

# Muhammadiyah as Policy Entrepreneur in Policy Change Making of Oil and Gas Law

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## Abstract

Muhammadiyah pursues a policy agenda by suing Law Number 21 of the Year 2001 regarding the oil and gas in 2012. Muhammadiyah acts as PE, which must bring together three streams of MSA (problem stream, politic stream, and policy stream) to open the policy window and make the public issues (lawsuit) of the policy agenda. Therefore, this study intends to analyze the efforts of Muhammadiyah as a policy entrepreneur in policy change making towards oil and gas law. This research is used a descriptive qualitative method to describe the chronology of Muhammadiyah as a policy actor. The purposive sampling method was used for this study because it involved informants who understood the problem. This study also uses data collection techniques by interview, literature study, and documentation analyzed using Miles and Huberman's analysis technique. As the result of this research, Muhammadiyah came as an informal policy actor interested in pursuing the policy ideas. The stream of a problem and political current rose as the most defining currents for Muhammadiyah to become a policy entrepreneur. The two streams succeeded in making the policy flow influenced, and those were able to bring together three MSA. Hence, this lawsuit had implications for Migas's dissolution based on MK Decision Number 36/PUU-X/2012.

## Keywords:

Policy Entrepreneur; Problem Stream; Politic Stream; Policy Stream

## INTRODUCTION

This study aims to analyze the efforts conducted by Muhammadiyah as a policy entrepreneur (PE) in changing the policy by holding Law Number 22 the Year 2001 about Oil and Gas (UU Migas). Muhammadiyah has the role in incorporating the public issues in the policy change. In the policy studies literature, policy entrepreneur comes as a part of the Multiple Streams Approach

(MSA) concept Kingdon. Regarding the statement mentioned, the theory explains the existence of a policy window that will open if the three streams meet, such as the problem stream, policy stream, and political stream (Widyatama, 2018, p. 3). Hence, PE influences these three streams to open the policy window, especially on each stream's strength or weakness, to determine the success of PE in the policy change.

Besides, the policy entrepreneurs are the people or groups who try to initiate the policy process changes. A person or group of people is willing to

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invest their resources as a reward for a future policy they need Mintrom and Luetjens (2017). Besides, Mintrom and Luetjens (2017) stated that the investment is carried out by having the time, energy, reputation, and funds (p. 365). The persistence, knowledge, and power to work on the policies to be determined rise to solve the government agenda's problems (Kingdon, 1984; Jones, 1994; Widyatama, 2018, p. 5). Therefore, MSA theory describes PE as involved in promoting activities to encourage the ideas in identifying problems, forming terms in policy issues, and utilizing networks to build a coalition.

Besides, Muhammadiyah as an organization will be seen by the concept of PE in attempting ideas into a policy. Muhammadiyah in UU Migas can be shown to have the resources in the term of human resources, time, funds, information, reputation, and power in identifying the problems and seeking the ideas to implement the policy changes. Accordingly, Muhammadiyah has to support its role in this issue towards the policy change.

The oil and gas performances become the basis for establishing the Oil and Gas executing agency (BP Migas), which is expected to strengthen its sovereignty in managing its oil and gas. Besides, the management of natural resources must conform to the interests of national development and social prosperity. This interest comes as the national sovereignty, which must be protected and not exploited to fulfill

certain parties' claims. BP Migas' existence in the oil and gas activity does not follow the UUD 1945 in article 33 paragraph 2.

Some problems of implementing oil and gas activities arise as the reasons for Muhammadiyah to involve in the policy change process through the lawsuit. The lawsuit against the oil and gas act into the jihad comes as a part of Muhammadiyah constitution to straighten the nation back to the UUD 1945 (Muhammadiyah, 2019) (BBC, 2012). Muhammadiyah's lawsuit has implications for the dissolution of BP Migas because it contradicts the 1945 constitution.

MSA Kingdon will analyze Muhammadiyah acting as a PE that must bring together three streams to open the policy window and make the policy agenda public. Besides, Muhammadiyah must be instrumental in influencing each current to meet one stream. Muhammadiyah must have the right strategy to make the three streams meet. As Muhammadiyah's strategy, it should attract the public attention by identifying problems, solutions, and political conditions. The policy window opening will make the issue enter the policy agenda and signify PE ideas, which will up. Thus, based on the statements mentioned, this research intends to analyze and identify Muhammadiyah as an entrepreneur policy in policy change. Regarding the explanations mentioned, those two aspects are essential to determine why Muhammadiyah is a

policy entrepreneur in the policy change-making to the oil and gas law and the stream to support Muhammadiyah as a policy entrepreneur in the policy change-making to the Oil and Gas Law.

Moreover, the policy entrepreneur actors' purpose rises as the MSA's crucial aspect in the agenda-setting process. Therefore, Muhammadiyah will be seen in terms of the policy entrepreneur concept in investigating the policy agenda's ideas with the Multiple Stream Approach theory (Kingdon).

Furthermore, various titles have widely researched PE, Muhammadiyah, and BP Migas' dissolution. Some previous research on entrepreneurship policies came from Mintrom & Luetjens (2017), Cairney (2018), and Cohen (2011). Widyatama (2018), Howlett et al. (2015), and Cairney & Jones (2016) examined the Multiple Stream Approach in the policy analysis. Besides, the research conducted by Mujiburohman (2013), Asnawi (2016), and Wicaksono (2015) discussed the Constitutional Court's decision to dissolve BP Migas and the post-dissolution effect. Meanwhile, the research was undertaken by Argenti (2017), and Jinan (2015) examined Muhammadiyah as civil society and the Islamic movement. As the difference between this research and previous research, this current research focuses on investigating Muhammadiyah as an organization with the definition of PE by Kingdon. Therefore, the issue is relatively slightly discussed from the policy study standpoint.

## METHODS

This research is used a descriptive qualitative method to describe the chronology of Muhammadiyah as a policy actor. Qualitative research is started with the assumption and use of an interpretative/theoretical framework that influences or shapes studies of research problems related to the meaning imposed by individuals or groups on a social or human problem (Creswell, 2015, p. 59).

This qualitative method used a descriptive approach to know the chronology of Muhammadiyah as a policy actor. Data collection techniques use in-depth interviews as primary data and literature study and documentation as secondary data. And then, this research uses interview guidance as a research instrument.

Moreover, the research location is in Yogyakarta City that involved three informants selected by purposive sampling technique. The informants are considered the most understanding and directly concerned about the phenomena that have occurred. The qualitative method This qualitative method us analysis technique from Miles and Huberman (Miles et al., 2014, p. 12).

## FINDINGS AND DISCUSSION

In prosecuting the Oil and Gas Law, Muhammadiyah had the time, energy, funds, information, reputation, and power to identify the problems and find out the ideas to make the policy changes (Kingdon, 1984; Jones, 1994; Widyatama, 2018, p. 5). Besides,

Muhammadiyah characteristics are used to play PE, and every MSA stream both the problem streams and policies and the political currents (Crow, 2013, p. 300).

The PE concept was also seen in the Muhammadiyah role in pursuing a lawsuit against the Oil and Gas Law towards the Constitutional Court. The case required several articles related to the authority of BP Migas to be canceled. Following this, the idea was endeavored by Muhammadiyah to get on the government's policy agenda. Hence, Muhammadiyah must also choose a policy-maker to translate the evidence of the desired policy change (Cairney, 2016, pp. 16–19).

#### **A. Muhammadiyah as Policy Entrepreneur in Issuing Oil and Gas Law Problem Identification of UU Migas**

##### *Identification of UU Migas*

Muhammadiyah's constitutional jihad, under the Law and Human Rights Assembly's authority, examined this country's Law's issue in the conflict towards the Constitution. Muhammadiyah (2019) stated that the Law and Human Rights Assembly has the main task of raising awareness about human rights and democracy, including education and public advocacy regarding the policies involved in the people's interests. Besides, this team had collaborated with the Institute for Wisdom and Public Policy (LHKP) and the Research and Development Institute (LPP) as the driving force for

constitutional jihad. Consequently, both of these institutions assisted in the problem assessment process.

With their constitutional jihad, the Law and Human Rights Assembly team examined the Law more deeply. The study was undoubtedly carried out by inviting several experts concerned to investigate the Oil and Gas Law. The involved experts are legal, economic, and political (BBC, 2012). Some of those experts are Fahmi Idris, Dr. Kurtubi, Kwik Kian Gie, Ichsanudin Noorsy, Sholahudin Wahid, Rizal Ramli (Toyudho, 2012), Irman Putra Sidin, and Margarito Thursday (Putusan Nomor 36/PUU-X/2012, 2012, pp. 32–50; Bakhri, 2012, pp. 322–363).

They outlined some of the articles described in the problem in detail. The items being sued were considered to have multiple interpretations since the state equalized BP Migas. Regarding the statement mentioned, this position also led the state directly involved in international agreements because the signing of the PSC, BP Migas, was a State-Owned Legal Entity (BHMN) that did not come as an operator or business entity. Likewise, BP Migas, the government representative holding, the mining authority, did not have a commissioner or supervisor, the separation of BUMN and oil and gas management, and a pro-liberalization spirit.

Based on the explanations mentioned, some evidence had reinforced the main reason for identifying vital problems. The Oil and Gas Law had been

made since the beginning to cause controversy. Thus, the Act's formation came as international pressure for the energy sector, especially oil and gas, to be reformed. Besides, the Oil and Gas Law's appearance is a form of international intervention through the Government of Indonesia's collaboration with the Memorandum of Economic and Finance Policies (Letter of Intent International Monetary Funding) dated January 2, 2000 (Umar, 2012, p. 52). One of the collaboration commitments is to demand the government to reform and restructure Pertamina (Umar, 2012, p. 52).

The Indonesian government followed the agreement by preparing an economic program such as Pertamina special audit, restructuring Pertamina, and evaluating the Oil and Gas Bill, which was completed the document in June 2000 (Ma'arif, 2013, p. 6; Roziqin, 2015, p. 132). This collaboration grew the Oil and Gas Law which managed the modern Indonesian oil and gas adapted to the international market's needs. The act establishment replaced Pertamina's role as a State-Owned Enterprise that worked the oil and gas with its monopoly. It is based on Law number 8 of 1917 to the corporate oligopoly concept with the Oil and Gas Law (Putusan Nomor 36/PUU-X/2012, 2012, p. 18).

Intense foreign domination in Indonesian oil and gas management illustrated that its sovereignty in managing its natural resources was still far from what was expected. Data from Indonesian oil and gas management

revealed that foreign companies from the United States, China, Japan, and Europe control 85 percent of Indonesian oil and gas management (Bakhri, 2012, p. 19). Furthermore, domestic companies that manage Indonesian oil and gas have only a 15% stake. The Ministry of Energy and Mineral Resources said that seven in ten companies come from the United States, accounting for 85 percent of all foreign companies that work in Indonesian oil and gas (Rachmat, 2018, p. 74).

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As another problem, BP Migas came as the government representative holding the mining authority did not have a commissioner or supervisor. The absence of supervision made BP Migas have unlimited power due to a flawed institutional structure. Besides, the institutional disability without control resulted in budget leakage. Accordingly,

the term cost recovery (operating costs of oil and gas contractors replaced by the state) is given by the form to the company (Bakhri, 2012, p. 19).

Additionally, the Supreme Audit Agency discovered the potential losses during 2000-2008 due to inappropriate cost recovery. The loss reached Rp. 345.996 trillion annually or around 1.7 billion every day (Putusan Nomor 36/PUU-X/2012, 2012, p. 23). Besides, BPK also found 17 similar cases in semester II-2010. In 2010-2012, the BPK found the potential losses due to cost recovery amounting to Rp 2.25 trillion (Simanjuntak, 2013). Hence, the costs incurred by the government were increasingly inefficient and tended to harm the people.

Furthermore, the Oil and Gas Law case came as one of the realizations towards the movement objectives. Muhammadiyah was the main actor in suing the Oil and Gas Law open to anyone who wanted to join. Forty-two petitioners were prosecuting the Oil and Gas Law to the Constitutional Court, which consisted of 10 religious community organizations and 32 other figures (Putusan Nomor 36/PUU-X/2012, 2012, p. 14). Besides, the number of parties who joined showed that the problem raised by Muhammadiyah needed to be prosecuted. Therefore, these parties also made political support for Muhammadiyah to fight for the Oil and Gas Law judicial review to be healthier. The strengthening of the coalition that sued the Oil and Gas Law

positively substantially impacted Muhammadiyah's legitimacy and proof. A robust analysis of the problem was also supported by the expert witnesses who Muhammadiyah deliberately invited to identify the problem. Following this, the expert witnesses were those who were concerned to investigate the Oil and Gas Law.

"Invite people with concerns to oil and gas to study together. The study team was appointed by Muhammadiyah on the basis of a legal and human rights law majelis team and public policy." (Dr. Trisno Raharjo, M.Hum Friday, July 19, 2019, 10:59).

Expert witnesses in the trial were invited and discussed with Muhammadiyah on the Oil and Gas Law issue. Therefore, they became the expert witnesses in providing information at the Court trial.

#### *Developing the Political Condition*

The strategies also strengthened the political struggle implemented by Muhammadiyah through the constitutional jihad. The joining of several parties also directly strengthened the political legitimacy of Muhammadiyah in suing the Oil and Gas Law. Identifying the problem above showed a study between the Muhammadiyah party and several expert witnesses invited to join in suing the Oil and Gas Law. Besides, the analysis of the problem based on the Constitution made the team propose to PP Muhammadiyah to get approval to do a judicial review. Hence, the Chairperson of PP Muhammadiyah should discuss the

urgency of the problem with the government (President/Vice President) about the situation studied.

"The decision is also not alone, and there is an interaction between PP Muhammadiyah with the president and vice president." (Dr. Trisno Raharjo, M.Hum Friday, July 19, 2019, at 10:59).

Besides, the decisions taken by Muhammadiyah were not influenced by the government. Regarding the dialogue conducted by the government merely, Muhammadiyah would make a lawsuit. The statement mentioned was executed because the respondents in the Court's trial were the government. The government's response to the Muhammadiyah efforts did not show any differences of opinion. Therefore, the government tended to allow these organizations to sue the Oil and Gas Law. "However, the state did not give any question because it assumed that oil and gas have already been tested. In fact, it was not granted when Muhammadiyah entered it at that time considered the same result." (Dr. Trisno Raharjo, M.Hum Friday, July 19, 2019, at 10:59)

Muhammadiyah's decision to sue the Oil and Gas Law to the Court was indeed the only venue shop-owned choice. The selection of the right venue shop created the ideas that Muhammadiyah strived to gain more attention from policy-makers. Likewise, this attention could also make the argument heard and considered. The choice of venue shop by directly filing a lawsuit to the Constitutional Court rose

as a form of advocacy to determine a decision-making place.

### *The Reasons of Muhammadiyah to Sue the Oil and Gas Law*

The question about Muhammadiyah had the importance of its conviction to challenge the Oil and Gas Law. Most of the people prepared everything well to become the actors in the policy change. The preparations which began from the stage of identifying problems to build the political conditions were maximally pursued so that the issues brought could be the plan of government resolution. Besides, policy actors' interests came as the factors that motivated conveying the ideas to achieve the grand goal. The statement mentioned was in line with Kingdon (Widyatama, 2018; Kingdon, 2014), who said that PE wants to invest the resources to get their goals or interests.

"Why Muhammadiyah has any interests. Even though the people are taxpayers, one person has this interest. Muhammadiyah does not have the particular interest "(Prof. Syaiful Bakhri, M.Hum Sunday, July 28, 2019, 12:23).

Besides, these CSOs were also often involved in the discussions to provide the organization's personal view of government policy. Muhammadiyah did not satisfy because this involvement did not hear many of their opinions. By viewing various legislation problems, it was not according to the Constitution, and this organization tried to find other ways so that the government could hear the Muhammadiyah. Following this,

establishing the Constitutional Jihad Movement came as a political struggle through a juridical approach. Muhammadiyah carried out this struggle by submitting a problematic act judicial review request contrary to the Constitution. Furthermore,

Muhammadiyah's efforts in suing the Oil and Gas Law from a political point of view were needed to struggle to impact the community without distinguishing ethnicity, customs, race, and religion (Muslimin, 2019, p. 22). Muhammadiyah awareness in order not to see short-term and momentary interests. Strengthened by the consideration of the Court, it stated that Muhammadiyah and other petitioners have the same interests which are concerned with the Act for the benefit of the public, legal entities, regional governments, state institutions, and others (Putusan Nomor 36/PUU-X/2012, 2012, pp. 10–11).

Based on the explanation defined, it reinforced these interests to motivate Muhammadiyah to bring together the problem streams, the policy stream, and the political streams. Besides, this group's parts should underline the various efforts and investments to succeed as the policy actors. In this case, Muhammadiyah played strategically by influencing the policy through the policy agenda-setting function. The influence of the Muhammadiyah can bring these three currents together through the effect of the problem stream's composition, policy

stream, and organized political stream (Cahn, 2012, p. 203).

#### *Identifying the Problems of the Oil and Gas Law*

In this strategy, Muhammadiyah could be seen that this organization had already mastered some of the existing insights affecting the problem streams. This organization provided the knowledge of the process to bring the plan's problems and get public attention without relying on the evidence's size. Regarding the statement mentioned, this certainly proved the implication that Muhammadiyah found a way to gain public trust with the available evidence.

As the belief towards one of the evidence, Muhammadiyah could attract the public attention. Cairney (2018) asserted, "Muhammadiyah has a stage in the policy change because it has the legitimacy of the basic evidence towards the problem of implementing the Oil and Gas Law" (p. 201). Thus, the problem does not get enough attention, which can interrupt the problem's stability to be encouraged and can potentially be a policy change (Cairney & Jones, 2016, p. 42).

Regarding the statement mentioned, the problems with oil and gas have been proven by some applicants who joined Muhammadiyah. Still, they did not participate in discussing and reviewing the details of the available evidence. The applicants who joined were different from the expert witnesses invited directly by Muhammadiyah to be

a part of the problem assessment process. Besides, Muhammadiyah tried to minimize disappointment in its efforts to sue the Oil and Gas Law. Following this, this organization had a well-prepared strategy to have strong evidence. Hence, the issues brought by PE come as a crucial aspect continuing to be developed and encouraged in the public sphere so that the problems are able to attract public attention.

Furthermore, Muhammadiyah, who pursued the policy, had the insight that the policy-makers had to try to reduce the ambiguity. This strategy's implication showed that Muhammadiyah came as the PE bombs policy-makers with evidence, so the policy-makers could have little reason to refute them. Therefore, PE won the problem framing, and the policy-makers could demand evidence about the problem and the solution. Framing the problem with a strong analysis of BP Migas weakens of supported the country sovereignty based on the 1945 Constitution Article 33 paragraph 2-3.

#### *Offering the Solutions towards the Problems Faced by Muhammadiyah*

Muhammadiyah prepared a draft proposal considered by the policy-makers to influence policy streams. Consideration seen in proposals meeting the criteria will be discussed in the policy agenda (Kingdon, 2014, p. 144). Besides, proving the problem in the proposal could show a PE that had the alternative ways which were feasible to be adopted

and have the opportunity to get a place on the decision agenda.

Also, Muhammadiyah succeeded in forming a coalition by inviting several experts and other parties also to join. The statement mentioned indicated that Muhammadiyah also owned the second insight since suing the Oil and Gas Law required the time to be accepted by the policy environment. The policy environment was the Constitutional Court as a policy-maker who considered whether this issue had the support from many parties or not.

The coalition which was incorporated had the same interests as Muhammadiyah towards the PE and the main actor in the change of the Oil and Gas Law policy. Besides, they made a union with the same resources and interests to build the same approach. Consequently, Muhammadiyah could frame the problems and form a coalition. As proof, PE established a policy-making group that was appropriate (venue shop). Additionally, understanding the venue shopping had an impact on the policy change process desired by PE.

#### *Political Strategy Carried Out by Muhammadiyah*

Muhammadiyah successfully built public attention to give the public influence. Public opinion will exert more impact than the alternative preparation (Kingdon, 2014, pp. 65-69). Besides, the parties who joined and became the Oil and Gas Lawsuit petitioners led Muhammadiyah to have built the

problems and succeeded in influencing political conditions. Muhammadiyah created the necessary political conditions to involve in the policy process. Thus, this long-standing organization certainly had a quiet reputation for being considered by the Indonesian political and government environment.

The constitutional jihad movement, whose substance was adjusted between the activity and the venue shopping purpose, made Muhammadiyah directly choose the Constitutional Court. The institute came as the right institution with the preference of the organization's goals and was deemed able to hear the ideas Muhammadiyah strived to influence of lawsuit agenda. Following this, the substance's adjustment by conducting a material test of the Oil and Natural Gas Law articles that were considered contradictory was also examined and adjusted to the formed movement's purpose. Based on the statement mentioned, it was by what Muhammadiyah did with the constitutional jihad movement where this movement directly used a juridical approach. Therefore, the juridical approach was adjusted to the Muhammadiyah objectives to restore the nation's direction based on the state constitution.

Furthermore, in the mind of a political strategy, venue shopping was a part of the policy-making process to seek new venues for policy-making that were more amenable to their preferences and

goals (Kaunert & Léonard, 2012, p. 1398) (Kaunert et al., 2013, p. 180). This strategy helped PEs find out the policy-makers who listened more and agreed with their goals and preferences. The mastery of venue shopping in the agenda-setting helped the policy actors gain access to the policy agenda by looking at institutions' suitability that had the authority to decide on the problems. The Constitutional Court's election as a shopping venue made Muhammadiyah master the insights to be more effective. Hence, this insight implied that Muhammadiyah had PE potential because it recognized the right institution on a small government scale.

Besides, the venue shopping was a part of the policy-making process at the mind of a political strategy to seek new venues for policy-making that are more amenable to their preferences and goals (Kaunert & Léonard, 2012, p. 1398) (Kaunert et al., 2013, p. 180). This strategy helped PEs find out the policy-makers who listened more and agreed with their goals and preferences. The mastery of venue shopping in the agenda-setting helped the policy actors gain access to the policy agenda by looking at institutions' suitability that had the authority to decide on the problems. The Constitutional Court's election as a shopping venue made Muhammadiyah master the insights to be more effective. Hence, this insight implied that Muhammadiyah had PE potential because it recognized the right institution on a small government scale.

Furthermore, Muhammadiyah had the implications of the political system environment's insight to understand its policies' uniqueness. The definition of the problem identified by Muhammadiyah also determines the suitability of the intended destination (Cairney, 2018, p. 208). Muhammadiyah identification based on Oil and Gas Law articles was considered an unconstitutional marker designed to conduct a material test. Besides, this test, of course, could only be carried out in the Constitutional Court since it was related to Article 24C paragraph 1 of the 1945 Constitution. Following this, the section clearly stated that the Court had the authority to adjudicate at the first and last level whose decisions came as the final decision to test the Law against the Constitution. Therefore, the potential of PE was seen by knowing the involved policy process and choosing a more specific government scale such as the effective MK.

#### *Muhammadiyah as the Policy Entrepreneur Reach to the Policy Window*

Muhammadiyah, which played the PE role, indeed sought three streams to meet and open the policy window. The efforts made by this organization determined each current stream to be united. That way, defining good problems, offering appropriate solutions, and building the political conditions could support Muhammadiyah to make the policy agenda quickly.

This policy agenda was a material test agenda for the Oil and Gas Law at the Constitutional Court with the deed of receipt on the application file No. 112/PAN.MK/2012. The draft was registered in the constitutional case registration book No. 36/PUU-X/2012 on April 10. The statement mentioned was undoubtedly a fast response because selecting the right venue proved this organization not to take long after the draft was registered on March 29, 2012 (Bakhri, 2012, p. 399). Hence, the excellent preparation was able to bring the problem into the Constitutional Court material test agenda.

Besides, the Court's opinion in this material reviewed the agenda also concluded that the quo problems are seen from the respondents. The applicants were about 1) The position and authority of BP Migas, 2) PSC, 3) Unfair competition and the position of BUMN, which cannot be monopolized, 4) Prohibition of unification upon the upstream and downstream businesses, and 5) Notification of KKS to the DPR (Putusan Nomor 36/PUU-X/2012, 2012, p. 97). The government's evidence was not adequate to make their reasons obtain consideration from the Constitutional Court. Therefore, the granting of the lawsuit showed that Muhammadiyah had made it into the policy agenda.

Furthermore, this religious community organization succeeded in bringing together three crucial MSA streams to open a policy window that provided an opportunity for PE to be on the

government policy agenda. Besides, PEs should pay attention to when the policy window opened the readiness of the proposals they brought (Kingdon, 2014, p. 165).

The problem streams and political currents influenced the policy streams so that the three streams could meet and open the policy windows. The open window was marked by a lawsuit discussed at the trial, which finally decided that BP Migas was dissolved based on the decision 036/PUU-X/2012. The cancellation of all BP Migas articles was based on the government action for the management, regulation, or management of the earth, water, and natural resources regarding the people's prosperity. Hence, the Court also explained that BP Migas came as the state representative in oil and gas management. Besides, it justified that it had degraded the state's control over natural resources and was in conflict with the Constitution.

Besides, the Constitutional Court review granted the petitioners' petition in the following article such as article 1 number 23, article 4 paragraph 3, article 41 paragraph 2, articles 44-45, article 48 paragraph 1, article 59 letter a, article 61, and article 63 of Law No. Article 22 of 2001 was contradictory to the 1945 Constitution of the Republic of Indonesia and did not have binding legal force. Besides, the implementing body in article 11 paragraph 1, article 20 paragraph 3, article 21 paragraph 1, article 49 of Law No. 21 of 2001 was contrary to the 1945

Constitution of the Republic of Indonesia. It did not have the legal force binding.

#### *The Amendment of Post MK Decision*

The dissolution of BP Migas made unclear Law on oil and gas management. This dissolution led the investors to consider that they no longer had the legality in managing, processing, and exploring Indonesian oil and gas. These concerns made the government have to immediately overcome them by issuing three regulations after BP Migas' dissolution. Following this, the three rules came from Presidential Regulation (Perpres) 95 of 2012 concerning Transfer of the Implementation of Duties and Functions of Upstream Oil and Gas Business Activities, Decree (SK) No. 3135K/08/MEM/2012. It is also concerned with focusing on the Transfer of Duties, Functions, and Organizations in the Implementation of Upstream Oil and Gas Business Activities. The Minister of Energy and Mineral Resources Decree No. 3136 K / 73 / MEM / 2012 (Muhammad, 2012). Accordingly, this regulation was a form of government that stated that the Cooperation Contract (KKS) implemented and signed was still valid (Muhammad, 2012).

The three policies also regulated the transfer of duties, functions, and organization from BP Migas to the Temporary Work Unit for implementing Upstream Oil and Gas Business Activities (SKSP). Besides, SKSP also finally changed its name to the Special Work Unit (SKK) for Oil and Gas.

Institutionally, it did not state any significant changes, or it could be said that BP Migas only changed its clothes or uniform to SKK Migas (Mujiburohman, 2013; Wicaksono, 2015; Muhammad, 2012).

As the change in the policy after BP Migas was dissolved, it did not look significant. The policy changes could only be seen in the status of BP Migas as a BHMN which was equivalent to the government replaced by SKK Migas under the Ministry of Energy and Mineral Resources. Besides, substitution came as the terminology of an institution. Following this, it also seemed only to calm the public that SKK Migas under the Ministry of Energy and Mineral Resources was a constitutional change compared to BP Migas, which equated BHMN's position with the state.

The dissolution of BP Migas as the peak of Muhammadiyah's success in making changes to the Oil and Gas Law policy seemed less than optimal. As the reason, the desired policy change was not by the existing reality change scheme. Besides, the petitioners who preferred oil and gas management were managed by BUMN, Pertamina, and a new body specially formed by the government. Therefore, SKK Migas's existence did not change anything in the oil and gas management scheme because SKK Migas only contracted the companies and controlled the supervision of upstream activities that exactly matched with the duties of BP Migas.

## **B. The Decisive Stream of Muhammadiyah as a Policy Entrepreneur**

The Muhammadiyah potential was sought to be able to strengthen the influence in the current political issues. These political conditions strongly supported Muhammadiyah to bring the three MSA streams altogether into one. Besides, this meeting also made the problems be heard, discussed, and reviewed by the Constitutional Court as the official decision-maker. Regarding the statement mentioned, the policy window changed because of political currents or problems that could catch policy-makers' attention (Kingdon, 2014, p. 168).

The problem of streams and political currents controlled by Muhammadiyah made the public opinion very influential in influencing the agenda (Kingdon, 2014, p. 66). The public opinion that was rarely formed strongly and influenced experts' debate (expert witnesses of the petitioner and the government) made the alternative ways to be seriously considered. Hence, the political conditions were indeed influenced by the public perceptions or opinions about existing problems that connected the political currents and issues (Kingdon, 2014, p. 88).

Moreover, the only policy stream strategy prepared by Muhammadiyah aimed to sue the Oil and Gas Law. Muhammadiyah prepared excellent solutions and became visible and strong to proving problems and supporting political conditions. Without these two

currents, it could make the Muhammadiyah solutions or alternatives that get attention and open a policy window to join the government policy agenda. The problem streams and political currents indeed influenced the agenda, while alternatives were undoubtedly influenced by the policy's stream (Kingdon, 2014, p. 168).

Furthermore, the intention aimed to open a policy window and put the problem on the agenda influenced by identifying the problem and the political conditions being built. The stream of policies could not meet because those did not have the prepared alternatives. Besides, the two streams came as the problem streams and political currents that strengthened the policy stream to open the policy window. Therefore, the policy window opening made the problem successfully entered the MK policy agenda, and MK consideration finally decided BP Migas was dissolved.

## CONCLUSION

Muhammadiyah has sued the oil and gas law because it identifies the Law as having degraded the state's position. As a government representative, BP Migas has more Cooperation Contracts (KKS) with foreign companies. An unclear and unattended cost recovery fund has also made the country lose. As the reason, Muhammadiyah has an interest as an actor in the policy change seen as a policy entrepreneur in agenda-setting, which must bring three MSA streams altogether to sue the oil and gas activities. As the

interest issue, Muhammadiyah has brought the common interests or interests of the nation that are tailored to achieve the Constitutional Jihad movement's purpose to test the laws to be the problem towards the Constitution. Therefore, this movement pays attention to the nation's interest to fight for the rights of people regarding the Constitution regardless of tribe, customs, race, and religion of necessity.

The Multiple Streams Approach (MSA) has three streams: the issuing stream, policy stream, and political stream. Muhammadiyah has two powerful currents to make it a policy change actor (policy entrepreneur). Firstly, the problem streams are managed to become strong because of the evidence of a severe problem. The statement mentioned is proven by gathering existing data and information that the Oil and Gas Law has caused losses to the state and impacted the people's welfare. Secondly, the political stream can be influenced by Muhammadiyah clearly, so the political conditions support bringing together the three-stream.

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