

The Recess Of Regional People's Representative Council as a People's Representation Sytem in Political Thought Of Abu A'la Al-Maududi

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Abstract

This study aims to describe regional policy through the function of the recess period based on Article 373 of Law number 17 of 2014 in the Regional People's Representative Council and to describe the function of the recess of the Regional People's Representative Council (DPRD) according to the thoughts of Abû A'lâ al-Maudûdî. This study employs an empirical legal research method with a sociological legal approach. The study's findings demonstrate that in order to administer a country, al-Maudûdî split state administrators' power into three areas: legislative, executive, and judiciary, subsequently known as the trias politica. According to al-Maudûdî, that every activity and decision taken by the Ahlul Hal wal Aqd / DPRD legislative body, according to al-Maudûdî, must contain the values beneficial value for the people who have chosen him. However, in reality, the efforts made by individual members of the DPRD are only formal activities and are more concerned with the interests of their party and group and do not absorb the aspirations as a whole of the regions that are their constituents.

Keywords: Recess, DPRD, Abu A'la Al-Maududi

Reses DPRD Sebagai Sistem Keterwakilan Rakyat dalam Pemikiran Abu A'la Al-Maududi

Abstrak

Tujuan dari penelitian ini adalah untuk mendeskripsikan kebijakan daerah melalui fungsi masa reses berdasarkan Pasal 373 Undang-undang nomor 17 Tahun 2014 di Dewan Perwakilan rakyat Daerah dan untuk mendeskripsikan fungsi reses Dewan Perwakilan Rakyat Daerah (DPRD) menurut pemikiran Abû A'lâ al-Maudûdî. Penelitian ini menggunakan metode penelitian yuridis empiris dengan pendekatan yuridis sosiologis. Hasil penelitian menunjukkan bahwa untuk menjalankan sebuah negara, al-Maudûdî membagi kekuasaan penyelenggaraan negara kedalam tiga wilayah kekuasaan yaitu legislatif, eksekutif, dan yudikatif yang belakangan disebut trias politica. Falsafah pemikiran terkait perwakilan rakyat pada suatu lembaga menurut al-Maudûdî setiap kegiatan dan keputusan yang diambil oleh lembaga legislative Ahlul Hal wal Aqd/ DPRD menurut maududi haruslah mengandung nilai-nilai maslahat bagi rakyat yang telah memilihnya. Namun pada kenyataannya saat ini reses yang dilakukan oleh oknum anggota DPRD hanyalah kegiatan formalitas saja dan lebih mementingkan kepentingan partai dan golongannya saja dan tidak menyerap aspirasi secara keseluruhan dari wilayah yang menjadi konstituennya.

Kata kunci: Reses, DPRD, Abu A'la Al-Maududi

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A. Introduction

Indonesia is a country that uses a democratic system to run its government. This democratic system can be described as a system of government carried out by the people, for the people, and by the people. The people involved in providing public services have the capacity to guarantee accountability and fulfill the aspirations of public services.¹ To improve people's welfare, government administration must be improved. Regional governments need to consider aspects of the relationship between government and/or regional governments, regional potential and diversity, competitive opportunities and challenges. By granting regions broad authority, as well as the rights and responsibility to exercise their own autonomy under a unified administration.²

Article 1 paragraph (2) of the 1945 NRI Law states "sovereignty is in the hands of the people and is exercised according to law." Thus, Indonesia firmly recognizes the existence of people's sovereignty. The implementation of the concept of popular sovereignty in Indonesia is a serious problem because it is impossible for a country to give all its citizens the power to manage the country. This can hamper the government process as a result, a country must give authority to a body or institution representing the people.

The role of people's representatives attached to the Regional People's Representative Council (DPRD) is often interpreted as an intermediary role. The DPRD not only functions as a communication bridge between the government (executive) and its citizens, but also as a liaison to reduce tensions that may arise between various groups in society who are fighting for their respective interests.³ DPRD District/City is a part of the organizing agency of the regional government. The Regency/City DPRD is one part of the regional government administration institution. According to the provisions in Article 1 number 2 of Law 23 of 2014

¹ Arfenti Amir, Abdul Malik Iskandar, and Muh Rezky Salemuiddin, "Menumbuhkan Kesadaran Masyarakat Dalam Berdemokrasi," *Prosiding Konferensi Nasional Sosiologi (PKNS)* 1, no. 1 (2023): 209–16.

² Achmad Djunaedi, "Beberapa Pemikiran Penerapan E-Government Dalam Pemerintahan Daerah Di Indonesia," in *Seminar Nasional E-Government & Workshop Linux. Fakultas MIPA UGM. Yogyakarta*, vol. 30, 2002.

³ Alma Azahra and Fauzi Arif Lubis, "Peran DPRD Dalam Pengawasan Dan Kendala-Kendala Terhadap Pelaksanaan Anggaran Pendapatan Dan Belanja Daerah (APBD) Di Provinsi Sumatera Utara Kota Medan," *Jurnal Pendidikan Tambusai* 5, no. 3 (2021): 8234–45.

concerning Regional Government which has undergone several changes, including Government Regulations in Lieu of Law Number 2 of 2014 Amendments to Law Number 23 of 2014 concerning Regional Government and Law Number 9 of 2014 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government, it is stated that regional government, which is also referred to as "regional government," is the implementation of government affairs by regional governments and regional people's representative councils, with the principle of autonomy as far as possible within the framework of the system and principles of the Unitary State of the Republic of Indonesia, as regulated in the 1945 Constitution of the Republic of Indonesia.⁴ Article 161 of Law No. 23 of 2014 states that district/city DPRD members have the following obligations: (1) Absorb and collect constituent aspirations through regular work visits, (2) Accommodate and follow up on community aspirations and complaints (3) Provide moral responsibility and politics to constituents in their electoral districts.

The recess period is an integral part of the trial process in the DPRD. During the recess period, DPRD members, both individually and in groups, use it to carry out field visits and evaluate the development of their region, as well as listen to the aspirations of the community. Recess is an obligation that must be carried out by every member of the DPRD with the aim of improving their quality and productivity in achieving the goals of justice and people's welfare. With the existence of regional autonomy, it can be encouraged to meet community demands for regional development as well as the quality of services and regional development achievements that can be accepted by regional communities better, so that the community encourages the people's representatives who represent them, to be able to bridge their needs so that they are met by the regional government.⁵

In this way, the recess is a hope for the community to achieve services beyond the main tasks, the function and role of the Regional People's Representative Council (DPRD) has been the hope of the community within the limitations imposed by the

⁴ Yulita Pangkey, Daud M Liando, and Stefanus Sampe, "Peran Sekretariat DPRD Dalam Mendukung Pelaksanaan Tugas Dan Fungsi DPRD (Studi Kasus: Dprd Kabupaten Minahasa Selatan)," *GOVERNANCE* 2, no. 2 (2022).

⁵ Khairunisa Nasution, "Pengawasan Dewan Perwakilan Rakyat Daerah Terhadap PT. Bank Sumut" (Universitas Medan Area, 2014).

regional government, this is because the Regional People's Representative Council (DPRD) has two roles. At the same time, in carrying out its duties, institutionally it is part of the regional government, while individually or individually members of the Regional People's Representative Council (DPRD) who are elected by the community through political parties are institutions that represent the community. This important role and function makes the Regional People's Representative Council (DPRD) an institution that is considered to have a very strategic function in receiving and channeling community aspirations, so that the distribution of aspirations is considered to be more optimal in achieving goals and hopes if the existence of community channels in regional government becomes a will create a development policy in the region.

In the context of Islamic studies, politics and religion are two things that cannot be separated, but there is a connection between the two. In the holy book of the Koran and the words of the prophet regarding the appropriate form and government for the Islamic religion, it is not explained in detail, but both provide teachings on values and ethics on how to organize the life of a state or society. The Prophet Muhammad made the state an instrument for Muslims to develop and spread religion.⁶ In this article, the author intends to draw correlation and cohesion, as well as the beneficial values of the recess concept in the duties of the Regional People's Representative Council (DPRD) as representatives of the electoral area, in light of one of the Islamic political thinkers, namely Abu A'la Al- Maududi.

B. Research Methods

This research method uses empirical legal research methods, namely a type of legal research that investigates and analyzes how law operates in society, with the main study of recess patterns in the DPRD's duties in fulfilling the aspirations of the community. This empirical legal research views law as a series of realities, actions and behavior. Empirical legal research can also be referred to as field research which studies the implementation of law in practice for individuals, groups, communities and legal institutions in society, by emphasizing the behavior

⁶ Putri Kurniawati, 'Makna Eksoteris Dan Eksoteris Agama Dalam Sikap Keberagaman Eksklusif Dan Inskulif', *Universitas Nusantara PGRI Kediri*, vol. 01 (2017), pp. 1-7.

of individuals or groups, as well as legal organizations or institutions, in the context of the application or enforcement of the law.

The research approach used is a sociological juridical approach, namely an approach that examines how norm systems interact and cause responses in society. The desired result is to explain, relate, test and criticize how formal law operates in the context of society, so the implementation of law cannot be separated from the social reality where the law applies and links it to the value of benefit based on Abu A'la Al-Maududi's political thought.

C. Results and Discussion

Arrangements for Absorbing the Aspirations of DPRD Members During the Recess Period

Law Number 23 of 2014 concerning Regional Government is one of the Legislative Regulations that regulates the recess period for DPRD members. The order regarding the implementation of the recess period for DPRD members in Law Number 23 of 2014 concerning Regional Government is regulated in Articles 108 letters (i) and 161 letters (i). This article states the periodic working visits of members of the Regional People's Representative Council to meet their constituents. Law No. 23 of 2014 also regulates the responsibilities of DPRD members to their constituents, where these responsibilities are conveyed by DPRD members during recess.⁷

The DPRD has the aim of collecting and transmitting community aspirations, which are referred to as recesses, into regional policies. Apart from that, the DPRD also has a role in carrying out supervisory functions. The DPRD recess reflects the relationship between DPRD members and their voters and functions as a form of consultation in their electoral district, with the aim of exploring, gathering and taking action related to the aspirations of constituents or the community.⁸

⁷ Dewi Kurniasih And Yudi Rusfiana, 'Fungsi Reses Anggota DPRD Dalam Mengartikulasikan Aspirasi Masyarakat Kabupaten Bandung', *Jurnal Academia Praja*, vol. 4.no. 2 (2021), pp. 380–95.

⁸ Alva Beriansyah And Dyah Mutiarin, 'Analisis Hasil Reses DPRD Dalam Penyusunan Dan Penetapan APBD Kabupaten Ogan Komering Ulu Selatan Tahun Anggaran 2014', *Journal Of Governance And Public Policy*, vol. 2, no. 2 (2015), pp. 389–415.

The functions of the Regency/City DPRD Regency/City DPRD are as follows:

1. The legislative function or function of forming regional regulations is realized in forming regional regulations with the Regent/Mayor.
2. The budget function is realized in discussing and determining the APBD with the Regent/Mayor.
3. The supervisory function is realized in the form of monitoring the implementation of regional regulations and the implementation of the APBD.

Law Number 13 of 2019 concerning the MPR, DPR, DPRD and DPD (MD3) stipulates that members are obliged to provide leave to their constituents. However, the problem is, during their free time or on official trips, members of the DPR and DPRD in their electoral districts will most likely use it for outreach or campaign purposes. This is mainly achieved by incumbent legislative candidates by influencing voters, not just reaching out to the public to absorb their aspirations. Article 81 of Law Number 17 of 2014 concerning the MPR, DPR, DPD and DPRD (UU MD 3) states that members of the Provincial DPRD, among others, have the obligation to absorb and collect constituent aspirations through regular work visits, accommodate and follow up on community aspirations and complaints, and provide moral and political accountability to constituents in their electoral districts.⁹

It is important to create participatory mechanisms that actively involve the community in program planning and implementation. Open communication between DPRD and community leaders is very important to ensure that proposed programs or activities reflect the aspirations and needs of local communities. In addition, public acceptance and support for the program can be increased through education and effective communication regarding the benefits and objectives of each initiative. Proposed programs or activities resulting from a review of the main ideas of the Regency/City DPRD can cover various aspects to improve community

⁹ A ANDRIYANSYAH, "TINJAUAN HUKUM ISLAM TERHADAP HAK IMUNITAS DPR-RI (Studi Undang-Undang No. 2 Tahun 2018 Tentang Perubahan Atas Undang-Undang No. 17 Tahun 2014 Tentang MPR, DPR, DPD, DPRD)" (UIN Raden Intan Lampung, 2019).

welfare and regional development. Below are several proposed programs or activities that can be considered. Before proposing a program or activity, it is important to involve various parties, such as the community, academics and related sectors, to ensure that the proposal is in line with the needs and aspirations of the local community. Apart from that, there needs to be careful planning, adequate budget allocation, and evaluation mechanisms to ensure the successful implementation of the program¹⁰

The relationship between democratic culture and local political culture is very strong, first of all because bureaucracy is a political institution that has a central role in the political order of a region. Second, understanding of political elites is also greatly influenced by the existing democratic culture. Third, whether regional development is successful or not is influenced by the way the local bureaucratic system is run. Overall, the recess period provides an opportunity for DPRD members to strengthen relationships with the community, listen to aspirations, and seek direct input from their voter base. Weaknesses in the regulations of Law Number 17 of 2014 concerning the MPR, DPR, DPD and DPRD (UU MD 3) regarding recess by legislative members can include the potential for misuse of recess time for personal interests, lack of accountability in carrying out recess duties, and the risk of using recess funds without transparency.¹¹ Additionally, there is a possible lack of effective oversight of legislators' activities during the recess, which could impact their overall performance. Several factors that cause weaknesses in regulations regarding recesses carried out by legislative members involve a lack of strict supervision, a lack of adequate sanctions for violations, as well as potential conflicts of interest between public responsibility and personal interests. Apart from that, a lack of transparency in the use of recess funds and a lack of community involvement in monitoring recess activities can also be factors causing this weakness. Difficulty

¹⁰ Erika Sisilia Wenas, Alfon Kimbal, And Neni Kumayas, 'Efektivitas Pelaksanaan Kegiatan Reses Anggota DPRD Kota Tomohon', *Governance*, vol. 1, no. 2 (2021).

¹¹ Naufal Alip Putra Setiawan and Hanny Purnamasari, 'Membangun Etika Pemerintahan Dalam Birokrasi Yang Berlandaskan Budaya Lokal', *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial*, vol. 9, no. 8 (2022), pp. 3047–52.

in establishing clear parameters for recess activities and a lack of accountability can harm the integrity of the legislative process.¹²

The absorption of aspirations by members of the Regional People's Representative Council (DPRD) is important in strengthening local democracy. Among the several benefits of the process of absorbing aspirations is enabling active community participation in local policy making. This creates space for diverse voices and views from different groups in society.¹³ By providing opportunities for the community to convey their aspirations, the DPRD can help build a sense of community ownership and empowerment. This can improve the quality of democracy by giving citizens a sense of responsibility for local decisions. Apart from that, absorbing aspirations helps realize the richness of pluralism in decision making. By accommodating various views and interests, local democracy can enrich and strengthen the quality of the policies produced. Communities who actively participate in expressing their aspirations can help reduce inequality in access and distribution of resources. This can ensure that the resulting policies not only benefit certain groups, but also reflect the interests of the entire society.¹⁴

Functions of the Regional People's Representative Council.

The system of distributing power to regions or regional autonomy is expected to be able to provide a better life for people in various sectors of life, including improving the economy and community participation in the regions. With the existence of the economy and decentralization of power from the center to the regions to manage and regulate government in their respective regions, local communities are also expected to play an active role in managing their own regions.

¹² Ihsan Nul Hakim, 'Islam Dan Demokrasi: Studi Komparatif Antara Teori Politik Islam Dan Demokrasi Barat', *Madania: Jurnal Kajian Keislaman*, vol. 18, no. 1 (2014), pp. 44-56.

¹³ Nanik Prasetyoningsih, 'Dampak Pemilihan Umum Serentak Bagi Pembangunan Demokrasi Indonesia', *Jurnal Media Hukum*, vol. 21, no. 2 (2014), p. 23.

¹⁴ Asmawi Asmawi, 'Dewan Perwakilan Rakyat Daerah (Dprd) Dalam Perundang-Undangan Pemerintahan Daerah Dan Lembaga Legislatif Daerah', *Jurnal Cita Hukum*, vol. 1, no. 1 (2014), p. 40813.

The participation of local communities has a great influence on the rate of regional development and also the running of government there.¹⁵

Representatives from the Regional People's Representative Council (DPRD) are regional people's representative institutions whose position is as an element of regional government administration in provinces/districts/cities) in Indonesia. DPRD is mentioned in the 1945 Constitution article 18 paragraph 3: "Provincial, district and city regional governments have Regional People's Representative Councils whose members are elected through general elections."

The recipient of the mandate from the people is the DPR. Therefore, the party that receives the mandate or trust from the community represents the interests, aspirations and hopes/expectations of community groups called constituents. It is only natural that the recipient of the mandate must be able to demonstrate the expected representative performance. The intended performance application is actualized by holding activities to absorb and channel constituent aspirations. At this level, public service performance is formed which is characterized by public services that are oriented towards the interests of a group of people called constituents. This has a different meaning for thinking from a contemporary democratic perspective.¹⁶

Even though this era of reform has been underway, it has not shown satisfactory results, and it seems that at a certain level it does not meet society's expectations. The provision of public services by public officials such as legislative members or by bureaucratic work units is increasingly receiving public attention. This public spotlight arises because the performance of public services still shows a number of weaknesses that need to be strengthened and a number of deficiencies that need to be addressed. One of the causes of weak service performance is the low readiness of the public service apparatus itself.

¹⁵ Muchlisin Muchlisin, 'Kedudukan Serta Fungsi DPR Dalam Sistem Ketatanegaraan Negara Republik Indonesia', *MIMBAR YUSTITIA: Jurnal Hukum Dan Hak Asasi Manusia*, vol. 3, no. 2 (2019), pp. 124–30.

¹⁶ Munif Rochmawanto, 'Pembagian Kekuasaan Antara MPR, DPR, Dan DPD Dalam Mewujudkan Sistem Ketatanegaraan Yang Berkedaulatan Rakyat', *Jurnal Independent*, vol. 2, no. 1 (2014), pp. 1–12.

Community participation in politics at the social level is a sign of community participation and willingness to care about the demands and promises of politicians, both local and national, when campaigning in the past. There are those who are dissatisfied with this. Forms of people's political participation include input in the form of community aspirations which technically can be said to be demands and support. Aspiration is an expression of dissatisfaction or strong desires from the community which is conveyed to the government in the form of statements of attitudes, opinions, criticism, hopes, input and suggestions.¹⁷

There are two forms of aspiration that can be carried out by the community which can be seen from the form of delivery, namely direct aspiration and indirect aspiration. Direct aspirations are a form of community aspirations that are conveyed directly without intermediaries, which can be done through direct dialogue and face to face and there are also demonstrations carried out by the community together where these actions sometimes become very uncontrolled because there is no response or action. further actions taken to resolve existing problems, such as burning tires, damaging buildings and other actions that harm many parties. Meanwhile, indirect aspirations are a form of community aspirations conveyed through the media, such as letters sent to the government, emails sent via websites and so on. These two aspirations are one channel of the communication process in conveying messages of dissatisfaction with a public policy. In this case, the current role and function of the DPRD is felt to be very strategic in optimizing the capture of the aspirations of the wider community, especially in Bengkulu Province, namely including: Legislative Function, Budgetary Function and Supervisory Function.¹⁸

The services provided by DPRD members in collecting aspirations are in several ways, such as aspirations being directly conveyed by community members to the DPRD office officially and accepted by DPRD members. In this context, the extent to which the community feels comfortable conveying various aspirations, starting from acceptance to reciprocity of information provided. by the DPRD to the

¹⁷ Azmi Azmi, 'Kedaulatan Rakyat Dalam Perspektif Negara Hukum Yang Berketuhanan', *Al Qalam*, vol. 34, no. 1 (2017), pp. 203–28.

¹⁸ Wawan Ichwanuddin And S IP, 'Konsep Perwakilan Politik', *Legislatif Indonesia*, , (2014).

community who convey their aspirations.¹⁹ Convenience will have an impact on the process of accepting the rights of citizens towards their representatives in the DPRD, giving rise to good or positive perceptions of the services provided. On the other hand, the inconvenience of accepting the public conveying their aspirations to the DPRD office will give rise to negative perceptions of the DPRD's services and performance.

The principles of security services can be clarified technically so that they are in line with the interests and values that generally apply to the voting community and the electoral district government. If security principles are still not in line, the principle of ease of service will also be disrupted. In this way, security becomes an indicator of providing services to the community so that it will expand access to information from the community. To achieve the expected security, systematic efforts are needed from aspiration services so that later the community and DPRD can carry out services, collect aspirations together in safe conditions in the context of community values as citizens who want to hear their wishes and DPRD members who fight for them.²⁰

Relationship between Community Aspirations from the perspective of Representation Theory

Providing channels for constituent aspirations by DPRD members who are elected by the constituents is the embodiment of a pattern of representation of two parties who need each other. On the one hand, constituents need representatives who can be trusted to fully absorb their aspirations and then channel their aspirations effectively. In this context, constituents are the parties who give mandates to the parties they represent in representative institutions. From a different perspective, parties who represent constituents and at the same time receive mandates from constituents, need constituent support to appear in representative institutions and at the same time actualize their representative role

¹⁹ I Suryawan, "Fungsi Dan Wewenang Dewan Perwakilan Daerah Perspektif Ius Constituendum" (Publika Global Media, 2020).

²⁰ Firman Manan, 'Relasi Eksekutif-Legislatif Dalam Sistem Presidensial Multipartai Di Indonesia', *Jurnal Wacana Politik*, vol. 2, no. 2 (2017), pp. 98-112.

in representative institutions. In this way, an institutional pattern of representation is established in the implementation of a democratic government system.²¹

Even though this era of reform has been underway, it has not shown satisfactory results, and it seems that at a certain level it does not meet society's expectations. The provision of public services by public officials such as legislative members or by bureaucratic work units is increasingly receiving public attention. This public spotlight arises because the performance of public services still shows a number of weaknesses that need to be strengthened and a number of deficiencies that need to be addressed. One of the causes of weak service performance is the low readiness of the public service apparatus itself.

From the description of the limited discussion or previous discussion, in the context of formulating public policy in the regions, community aspirations are expected to be closely related to the actual role and function of the DPRD, which in the context of this research is limited to the provincial government locus only. Aspirations as a form of community participation in the formulation of public policy will then be managed in such a way that in reality they become a public service function organized by the DPRD as part of regional government. According to Leach, there are four alternative models of authority used in providing services, namely *traditional bureaucratic authority, residual enabling authority, market oriented authority, dan community oriented enabler*.²²

Quality of Service for Community Aspirations by the DPRD in the New Public Service Perspective.

In implementing the Government System in the Unitary State of the Republic of Indonesia, there are three levels of government, namely central government, provincial government, district or city government and village government level. Thus, all government affairs are divided into four levels of government, outside of these three levels are not used. But there is still another

²¹ Muhammad Zikri Walid, "DILEMA ANTARA PERJUANGAN ASPIRASI RAKYAT DAN PRAGMATISME ELITE POLITIK DALAM PENGANTIAN ANTARWAKTU ANGGOTA DEWAN PERWAKILAN RAKYAT REPUBLIK INDONESIA (STUDI TERHADAP PANDANGAN TOKOH POLITIK NASIONAL)" (PERPUSTAKAAN UIN SUNAN KALIJAGA, 2012).

²² Haryo Setyoko, Tjahyo Rawinarno, and Najwa Shafira, "Inovasi Pelayanan Publik Pemerintah Provinsi Banten Selama Covid-19," *Jurnal Ilmiah Niagara* 13, no. 1 (2021): 64–80.

type of government that has a special place both in legislation and in the study of Government Science.²³

The tiered levels are called: This level of government is the provincial government which is manifested both in the form of an extension of the central government in Indonesia and as a service provider in the province which also has autonomous authority. The implementation of the implementation of government at various levels of government is basically inseparable from the development of more advanced ideas regarding a more democratic paradigm and attempts to place it in a fairly strategic type of regional government, namely provincial government.²⁴

In line with the enactment of Law Number 32 of 2004 concerning Regional Government as amended by Law Number 8 of 2005 and Law Number 33 of 2004 concerning Financial Balance between the Central Government and Regional Government, regions are given the authority to plan their own regional development. in accordance with the aspirations, potential, problems, opportunities or economic needs of the community. The essence of regional autonomy itself is the optimization of empowerment and innovation in utilizing regional potential in order to generate community participation, initiative and creativity for the welfare of the people of their respective regions. Supervision by the DPRD must be carried out from the planning stage, not only at the implementation and reporting stages as has been the case so far. This is important because in the autonomy era, the DPRD has the authority to determine the General Direction and Policy of the APBD. If the DPRD is weak in the planning stage (determining the Direction and General Policy of the APBD), then it is feared that at the implementation stage there will be many deviations. However, DPRD members must understand that supervision of regional executives is only supervision of the implementation of the policies outlined, not inspection. The audit function should be handed over to audit institutions that have authority and professional expertise, for example BPK, BPKP, or independent public accountants. The board can ask the BPK or other independent auditors to conduct

²³ Hardiyansyah Hardiyansyah, *Kualitas Pelayanan Publik: Konsep, Dimensi, Indikator Dan Implementasinya*, (Gava Media, 2018).

²⁴ Ani Sri Rahayu, *Pengantar Pemerintahan Daerah: Kajian Teori, Hukum Dan Aplikasinya* (Sinar Grafika, 2022).

an audit of the executive's financial performance. One of the keys to successful governance in facing the global era is developing regional autonomy and fiscal decentralization. In this way, it is hoped that a policy formulation mechanism that is accommodating to the aspirations of regional communities can be built, so that the existence of regional autonomy will be more meaningful and will ultimately improve the quality of services to the community.²⁵

DPRD Recess in Al-Maududi's Political Thought

Al-Maududi was an accomplished speaker and very productive writer, especially in the field of religion. His ideas about Islam, including his state theory, were conveyed through published lectures, and the writing of treatises and books. Of the many Islamic political thinkers, it was Al-Maududi who presented the most complete conception of statehood. There are three beliefs that underlie Al-Maududi's thoughts about statehood according to Islam: first, Islam is a complete religion with instructions for regulating all aspects of human life, including political life. Second, the highest power, which in political terms is called sovereignty, is in God, while humans are only the executors of sovereignty. Third, the Islamic political system is a universal system and does not recognize geographic boundaries.²⁶

The Islamic political theory developed by Al-Maududi looks unique. Its uniqueness lies in the basic concept which emphasizes that sovereignty is in the hands of God, not in the hands of humans. This is different from democratic theory in general, which states that sovereignty is in the hands of the people. The political theory developed by Al-Maududi is Islamic political theory. Al-Maududi strongly opposed the royal system. According to him, all Islamic politics. Abul A'la Al-Maududi strongly opposed the royal system. According to him, all kingdoms must insist on obeying power from generation to generation so that the people's rights in the political, legal and economic fields are confiscated.

Al-Maududi's rejection of the theory of popular sovereignty was based on his understanding of the verses of the Koran which show that supreme power is in the

²⁵ Muhammad Nur Budiyanto, 'Reformasi Administrasi Pemerintahan Lokal Dalam Pelayanan Publik Di Indonesia', *Jurnal Demokrasi*, vol. 5, no. 2 (2006).

²⁶ E G A YUSUP, 'ANALISIS KONSEP TEO-DEMOKRASI DALAM PEMIKIRAN POLITIK ABUL A'LA AL-MAUDUDI DAN RELEVANSINYA DI INDONESIA,' (Universitas Siliwangi, 2021).

hands of God. According to Abul A'la Al-Maududi, Theodemocracy is a form of government in which the people are given limited sovereignty under the auspices of God. The executive was formed based on the general will of the Muslims, which the Muslims also had the right to overthrow. This system adheres to the principle that every government problem that is not regulated by sharia will be resolved by deliberation among Muslims. So, the government that Islam wants is Theodemocracy.²⁷

Theo-democracy concept is a combination of the concepts of theocracy and democracy. Al-Maududi firmly rejected the theory of popular sovereignty. According to him, supreme sovereignty is in the hands of God. God alone has the right to make laws. The practice of popular sovereignty is actually nonsense, because in reality people's participation is only carried out once every four or five years during elections. Meanwhile, the real power of the government is in the hands of the ruler, even though they act in the name of the people, they often oppress for personal interests.²⁸

A similar and even more firm opinion regarding the relationship between Islam and the State was expressed by al-Mawdudi, he expressed more firmly that Islam and the Koran do not only contain worship, morals and ethics. But it also contains guidance in the social, political and economic fields and even regarding state law and state institutions. The various kinds of rules contained in the Koran are realized in reality, one way is by establishing an Islamic religion based on Islamic law as a whole. The uniqueness or peculiarity of Al-Maududi's political theory lies in its basic concept, namely that sovereignty is in the hands of God, not in the hands of humans. So, in contrast to democratic theory in modern political systems, in general sovereignty is in the hands of the people.

In fact, the term "popular sovereignty" is often nonsense, because popular participation in most democracies is only held once every four or five years in the form of general elections, and control of the government is actually in the hands of

²⁷ Widinda Arum Rahmaningtias Ikrima Amira Ahadiya, 'Implementasi Pemikiran Politik Al Maududi Dalam Dinamika Politik Kontemporer', *POLITEA: Jurnal Politik Islam*, vol. 5, no. 1 (2022), pp. 17-36.

²⁸ Munawir Sjadzali, *Islam Dan Tata Negara Ajaran, Sejarah Dan Pemikiran*, (UI press, 1990).

a small group of people. The ruler decides all the nation's policies. This ruling group acts on behalf of the people, even though some of the ideas and energy they put forward are not to serve the people, but only to maintain the power they hold and their personal interests. Al-Maududi seems to understand the practice of "popular sovereignty" proposed by democratic theory.²⁹ Anyone who practices a little democracy understands that the law of oligarchy is most commonly applied, namely a group of rulers working together to determine various political, social and economic policies of the country without having to ask the people's opinion. We must not forget that these oligarchs who rule in the name of the people also persecute any opposition that challenges the legitimacy of their government on charges of subverting the state. Apart from that, Al-Maududi also very clearly explains that the majority which is usually decisive in a democratic system can lead to fatal errors, because the propaganda machine driven by the government can tell the majority what has been arranged.³⁰

According to Al-Maududi, state power is exercised by three bodies: legislative, executive and judiciary.³¹

1. Legislative: According to Al-Maududi, the legislative institution functions as a mediating institution and gives fatwa. However, all laws that are issued are not from the will of the majority, but must be extracted from the Book of Allah and the laws that are issued are not in areas that have clear legal status in Islamic law. In other terms, this institution is known as the Shura Council or deliberative council. The requirements for becoming a member of the legislature are having faith and obeying the Shari'a, having knowledge of Arabic to understand the Al-Quran and being able to draw conclusions from the Sunnah, being a man, a Muslim, being of sound mind and being mature, and having the ability to organize and explore laws from the Book of Allah. Legislative members are elected through general elections based on criteria

²⁹ Reki Hepana, "Konstitusi Negara Ideal Menurut Abul A'la Al-Maududi (1903-1979M)" (Universitas Islam Negeri Sultan Syarif Kasim Riau, 2011).

³⁰ Ikrima Amira Ahadiya, "Implementasi Pemikiran Politik Al Maududi Dalam Dinamika Politik Kontemporer."

³¹ YUSUP, "ANALISIS KONSEP TEO-DEMOKRASI DALAM PEMIKIRAN POLITIK ABUL A'LA AL-AUDUDI DAN RELEVANSINYA DI INDONESIA."

determined by the general election committee or determined by judges. The legislative institution in an Islamic country has functions that must be carried out, namely: first, if there are clear guidelines from God and the Prophet, the legislature cannot change or replace them. Second, if the Al-Quran and Sunnah guidelines have more than one possible interpretation, then the legislature has the right to decide which interpretation should be placed in the Constitution. Third, if there is no clear signal in the Koran and Sunnah, then the legislature must enforce laws relating to the same issue. Fourth, if on any issue the Al-Quran and Sunnah do not provide even basic guidance, then the legislature is free to legislate on this issue according to what is best.

2. Executive: In the Koran and hadith, Ulul Amri and Umara are stated as executive institutions. In an Islamic state, the aim of the executive branch is to uphold God's guidelines conveyed through the Koran and Sunnah and to prepare the people to recognize and embrace these guidelines to be implemented in their daily lives. Based on the Koran and hadith, Muslims are commanded to obey on condition that this executive body obeys God and the Messenger of Allah and avoids sins and violations. The caliph has the highest position in government. Al-Maududi himself does not limit the term of office of a caliph. Even though all matters lie on the caliph's shoulders, the caliph still has to be accountable to parliament, in this case the deliberative body. If the caliph wants to make an important decision, he is required to consult directly with the legislature. Apart from that, the caliph is also responsible to the general public, conveying his activities after prayer and can also deliver the Friday sermon. The caliph is elected by Muslims, no one can claim the privilege of occupying the position of caliph. Elections are carried out based on your wishes, Muslims without any coercion or threats. In Islam, the scope and method of determining public opinion is not determined.
3. Judiciary: In Islamic legal terminology the judicial institution is known as qadha. Also known as the Supreme Court, which was appointed by the caliph to decide cases whether they occurred between the government and society, or between society and society. The scope of the judiciary is also implied by

the recognition of the de jure sovereignty of Almighty God. When Islam established its state in accordance with its eternal principles, the Messenger of Allah himself became the first judge of the state, and he carried out this function in perfect harmony with God's Law. Those who continued with it had no other alternative but to base their decisions on God's Law as conveyed to them by the Messenger of Allah. Following this, it must be emphasized that the legal courts in an Islamic state are established to enforce Divine Law and not to violate it as is done today in almost all Muslim countries. Based on the explanation above, to run a country, al-Maududi divided the powers of state administrators into three areas of power, namely legislative, executive and judicial, which was later called the trias politica. Legislative power is an institution that has the authority to form laws. The highest laws in an Islamic state are the Koran and Sunnah, so that Allah SWT is the absolute holder of legislation. This law of Allah contains the main teachings that cover the entire life of society in general, therefore in its specific and specific application it is necessary to have an institution that gives fatwas based on the Qur'an and Sunnah. This institution is called by al-Maududi ahlul hal wal aqd.

The legislative institution, according to al-Maududi, is an institution which, based on fiqh terminology, is called an intermediary and fatwa-giving institution or the same as ahl al-hilal wa al-aqd. In formulating laws, this institution must be limited by the boundaries of Allah SWT and Rasulullah SAW and not may contradict the legislation established by Allah SWT and Rasulullah SAW even though the people's consensus wants it, likewise no Muslim can give and decide issues according to his own opinion which is not in line with the provisions of Allah SWT and Rasulullah SAW. He stated more firmly that people who make decisions not based on the Qur'an are among those who make decisions not based on the Qur'an, including unbelievers. In other words, all forms of legislation must reflect the spirit or soul of the basic laws of the Koran and Hadith.

In Indonesia, the legislative institution is a government institution tasked with making laws and supervising the implementation of laws that have been approved. The legislative institutions in Indonesia consist of the People's

Representative Council (DPR) and the Regional Representative Council (DPD). The DPR is a legislative institution consisting of representatives of the people elected through general elections. Meanwhile, the DPD is a legislative institution consisting of regional representatives elected by the Regional People's Representative Council (DPRD) from each province in Indonesia.

The main objective of the legislative institution is to carry out legislative functions which include the formation of laws and supervision of the implementation of laws. Apart from that, the legislative institution also aims to strengthen and maintain democracy, represent the voice of the people, and become a forum for channeling people's aspirations. Apart from that, the objectives of legislative institutions also include:

1. Improving the welfare of society through the formation of laws that side with the interests of the people.
2. Maintain a balance of power between government institutions in a system of checks and balances.
3. Strengthen relations between the government and the people through legislative channels.

Apart from that, the main task of the legislative body is to make laws that apply in Indonesia. However, apart from this main task, the legislative institution also has other tasks that are no less important. Some of the tasks of legislative institutions include:

1. Prepare a national development plan and state budget.
2. Determine the policies that will be implemented by the government in the context of national development.
3. Establish regulations relating to government and law.
4. Maintain relations between Indonesia and other countries through parliamentary relations.
5. Supervise the implementation of laws and government policies.
6. Provide approval for policies and the appointment of state officials such as judges, prosecutors and other officials.

The DPRD as the people's representative carries out the people's mandate, so that its implementation refers to the interests of society at large. In carrying out its duties, apart from carrying out government functions and the functions carried out as DPRD, the most important part of this role is providing services, especially in facilitating the formulation of government policies through channeling aspirations by the community through recess, both institutionally, groups and individuals who have values from aspiration side. Management of aspirations which is part of DPRD public services is obtained through several alternative aspirations as part of efforts to formulate policies.

Specifically, Al-Maududi's political theory does not discuss the recess in detail and in-depth, but through the *ahlul hal wal aqd* institution or what we know as a legislative institution, namely the People's Suarta DPRD, which Al-Maududi later termed the voice of God, this is where the people can use this institution to convey all their problems and needs must be followed up and resolved by the people's representatives they have chosen themselves.

According to Al-Maududi, the philosophy of thought regarding people's representation in an institution must be in line with the rules contained in the Koran and the Sunnah of the Prophet Muhammad. This means that every activity and decision taken by the *ahlul hal wal aqd*/DPRD legislative body according to Maududi must contain the values beneficial value for the people who have chosen him. However, in reality, currently the recess carried out by individual members of the DPRD is only a formal activity and is more concerned with the interests of their party and group and does not absorb the aspirations as a whole from the regions that are their constituents.

D. Conclusion

The role of people's representatives attached to the DPRD is often interpreted as an intermediary role. The DPRD not only functions as a communication bridge between the government (executive) and its citizens, but also as a liaison to reduce tensions that may arise between various groups in society who are fighting for their respective interests. Law Number 23 of 2014 concerning Regional Government is one of the Legislative Regulations that regulates the recess

period for DPRD members. The DPRD as the people's representative carries out the people's mandate, so that its implementation refers to the interests of society at large. In carrying out its duties, apart from carrying out government functions and the functions carried out as DPRD, the most important part of this role is providing services, especially in facilitating the formulation of government policies through channeling aspirations by the community through recess, both institutionally, groups and individuals who have values from aspiration side. Management of aspirations which is part of DPRD public services is obtained through several alternative aspirations as part of efforts to formulate policies. According to Al-Maududi, the philosophy of thought regarding people's representation in an institution must be in line with the rules contained in the Koran and the Sunnah of the Prophet Muhammad. This means that every activity and decision taken by the ahlul hal wal aqd/DPRD legislative body, according to Maududi, must contain the values beneficial value for the people who have chosen him. However, in reality, currently the recess carried out by individual members of the DPRD is only a formal activity and is more concerned with the interests of their party and group and does not absorb the aspirations as a whole from the regions that are their constituents.

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