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Legal Analysis of DPR Authority in Evaluating the Corruption Eradication Commission: A Siyasah Dusturiyah Perspective

Mhd. Naufal Ahnaf^{1✉}, Maulidya Mora Matondang²

^{1,2}State Islamic University of North Sumatra Medan, Indonesia

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Abstract

This study aims to analyze the authority of the House of Representatives (DPR) in conducting evaluations of the Corruption Eradication Commission (KPK) as regulated in Article 228A of DPR Regulation Number 1 of 2020, as well as to examine it from the perspective of Siyasah Dusturiyah. This study is motivated by the ongoing debate regarding the limits of legislative authority in exercising oversight over independent state institutions, particularly the KPK which plays a strategic role in combating corruption in Indonesia. This research employs a normative legal research method using a statutory approach and a conceptual approach, which relies on the analysis of legal norms, doctrines, and relevant literature. The results of the study indicate that constitutionally the DPR has an oversight function over the administration of government; However, the implementation of evaluations of the KPK must still consider the principle of institutional independence as specified in the legislation. From the perspective of Siyasah Dusturiyah, oversight of the exercise of power constitutes part of the principle of maintaining justice and preventing the abuse of authority. Nevertheless, its implementation must be based on the values of justice, public benefit (masalah), and must not create domination of power among state institutions. Therefore, the evaluation mechanism of the KPK should be carried out proportionally so that it remains consistent with the principle of checks and balances within the constitutional system as well as the values of justice within the perspective of Islamic law.

✉Email Correspondent:
mhdnnaufal0203213161@uinsu.ac.id

Introduction

In the Indonesian constitutional system, the House of Representatives (DPR) has three main functions, as stipulated in Article 20A of the 1945 Constitution of the Republic of Indonesia (UUD 1945): legislation, budgeting, and oversight. These three functions serve as the main pillars of the implementation of the principle of checks and balances in the exercise of state power. As a legislative body, the DPR has the authority to oversee the implementation of government policies and the performance of other state institutions to ensure accountability in governance. (J. Asshiddiqie, 2016).

One way to strengthen the House of Representatives' oversight function is regulated in House Regulation Number 1 of 2020 concerning Rules of Procedure, specifically Article 228A, which authorizes the House to evaluate state officials elected or approved by the House. This provision also covers the leadership of independent institutions such as the Corruption Eradication Commission (KPK), whose selection process requires House approval. Normatively, this regulation is intended to strengthen the oversight mechanism for state institutions in order to realize transparent and accountable governance.

However, the implementation of Article 228A of House of Representatives Regulation No. 1 of 2020 raises various legal and constitutional issues. This is because the House of Representatives' evaluation authority is not explicitly regulated in the 1945 Constitution or in Law No. 30 of 2002 concerning the Corruption Eradication Commission, as amended by Law No. 19 of 2019. Thus, questions arise regarding the House's constitutional legitimacy in conducting evaluations of such an independent institution.

Deputy Speaker of the Indonesian House of Representatives, Sufmi Dasco Ahmad, explained that the insertion of an additional article into the House's Rules of Procedure is intended to strengthen parliament's oversight function. Through this provision, the House can evaluate state officials who have previously undergone a fit and proper test and been appointed by parliament. Dasco emphasized that under certain circumstances, the results of the fit and proper test conducted by the House can be periodically evaluated in the public interest. Dasco made this statement at the Senayan Parliament Complex, Central Jakarta, on February 4, 2025. (DetikNews, 2025).

Dasco further stated that an evaluation is necessary, among other things, if a state official is deemed no longer in optimal condition to carry out his or her duties. In such a situation, parliament needs to immediately re-implement the fit and proper test process to determine a replacement for the official. He cited the example of an official in an institution with a retirement age of 70 and having served for approximately 25 years, but whose health is beginning to decline. According to Dasco, such a situation requires the DPR to conduct a fit and proper test to assess whether the official in question is still capable of carrying out his or her duties and responsibilities effectively.

Susi Dwi Harijanti, Professor of Constitutional Law, in her view regarding the changes to the House of Representatives' Standing Orders, which allow the House to evaluate state officials, including the leadership of the Corruption Eradication Commission (KPK), emphasized that this evaluative authority has the potential to diminish the independence of state institutions. According to her, if this evaluative authority is not clearly delimited, it could develop into a form of practical political interference in institutions that are supposed to operate independently. (Harijanti, 2025).

In addition, the Corruption Eradication Committee (KPK) is normatively an independent institution that was formed to be free from intervention by any power, including legislative power.²The Corruption Eradication Commission (KPK)'s independence is a fundamental principle that allows the institution to carry out its duties in eradicating corruption objectively and without political pressure. Therefore, when the House of Representatives (DPR) exercised its evaluation authority over the KPK, concerns arose that this could threaten the anti-corruption agency's independence and create a conflict of interest between its legislative oversight function and the KPK's institutional autonomy.(Mochtar, 2016).

The term "evaluation" in Article 228A is also not explicitly defined regarding its limits, form, or legal consequences. This lack of clarity creates ambiguity between the legitimate oversight function and the form of intervention by the authorities in an independent institution.(Huda, 2020)As a result, the DPR's evaluation of the Corruption Eradication Commission (KPK) has the potential to create a conflict of authority and inconsistency with the principle of checks and balances guaranteed by the 1945 Constitution.

There are significant legal and practical gaps in the implementation of Article 228A of House of Representatives Regulation Number 1 of 2020. Normatively, the attribution of the House of Representatives' authority to evaluate the Corruption Eradication Commission (KPK) through a "periodic report" mechanism creates an overlapping oversight function that risks interfering with the KPK's independence as a constitutionally important institution that should be free from the influence of any power. This gap is clearly visible when the "evaluation" parameters in the House of Representatives Regulation do not have rigid material boundaries, thus opening up opportunities for the politicization of law in assessing corruption eradication performance. From the perspective of *Siyasah Dusturiyah*, this triggers disharmony with the principle of *Imamah* (leadership) which demands a clear separation of powers (*tafshil al-shuluthah*); where an overly broad evaluation mandate by the legislature has the potential to harm the principles of justice (*al-'Adalah*) and public welfare (*al-Maslahah al-Ammah*) by weakening the dignity of the supervisory institution itself.

From the perspective of *Siyasah Dusturiyah* (Islamic state politics), supervision of public officials is a manifestation of the institution of *Wilāyāt al-Mazālim* (المظالم ولاية), namely a special judicial institution mechanism during the classical Islamic government.(Al-Mawardī, 2020). In the perspective of *Siyāsah Dustūriyyah*, *Wilāyāt al-Mazālim* is understood as a special supervisory and judicial institution in the Islamic state system that has the authority to handle injustice and abuse of power by public officials, especially when the ordinary judicial mechanism is ineffective in reaching it, both juridically-constitutionally and ethically-normatively in the perspective of *Siyāsah Dusturiyah*, so that the supervisory mechanism implemented continues to uphold the principles of independence, justice, and accountability of state institutions.(Al-Mawardī, 2020).

In *Al-Ahkām as-Sultāniyyah*, al-Māwardī explains the duties of the *Wilāyat al-Mazālim* institution:

وَأَمَّا وِلَايَةُ الْمَظَالِمِ فَمَوْضُوعَةٌ لِلنَّظَرِ فِيمَا يَعْجِزُ عَنْهُ الْقَضَاءُ مِنَ النَّظَالِمِ، وَتَحْتَاجُ إِلَى سِيَّاسَةٍ وَفُورَةٍ سُلْطَانٍ

Meaning: *The Wilāyat al-Mazālim was formed to examine various forms of complaints of injustice that were not able to be handled by judges, because these cases required political policy and the power of the ruler's authority (Al-Mawardī, 2020).*

Al-Māwardī also explained the scope of his duties, for example supervising the actions of the authorities, reclaiming the people's rights that had been taken away, and resolving complaints about abuse of power.

وَيَنْظُرُ فِي تَعْدَايِ الْوِلَاةِ وَالْعَمَالِ، وَيَسْتَوْفِي لِلْمَظْلُومِينَ حُقُوقَهُمْ، وَيَرُدُّ الْمَغْصُوبَ إِلَى أَرْبَابِهِ

Meaning: *He (the zalim official) examines the violations of the governors and officials, gives those who have been wronged their rights, and returns the confiscated property to its owner (Al-Mawardī, 2020).*

In *Al-Ahkām as-Sultāniyyah* by Abū Ya'lā al-Farrā', *Wilāyat al-Mazālim* he explains the Duties of *Wilayat al-Mazalim* (al-Farra', 2000):

النَّظَرُ فِي تَعْدَايِ الْوِلَاةِ وَالْعَمَالِ

Meaning: *Checking the excessive actions of governors or government officials.*

وَالنَّظَرُ فِي أُمُورِ الْجَبَايَاتِ إِذَا وَقَعَ فِيهَا ظُلْمٌ

Meaning: *Checking tax or levy matters when injustice occurs in them.*

وَرَدُّ الْمَغْصُوبِ إِلَى أَرْبَابِهِ

Meaning: *Returning property taken unjustly to its owner.*

وَاسْتِيفَاءُ حُقُوقِ الْمَظْلُومِينَ

Meaning: *Fulfilling and restoring the rights of people who are victims of injustice.*

وَأِمْضَاءُ مَا يَعْجِزُ الْقَضَاءُ عَنْ إِمْضَائِهِ

Meaning: *Carrying out or executing a decision that an ordinary judge is unable to enforce.*

Based on the Wilāyāt al-Mazālim Institution in Siyāsah Dustūriyyah, supervision can only be justified normatively if it is carried out objectively, proportionally, and is not interventionist towards the independence of the institution being supervised, so that it remains oriented towards justice and the public interest (Taymiyyah, 1998).

Al-Māwardī, Al-Aḥkām as-Sulṭāniyyah, Chapter Wilāyāt al-Mazālim states that:

تَجْعَلُ وَلَايَةَ الْمَظَالِمِ لِرَفْعِ الظُّلْمِ عَمَّنْ لَا يَقْدِرُ الْقَضَاءُ عَلَى إِنْصَافِهِمْ، لِهَيْبَةِ الْمُتَعَدِّيِّ وَسُلْطَانِهِ

Meaning: *Wilāyāt al-Mazālim was formed to eliminate injustice against parties who are unable to be given justice by ordinary judges, because of the strong influence and power of the party who commits injustice (Al-Mawardi, 2006).*

Next, Al-Mawardi explains the limits of authority in this chapter. that:

وَلَيْسَ لَهُ أَنْ يَتَعَدَّى مَا أَقْتَضَاهُ رَفْعُ الظُّلْمِ إِلَى مَا لَا يَحِلُّ لَهُ فِيهِ التَّدْخُلُ

It means: "No justified for him beyond limit Which required For eliminate injustice and enter areas that are not lawful for him to do intervened (Al-Mawardī, 2020)."

Wilāyāt al-Mazālim functions as a corrective mechanism that aims to return the implementation of power to the principles of justice and trustworthiness, but its authority is strictly limited so that it does not turn into a form of domination or intervention that goes beyond the purpose of supervision itself. In the context of the authority of the House of Representatives (DPR) to evaluate the Corruption Eradication Commission (KPK) based on Article 228A of DPR Regulation Number 1 of 2020, the theory of Wilāyāt al-Mazālim provides a normative framework that supervision can only be justified if it is carried out objectively, proportionally, and does not interfere with the independence of law enforcement agencies.(Al-Zuhaili, 2005)If this evaluative authority opens up room for political intervention that could potentially weaken the KPK's function in eradicating corruption, then this contradicts the principle of Wilāyāt al-Mazālim, which positions supervision as a means of preventing injustice and safeguarding the public interest, not as a tool for political control over an institution that should be independent.

Surah An-Nisa Verse 58:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

Meaning: *Indeed, Allah has ordered you to convey the trust to its owner. When you establish laws between people, you must establish them fairly. Indeed, Allah gives you the best teaching. Indeed, Allah is All-Hearing, All-Seeing.*

Furthermore, Allah SWT says in surah An-Nisa verse 59:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ ۚ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

Meaning: *O you who believe, obey Allah and obey the Messenger (Prophet Muhammad) and the ululamri (holders of authority) among you. If you have different opinions about something, return it to Allah (the Qur'an) and the Messenger (the Sunnah) if you believe in Allah and the Last Day. That is better (for you) and the consequences are better (in this world and in the hereafter).*

From a political and economic perspective, oversight and evaluation of power are essential components of a governmental mechanism that upholds the principles of justice and accountability. Therefore, every form of exercise of power within a governmental system requires oversight to ensure it remains compliant with the values of justice and prevents abuse of authority. However, in Indonesian constitutional practice, the implementation of Article 228A of House of Representatives Regulation Number 1 of 2020, which grants the House of Representatives (DPR) the authority to evaluate independent institutions such as the Corruption Eradication Commission (KPK), raises legal and ethical issues. This is because such authority has the potential to conflict with the principle of independence that underpins the establishment and existence of the KPK as an independent state institution.

Based on the above description, several research questions arise, namely: how is the legal review of the DPR's authority in evaluating the Corruption Eradication Commission (KPK); what is the legal substance contained in Article 228A of DPR Regulation Number 1 of 2020 concerning the evaluation of the KPK; and what is the perspective of fiqh siyasah dusturiyah on the DPR's authority in evaluating the KPK. In line with the formulation of the problem, this study aims to analyze the legal review of the DPR's authority in evaluating the KPK, examine the legal substance contained in Article 228A of DPR Regulation Number 1 of 2020 concerning the evaluation of the KPK, and examine this authority from the perspective of fiqh siyasah dusturiyah.

Method

This research is a normative juridical legal research or doctrinal legal research, namely research conducted by examining the applicable positive legal norms and legal principles that form the basis for regulating the authority of the House of Representatives (DPR) in evaluating the Corruption Eradication Commission (KPK). (Mamudji & Soekanto, 2004). The normative juridical approach is used because the focus of this research study is to analyze written legal regulations, specifically Article 228A of DPR Regulation Number 1 of 2020 concerning DPR Rules of Procedure, and its relationship to the principles of state administration regulated in the 1945 Constitution of the Republic of Indonesia. (J. Asshiddiqie, 2016).

Pendekatan yang digunakan dalam penelitian ini meliputi pendekatan perundang-undangan (*statute approach*), yaitu dengan menelaah berbagai peraturan perundang-undangan yang berkaitan dengan kewenangan DPR dan kedudukan KPK, seperti Undang-Undang Nomor 19 Tahun 2019 tentang Perubahan Kedua atas Undang-Undang Nomor 30 Tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi, serta peraturan internal DPR (Isra, 2018). Selain itu, digunakan pula pendekatan konseptual (*conceptual approach*) untuk memahami konsep kewenangan lembaga negara, prinsip *checks and balances*, serta fungsi pengawasan legislatif dalam sistem ketatanegaraan Indonesia (Ibrahim, 2006).

Sebagai pembeda utama dari penelitian hukum normatif pada umumnya, penelitian ini juga menggunakan pendekatan *siyasah dusturiyah*, yakni pendekatan politik ketatanegaraan Islam, untuk menganalisis sejauh mana kewenangan DPR dalam mengevaluasi KPK sesuai dengan nilai-nilai keadilan, akuntabilitas, dan amanah dalam perspektif hukum tata negara Islam (Khallaf, 2010). Pendekatan ini memberikan landasan filosofis dan etis dalam memahami hubungan antara lembaga legislatif dan lembaga independen pemberantasan korupsi (Sukardja, 2012).

Bahan hukum yang digunakan dalam penelitian (Dahlan, 2006) ini terdiri dari bahan hukum primer, yaitu peraturan perundang-undangan dan putusan-putusan terkait; bahan hukum sekunder, berupa buku, jurnal, dan hasil penelitian terdahulu yang relevan; serta bahan hukum tersier, seperti kamus hukum dan ensiklopedia untuk memperkuat pemahaman terminologi hukum. Teknik pengumpulan bahan hukum dilakukan melalui studi kepustakaan (*library research*) (Bungin, 2015). Sedangkan analisis data dilakukan secara deskriptif kualitatif, yakni dengan menafsirkan, menghubungkan, dan membandingkan norma-norma hukum serta prinsip-prinsip *siyasah dusturiyah* untuk memperoleh kesimpulan yang komprehensif (Ibrahim, 2006).

Dalam penelitian ini, analisis data dilakukan dengan menggunakan metode analisis kualitatif-normatif, di mana peneliti membedah muatan Pasal 228A Peraturan DPR Nomor 1 Tahun 2020 melalui tiga lapisan pengujian. Pertama, dilakukan analisis sinkronisasi vertikal untuk menguji keselarasan pasal tersebut dengan peraturan perundang-undangan yang lebih tinggi, khususnya terkait jaminan independensi KPK. Kedua, pasal tersebut dianalisis menggunakan pisau bedah *Siyasah Dusturiyah* untuk melihat apakah wewenang evaluasi tersebut sejalan dengan prinsip *tafshil al-shuluthah* (pemisahan kekuasaan) dan pengawasan yang berorientasi pada *al-Maslahah al-Ammah* (kemaslahatan umum). Analisis ini bertujuan untuk menemukan titik singgung atau pertentangan antara norma hukum positif dengan prinsip-prinsip ketatanegaraan Islam dalam menjaga marwah lembaga penegak hukum dari intervensi politik.

The conclusions drawn in this study were drawn using a deductive reasoning method, starting from the general premise of constitutional norms and the ideal principles of *Siyasah Dusturiyah*, then confronted with the specific premise of legal facts related to the DPR's evaluation authority in the DPR Regulation. Through this inference process, the researcher synthesized the findings to answer whether this authority is legally binding or contains material flaws that could potentially violate judicial independence. The resulting conclusions are not merely a summary of the research results, but rather a crystallization of legal arguments that provide clarity regarding the position of the DPR's evaluation within the national legal framework and the perspective of Islamic law.

Results

Legal Review of the DPR's Authority in Evaluating the Corruption Eradication Committee (KPK)

Constitutionally, the House of Representatives has legislative, budgetary, and supervisory functions as stipulated in Article 20A paragraph (1) of the 1945 Constitution. This supervisory function provides legitimacy to the DPR to exercise control over the implementation of laws and government policies, including over state institutions established based on laws. Meanwhile, the Corruption Eradication Commission (KPK) was established through Law Number 30 of 2002, which was later amended by Law Number 19 of 2019. Thus, legally, the KPK is a state institution that is within the realm of public law and cannot be separated from the checks and balances mechanism in the state system.

In its development, the position of the Corruption Eradication Commission (KPK) has been affirmed through the Constitutional Court's decision, specifically in Decision Number 36/PUU-XV/2017 which stated that the KPK is included in the executive branch of power, although it is independent in carrying out its duties and authorities. This affirmation has legal implications that the House of Representatives, in carrying out its supervisory function, has a legal basis to conduct an evaluation of the implementation of the KPK's duties, as long as it does not interfere with the independence of the ongoing law enforcement process. This evaluation can be carried out through working meetings, hearings, or the use of constitutional rights such as the right of inquiry as regulated in laws and regulations.

However, legally, the DPR's authority to evaluate the KPK remains limited by the principle of independence of law enforcement agencies and the principle of due process of law. The principle of due process of law is a fundamental principle in a state based on law, which emphasizes that every law enforcement action must be carried out based on legal, fair procedures and in accordance with statutory regulations. In the context of Indonesian constitutional law, this principle is rooted in the principle of the rule of law as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state based on law (*rechtstaat*). This means that all actions of the government and state institutions, including the DPR and the KPK, must be subject to the law and may not be carried out arbitrarily. The supervision carried out must not result in intervention in the investigation process, prosecution, or other *pro justitia* actions that are the domain of the KPK. The principle of the rule of law (*rechtstaat*) demands a balance between the DPR's oversight function and guaranteeing the KPK's independence so that corruption eradication remains effective and free from political pressure. Therefore, the legal review shows that the DPR's authority to evaluate the Corruption Eradication Commission (KPK) is constitutionally valid, but its implementation must be proportional, accountable, and not exceed the limits of authority determined by statutory regulations.

Legal Substance in Article 228A in Terms of KPK Evaluation

The legal substance in Article 228A relates to strengthening the supervisory function of the People's Representative Council (DPR) within the framework of the Indonesian constitutional system.(j Asshiddiqie, 2010). Normatively, the DPR's oversight is rooted in Article 20A paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which affirms that the DPR has legislative, budgetary, and supervisory functions. These provisions are then further elaborated in Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (MD3 Law), which regulates the DPR's constitutional rights, including the right of interpellation, the right of inquiry, and the right to express an opinion. In this context, Article 228A is understood as a norm that emphasizes the scope of the DPR's oversight function regarding the implementation of laws by state institutions.

In relation to the evaluation of the Corruption Eradication Commission (KPK), the substance of Article 228A must be read systematically with the provisions in Law Number 19 of 2019 which regulates the position of the Corruption Eradication Commission (KPK) as a state institution within the executive branch of power that is independent. The affirmation of the KPK's position was also reinforced in Decision Number 36/PUU-XV/2017 by the Constitutional Court, which stated that the KPK can be subject to DPR oversight as long as it does not interfere with the independence of its law enforcement duties. Therefore, in substance, Article 228A cannot be interpreted as a basis for intervention in ongoing investigations or prosecutions.(j Asshiddiqie, 2010).

From a legal perspective, the legal substance of Article 228A in the KPK evaluation requires a balance between the principle of checks and balances and the principle of independence of law enforcement agencies. The evaluation conducted by the DPR must be institutional and administrative in nature, not technically judicial. This is in line with the principle of the rule of law (*rechtstaat*) as affirmed in Article 1 paragraph (3) of the 1945 Constitution, which requires that all actions of state institutions be subject to the law and not arbitrary. Thus, the substance of Article 228A is essentially an instrument for strengthening accountability, not a means of weakening the KPK's independence.

Article 228A strengthens the DPR's supervisory function as a representation of the people's sovereignty.(J. Asshiddiqie, 2016). In the Indonesian constitutional system, the supervisory function is a constitutional mandate as regulated in *Article 20A of the 1945 Constitution of the Republic of Indonesia* With the existence of norms clarifying the evaluation mechanism, the DPR has a more robust legal instrument to ensure that state institutions, including the Corruption Eradication Commission (KPK), carry out their duties in accordance with statutory regulations. This aligns with the principle of checks and balances in a constitutional democracy.(Montesquieu, 1784)Article 228A can improve the institutional accountability of the Corruption Eradication Commission (KPK). Following amendments through Law Number 19 of 2019, the KPK is normatively placed within the executive branch of government, although it remains independent. Therefore, oversight by the House of Representatives (DPR) can be viewed as a form of administrative and policy control, not a technical intervention in the law enforcement process. From a constitutional perspective, the accountability of independent institutions remains necessary to prevent abuse of power.(MD, 2020).

However, in practice, there is a risk of politicizing oversight. Evaluations conducted through the House of Representatives' right of inquiry mechanism or political forums have the potential to create conflicts of interest, particularly if the KPK is handling a case involving a member of the legislature. This could conflict with the spirit of independence of law enforcement agencies, as affirmed by the Constitutional Court in Decision No. 36/PUU-XV/2017, which stated that although the KPK is part of the executive branch, its duties must be free from interference.

There is the potential for interpretations that exceed the limits of authority. If Article 228A is interpreted too broadly, supervision could shift to interference with the investigation, prosecution, or pro justitia actions. However, the principle of the rule of law (*rechtstaat*), as affirmed in Article 1 paragraph (3) of the 1945 Constitution, requires protection of fair legal processes (due process of law). (Hadjon, 2005). Therefore, the boundary between institutional evaluation and technical intervention must be strictly maintained.

In Constitutional Court Decision Number 012-016-019/PUU-IV/2006 The KPK's independence is functional, not absolute. This independence is inherent in the implementation of law enforcement duties (investigation and prosecution), but does not eliminate the obligation of administrative and policy accountability to constitutional oversight mechanisms. Article 228A is constitutionally valid as an instrument of administrative and policy oversight, but cannot be used as a basis for intervention in the KPK's pro justitia authority (J Asshiddiqie, 2010). With this reading, the norm remains in line with the principle of checks and balances without reducing the independence of law enforcement agencies.

Discussion

The Perspective of Fiqh Siyasaḥ Dusturiyah on the DPR's Authority over the Corruption Eradication Committee (KPK)

Islamic jurisprudence (*fiqh siyasah dushuriyah*) is a branch of Islamic jurisprudence that addresses the principles of state administration in Islam, particularly the relationship between rulers, state institutions, and the people based on sharia values. From a religious jurisprudence (*siyasah dushuriyah*) perspective, the DPR's position can be likened to that of *ahl al-ḥall wa al-'aqd* (people of faith), representing the people with the authority to oversee the exercise of power. Within this framework, the DPR's oversight function over the Corruption Eradication Commission (KPK) can be understood as an instrument to ensure that state institutions exercise their authority in accordance with legal provisions and principles of justice.

In the literature of Islamic jurisprudence, the concept of *wilāyat al-maẓālim* refers to a special authority established to handle complaints about acts of injustice or abuse of authority by public officials. This concept is systematically explained by Al-Mawardi in *Al-Aḥkam al-Sultaniyyah*. (Al-Mawardi, 2006). Al-Māwardī explained that the main function of *wilāyat al-maẓālim* is to straighten out and correct forms of injustice that cannot be resolved through ordinary justice (*qaḍā'*), especially if the violation is committed by a party with authority.

وَأَمَّا وَلايَةُ الْمَظَالِمِ فَهِيَ نَظْرٌ فِي التَّظَلُّمِ مِنَ الْعُمَّالِ وَالْوَلَاةِ، وَرَدُّ الْمَظَالِمِ إِلَى أَهْلِهَا"

Meaning: *As for Wilāyat al-Mazālim, it is an examination of complaints against the officials and rulers, as well as returning rights to those entitled to them.*

In the study of Islamic jurisprudence, there is a clear distinction between administrative supervision and interference in the judicial process. In Islamic legal tradition, a qāḍī has complete independence in issuing decisions. Abu Ya'la al-Farra, in the Hanbali version of *Al-Ahkam al-Sultaniyyah*, asserts that the ruler is not permitted to overturn or change a judge's decision unless there is a clear sharia basis. (Al-Farra', 2000).

This assertion demonstrates that even though oversight mechanisms such as wilāyat al-mazālim exist, this authority must not interfere with the judicial sphere. Analogous to the modern constitutional system, the DPR can carry out an evaluation function on the administrative and policy aspects of the KPK, but it does not have the authority to intervene in the investigation or prosecution process (*pro justitia*).

From the perspective of wilāyat al-mazālim, oversight of law enforcement agencies is fundamentally justified as an effort to safeguard the mandate of power and prevent its abuse. However, such oversight must be directed toward upholding and restoring justice, not used as a means of political pressure. The principle of independence in the judicial function must remain intact. as is the independence of the qāḍī in the Islamic legal system.

Thus, if Article 228A is understood as an instrument of administrative and policy oversight, then the provision can be considered in line with the concept of wilāyat al-mazālim. However, if it is interpreted as legitimizing interference in the law enforcement process, it contradicts the principle of separating the functions of qāḍā' in *siyasah fiqh*.

Limits of Supervision in the Perspective of Wilāyat al-Mazālim:

لَيْسَ لَوَالِي الْمَظَالِمِ نَفْضُ أَحْكَامِ الْفُضَاةِ إِلَّا أَنْ يَكُونَ فِيهَا جَوْرٌ بَيِّنٌ أَوْ خُلْفٌ لِنَصِّ أَوْ إِجْمَاعٍ.

Meaning: *And it is not for the Wali al-Mazālim (official who handles cases of injustice) to cancel the decisions of the judges, except if there is real injustice in them, or is contrary to the text (strict text of the Shari'a), or is at odds with the ijma' (agreement of the ulama).*

This provision indicates that a mazālim official may not overturn a judge's decision unless there is clear injustice or it contradicts the texts and consensus. This means that intervention in the judicial function is only permitted in cases of clear and proven violation of the law.

Al-Māwardī emphasized that the main objective of wilāyat al-mazālim is to uphold justice and eliminating injustice:

لِقِامَةِ الْعَدْلِ وَرَدِّ الظُّلْمِ.

Meaning: *To uphold justice and restore (reject/eliminate) injustice (Al-Mawardi, 2006).*

This principle serves as a normative boundary that oversight should not be driven by political motives or the interests of particular groups, but solely to uphold justice. Therefore, in the modern constitutional system, the oversight function of state institutions should be directed toward institutional accountability, not political pressure on the legal process.

Abu Ya'la al-Farra in *Al-Ahkam al-Sultaniyyah* emphasized that in carrying out In their authority, *maẓālim* officials are bound by the principles of justice and balance:

وَيَنْبَغُ فِي أَحْكَامِهِ بِالْعَدْلِ وَالْقِسْطِ

Meaning: *Every decision must be bound by the principles of justice and proportionality. This eliminates the possibility of repressive or arbitrary action in the name of oversight.* (Al-Farra', 2000).

This independence demonstrates that despite the existence of oversight mechanisms, the judicial function retains its freedom in issuing legal decisions. Therefore, the boundary between administrative oversight and technical intervention must be strictly maintained. It can be concluded that, from the perspective of *wilāyat al-maẓālim*, there are five main limitations in the implementation of supervision: not overturning a judge's decision unless there is a clear violation of sharia, aiming to uphold justice, not being oppressive or arbitrary, still respecting the independence of the judicial function, and being implemented proportionally. These principles demonstrate that supervision is justified within the framework of *siyasa dusturiyah* as long as it does not turn into a form of intervention against judicial authority.

Conclusion

Based on a legal study, the DPR's authority to evaluate the Corruption Eradication Commission (KPK) has a constitutional basis derived from its supervisory function as stipulated in Article 20A paragraph (1) of the 1945 Constitution. The KPK, as a state institution established by law, remains within the framework of the checks and balances system, so that in principle it is not completely free from the constitutional oversight mechanism. In addition, the affirmation that the KPK is included in the executive branch of power, despite its independence, further strengthens the argument that the DPR has room to conduct oversight in administrative and policy aspects. Therefore, legally, the DPR's evaluation authority can be justified as long as it does not enter the technical area of law enforcement (*pro justitia*), which is the realm of the KPK's independence.

Normatively, Article 228A of DPR Regulation Number 1 of 2020 raises interpretative issues because it does not regulate in detail the form, limitations, or legal consequences of the "evaluation" mechanism carried out by the DPR. (Fuadhi, A., & Umardani, 2025) If this norm is interpreted broadly, there is the potential for an expansion of authority that could shift into a form of intervention in the investigation and prosecution processes, which are the responsibility of the Corruption Eradication Commission (KPK). Therefore, this provision can only be considered constitutional if it is interpreted solely as an instrument of administrative and policy oversight, not as a means of interfering with the independence of law enforcement. Clarifying the boundaries between institutional evaluation and

technical intervention is a crucial prerequisite for upholding the principles of the rule of law and due process of law.

From the perspective of Islamic jurisprudence, supervision of state administrators is a manifestation of the principle of *hisbah* and can be analogized with the concept of *wilāyat al-mazālim* as a control mechanism for power. (Hasmiyati, H., Ansar, L., Tarmizi, T., & Sulfian, 2025). The DPR, in this context, can be understood as a representation of the people of Islam and the people of faith, possessing the moral and political authority to ensure that government runs according to the principles of justice, trustworthiness, and accountability. However, the principle of industrial governance also emphasizes that all forms of oversight must be limited by the principles of justice, proportionality, and the prohibition of oppressive or arbitrary action. Therefore, the DPR's authority to evaluate the Corruption Eradication Commission (KPK) can be normatively justified within this framework as long as it does not become an intervention against judicial independence and maintains the balance of power.

This study concludes that Article 228A of DPR Regulation Number 1 of 2020 contains normative issues that risk blurring the boundaries between the legislative oversight function and intervention against the independence of the Corruption Eradication Commission (KPK). (Kartika, 2024) From the perspective of *Siyasah Dusturiyah*, the evaluation mechanism is considered not fully aligned with the principle of *tafshil al-shuluthah* (separation of powers), because the evaluation parameters that are not rigid can become a loophole for politicization that harms the principle of *al-'Adalah* (justice) in enforcing corruption laws. However, this study has limitations because it only focuses on the analysis of legal texts (juridical-normative) without empirically portraying the political dynamics behind the commission's courtroom, and is limited to a comparison of Islamic constitutional theory without involving comparative studies with legal systems in other Muslim countries. (Muthmainnah, 2025).

As a corrective measure, this study makes an explicit recommendation to the Indonesian House of Representatives (DPR RI) to immediately revise Article 228A by including material limitations that only cover administrative and budgetary aspects, to ensure there is no interference in the technical aspects of the case. Furthermore, the government and relevant institutions are advised to draft a memorandum of understanding (MoU) that clarifies the evaluation corridor to maintain a priority on the public interest. (Son, 2025). For future researchers, it is recommended to conduct a socio-legal study to explore the psychological and political implications of the evaluation meeting on the independence of investigators in the field, so that a more comprehensive and factual legal picture can be obtained.

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