibn Taimiyah's opinion that Ahlul Halli Wal Aqdi can curb the people's right to participate in determining state policies, so that people should be able to vote for decisions/policies, instead they are limited by these representatives who will not necessarily voice the interests of the people.

Al Mawardi's concept of the two ways of appointing heads of state is far from the substance of democratic values which have become global discourses and ideals for countries in the world. Even Mawardi's concept contradicts the Islamic system of government itself. In the perspective of democracy, the two ways of appointing the head of state-initiated by Mawardi are a form of restraint on the rights and freedom of expression, opinion, voting, determining the direction of government, and participation in government.

In a democratic system, the government must hold general elections to elect the head of state and representatives of the people. Elections are the main feature of democratic government that absolutely must be implemented. Thus respect for the rights of the people which include the right to choose a leader, the right to participate in determining the course of government, and the right to determine the fate of the country can be realized. However, in his day, Mawardi's political theory was a very modern thought. Mawardi is the cornerstone of political theory in the Islamic world which includes two ways of appointing the head of state. He was the first to formulate the basics of state administration in which people are not familiar with the term democracy and how the election of the head of state should be held.

The Islamic political system has three periods: classical, modern, and contemporary. The classical period is defined by the stability of the Islamic world. Islam wields considerable political power and influence. We are living in the Golden Age of Islam. During Muhammad's time, the entire Arabian peninsula was Islamic. This is when the period began. The caliph Abu Bakr as-Siddiq began expanding outside Arabia. It continued until the Umayyad and Abbasid eras, when Islamic splendour peaked. So many Islamic thinkers ignored politics until the Umayyads took power. In spite of the Khawarij and Shia opposing movements. Because the Umayyad dynasty was focused on power, it was centered in a small area. Along with the Abbasid dynasty's academic achievements, a number of Islamic intellectuals came up with theories regarding how to administer the country. Al-Mawardi (975-1059) ousted the head of state in this case. He also suggested a "social contract" between the ruler and his subjects. Because the leader of state is chosen by a

social contract, Al-Mawardi must remove him.

Age is also significant. This period has two parts: the initial decline and the time of the three great empires (Ottomans in Turkey, Safavids in Persia, Mughals in India). The Abbasid dynasty was slain by Mongol soldiers, worsening the situation in the Islamic world. Islamic political philosophers are not surprised by the Islamic world's decline. As time passed, more people began writing about Islam. Ibn Taimiyah, Ibn Khaldun, and Shah Waliyullah al-dahlawi all wrote about their own ideas. Ibn Taymiyah wrote political philosophy. Then he wrote them down in al-siyasah. For him, the Majmu' al-Fatawa and the Minhaj al-sunnah were coping mechanisms. Ibn Taimiyah stresses the importance of a strong and honest leader. Honest people who can keep their promises are more likely to lead a country, he claims.

The last one is modern times. The modern period was marked by colonialism that hit Muslim countries. Almost the entire Islamic world is under western colonialism. The Islamic world has not been able to rise from its prolonged decline. In short, there are three things that underlie modern or contemporary Islamic thought, namely: a). The decline of Islam was caused by internal factors and resulted in the emergence of reform and purification movements; b). Western harassment of the integrity of political power and the Islamic world which ended in colonialism; c). Western excellence in the fields of science, technology and organization.

Such a tendency makes some thinkers try to imitate the west, there are also those who reject the west and want to return to the purity of Islam. Thus, in this period there were three tendencies of Islamic political thought, namely integral, intersectionality, and secularism. The first group has the view that religion and politics are inseparable. Because the task of the state is to uphold so that the Islamic state becomes a shared goal, therefore Islamic law becomes state law that is practiced by all Muslims.

D. CONCLUSION

Based on the descriptions discussed in the previous chapters, the authors draw several conclusions, one of which is that the Legislation function of the DPR-RI as Ahlul Halli Wal Aqdi, from the perspective of siyasa fiqh, increased from 16 (sixteen) bills to 17 (seventeen) bills in the 2016–2017 Session Year when compared to the 2015–2016 Session Year. According to others, this growth is less substantial when compared to the aim expected in the 2017 Annual Priority National Legislation Program, which is comprised of 49 legislation. According to Fiqh Siyasah, Ahlul

Halli Wal Aqdi must prioritize policies that are beneficial to Islam and refrain from enacting laws that are in conflict with the Qur'an. However, members of the DPR have the authority to amend rules that are in conflict with religious beliefs, so long as the rules are state policies that are supported by a majority of their constituents.

Suggestion

From the results of this study, the authors suggest to related parties, namely: To further researchers to be able to conduct other more supportive research regarding Ahlul Halli Wal qdi and the DPR, and to members of the DPR to better see and evaluate any issues related to rules and policies issued are of interest to the people of Indonesia.

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