

A Legal Analysis of the Dissolution of Community Organizations in Indonesia Reviewed from the Perspective of the Rule of Law

Atika Putri Iskandar*¹

¹*Law Study Program, Universitas Islam Riau, Indonesia*

*Corresponding Email: atikaputriiskandar@gmail.com

Received: 24 July 2025; Revised: 05 September 2025; Accepted: 19 January 2026

ABSTRACT

This study examines the legal protection of casual workers from the perspective of Indonesian labor laws and regulations. Casual workers are a common form of employment, particularly in the informal sector and seasonal activities. However, these workers often find themselves in vulnerable situations due to the lack of job security, rights protection, and wage regulations. The purpose of this study is to analyze the legal protection provided to casual workers, particularly regarding their rights to wages and job security, and to assess the effectiveness of existing regulations. This research uses a normative juridical method with a statutory and conceptual approach, supported by a literature study and analysis of relevant court decisions. The results of the study indicate that although Law Number 13 of 2003 concerning Manpower and its derivatives have regulated workers' rights, the implementation of protection for casual daily workers still faces various obstacles, especially in terms of supervision and law enforcement. In addition, the daily work contract mechanism often does not provide adequate certainty, thus potentially harming workers. The conclusion of this study is the need to strengthen regulations and labor supervision to ensure the fulfillment of the rights of casual daily workers, especially regarding fair and decent wages. The recommendations proposed are the renewal of employment policies that are more adaptive to the dynamics of informal employment relationships, as well as increasing legal awareness for both workers and employers.

Keywords: *Community Organizations; Dissolution; State Law*

1. Introduction

Citizens' rights and obligations are generally understood to some extent, but because individuals engage in diverse activities within the life of a nation, their rights and obligations are often forgotten. In national life, citizens' rights often clash with their obligations. It is not uncommon for citizens' obligations to be more demanding, while their own rights receive less attention. The rights and obligations of citizens in national life, as well as the rights and obligations of individuals in their personal lives, have historically never been fully formulated, as state organizations are not static.

This means that state organizations develop in line with human development. The two concepts of citizen/human rights and obligations go hand in hand. Fundamental rights and obligations are logical consequences of state rights and obligations, and humans cannot develop their basic rights without living in

organizations. The 1945 Constitution of the Republic of Indonesia guarantees freedom of association, assembly, and expression, as well as advancing oneself in fighting for one's rights individually or collectively to build society, the nation, and the Unitary State of the Republic of Indonesia as the embodiment of human rights.¹

Article 28J paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that in exercising their human rights and freedoms individually and collectively, every person is obliged to respect the human rights of others and is obliged to submit to restrictions stipulated by law with the sole purpose of guaranteeing recognition and respect for the rights and freedoms of others and to fulfill just demands in accordance with moral considerations, religious values, security and public order in a democratic society.

Community organizations, hereinafter abbreviated as ormas, represent community participation in development efforts to advance a just and prosperous life. Communities can express their aspirations through political parties and ormas, as both play a strategic role as channels for public political participation. However, each has its own distinct functions and roles.

Political parties possess adequate resources and infrastructure, enabling them to more significantly channel public aspirations into policymaking. In carrying out their functions, political parties can select interests to articulate and aggregate, provide political education to members and the public, and facilitate public participation in policymaking.

However, in the current reality, based on surveys released by several institutions, public trust in political parties remains poor. Mass organizations maintain a close relationship with the community because they participate in providing basic services, especially to those underserved by the government. Furthermore, mass organizations are typically formed based on shared characteristics, such as religion or ethnicity, thus strengthening bonds with their members. Public perception of mass organizations is usually based on their activities, behavior, or even their political views. Mass organizations can also be an option for people to enter politics without engaging in practical politics.

An interesting characteristic of mass organizations in Indonesia is political cadre formation and community empowerment. In many countries, cadre formation and community empowerment are the main distinguishing factors between political parties and mass organizations or interest organizations in general. In Indonesia, large mass organizations have the capacity to conduct cadre formation, as evidenced by their representation in public office. This is particularly pronounced in certain regions where certain mass organizations are based.

¹ Bambang Ariyanto, 'Tinjauan Yuridis Pembubaran Organisasi Kemasyarakatan, Fakultas Hukum Universitas Hang Tuah Surabaya', *Jurnal Perspektif Hukum*, Vol. 15 No, 128-46.

Ultimately, mass organizations and political parties are two entities with distinct roles in political participation. Mass organizations can better reach the public, and the aspirations they gather can be conveyed through public discussion/consultation spaces. On the other hand, political parties can directly articulate public aspirations as policy because they have representation in parliament and government.²

The state has the authority to prohibit or disband various organizations, including mass organizations and political parties, that conflict with the fundamental goals and constitutional order, provided that there are legal provisions. A democratic state not only has the right but also the obligation to guarantee and protect the principles of constitutional democracy.

In terms of dissolution, for mass organizations, this is related to the administrative sanction of revoking the registered certificate or legal entity status of the mass organization. The administrative sanction of revoking the registered certificate or legal entity status of the mass organization is a sanction imposed after the mass organization does not comply with/heed previous administrative sanctions. To be able to carry out the revocation, there must first be a decision to disband the mass organization that has obtained permanent legal force. The dissolution of a legal entity mass organization begins with the Prosecutor's Office submitting an application to the district court at the written request of the Minister of Law and Human Rights. The application is accompanied by evidence of the imposition of administrative sanctions by the Government or Regional Government against the mass organization. The application for dissolution of the mass organization must be decided by the district court within a maximum period of 60 days from the date the application is recorded. After the decision regarding the dissolution of the mass organization has obtained permanent legal force, the government will impose the sanction of revoking the legal entity status of the community organization.

Meanwhile, with regard to political parties, because their purpose is to serve the public interest, the government has the right to regulate all aspects related to them, from the formation process and oversight to their dissolution. However, to avoid arbitrary action, the dissolution of a political party must be decided through due process of law, administered by a judicial institution.

The authority to dissolve political parties is held by the Constitutional Court. This is contained in the contents of Chapter XVII, Article 41 of Law No. 2 of 2011, amendments to Law No. 2 of 2008 concerning Political Parties, which states that a political party is dissolved if: (a) Disbands itself by its own decision; (b) Merges with another political party; or (c) Disbanded by the Constitutional Court. The dissolution of political parties has not been comprehensively regulated in the

² 'Partisipasi Partai Politik Dan Organisasi Kemasyarakatan Dalam Peningkatan Kualitas Politik Di Indonesia', 2024 <<https://setkab.go.id>> [accessed 19 February 2024].

Constitutional Court Law, although procedural procedures can be carried out with Constitutional Court Regulation Number 12 of 2008 concerning Procedural Procedures in the Dissolution of Political Parties.

The existence of community organizations in Indonesia has actually been established since the beginning of this century and has played a very strategic role in the Indonesian nationalist process. Some of these organizations even eventually became political parties that spearheaded the nationalist movement.

The dynamics of the development of community organizations and changes in the government system have brought a new paradigm in the governance of community organizations in the life of society, nation, and state. The growth in the number of community organizations, the distribution and types of activities of community organizations in democratic life increasingly demand the role, function and responsibility of community organizations to participate in efforts to realize the national ideals of the Indonesian nation, as well as to protect and maintain the integrity and sovereignty of the Unitary State of the Republic of Indonesia.

The increasing role and function of community organizations in development necessitates the development of a community organization management system that meets the requirements of a healthy community organization as a democratic, professional, independent, transparent, and accountable non-profit organization. Therefore, the complex dynamics of community organizations demand more comprehensive management and legal regulation through legislation.

Freedom of association and assembly is a key human rights, right, as it allows individuals to enjoy other rights and freedoms established by law. However, this freedom is not absolute; it is subject to a number of restrictions that must also be stipulated in law. This is not only a reflection of, but also a prerequisite for, a democratic state. These restrictions are necessary when there is an interest in protecting national security or public safety, public order, public health and morals, and the rights and freedoms of others.³

According to Hans Kelsen, one of the essences of democracy lies in the existence of compromise that reconciles differing opinions to establish a structure for the foundation of a state. Compromise is a key requirement in determining whether a country adheres to democratic principles or not.

Post-Reformation, the position and role of community organizations appear to have shifted. The euphoria of the Reformation and post-Reformation democratization have caused community organizations to become polarized again along ideological and political lines. The post-Reformation era was also marked by the proliferation of thousands of new community organizations. The categories and definitions of community organizations in this era have also expanded, with

³ Atip. Latipulhayat, 'Due Process of Law', *Jurnal Ilmu Hukum Padjajaran*, 4 (2) (2017), hlm (i).

various intersections of political and ideological interests, both nationally and internationally. The existence of the state/government post-Reformation is often caught in a conflicting position due to two main factors. First, the low level of trust in the state/government among some leaders of certain community organizations. Second, there is still a misunderstanding of the role of the state/government in the eyes of community organization supporters.⁴

In addition to these phenomena, the post-Reformation era was also marked by acts of violence and anarchy perpetrated by certain mass organizations. The targets of this anarchism were no longer limited to government offices. Anarchic actions by mass organizations also targeted mass media institutions. Furthermore, anarchic and violent actions also occurred between supporters of mass organizations. The root causes of these acts of anarchism and violence were sometimes not limited to short-term political interests. The anarchism perpetrated by certain mass organizations was certainly in stark contrast to the existence of mass organizations during the pre-Independence era, where they collectively sowed the seeds of nationalism and Indonesian-ness. Such dynamics of mass organizations were certainly far from what was expected.

Community organizations are entities that enjoy freedom of association, assembly, and expression, as guaranteed by the 1945 Constitution of the Republic of Indonesia. The guarantees provided by the constitution should serve as an instrument for exercising their rights and obligations constitutionally, while maintaining a safe social environment for expressing their freedom in public. It is important to note that this freedom is often used without control and without limits, with the principles of mutual respect and appreciation for the freedom of others no longer being adhered to, leading to social instability in the life of the nation and state. Unfortunately, anarchic actions are seemingly legitimized in the name of the state and religion, which should not be carried out because they are not in line with the spirit of a democratic state based on law. Considering the real situation, it is very detrimental and inappropriate to be shown to the public.

The problem of disbanding these community organizations arises from the rampant anti-Pancasila ideology and radicalism that are flourishing freely in Indonesia. It has been noted that under the previous Indonesian government, several community organizations were deemed to have violated the spirit and values of Pancasila and the 1945 Constitution of the Republic of Indonesia.

Even if the activities or movements of a social organization contradict the principles of life mandated by Pancasila and applicable laws and regulations, this does not mean the government's dissolution process can be simply approved. This is because the government's authority has the potential to lead to partial decisions without considering aspects of justice and expediency.

⁴ Gamawan. Fauzi, 'Urgensi UU Ormas Dalam Memperkokoh NKRI', *Jurnal Kementerian Sekretariat Negara RI*, 29 (2015), hlm 60.

It is understandable that the dissolution was based on the fact that the community organization did not uphold the principle of mutual respect and appreciation so that the Government through the Ministry of Law and Human Rights revoked the legal status of the community organization which was deemed to have violated the applicable provisions. However, it must be realized that Indonesia is a country of law based on Article 1 paragraph (3) of the 1945 Constitution which has stated that, "The State of Indonesia is a country of law". A country of law as referred to by A.V. Dicey as "The Rule of Law" has the following characteristics: Supremacy of Law, Equality Before the Law and Due Process of Law.

2. Research Method

This type of research is normative-juridical legal research, which discusses legal synchronization. The purpose of this research is to explain, describe, and analyze the dissolution of social organizations based on applicable law. This research is also conducted by examining secondary legal materials or research based on standard, documented regulations, also known as library research.

3. Result and Discussion

3.1. The Role of Community Organizations in the Democratic System in Indonesia

Indonesia, as a democratic state governed by the rule of law, guarantees the right of every citizen to associate and assemble in community organizations. In this context, community organizations (CSOs) play a strategic role in supporting, maintaining, and overseeing democratic practices implemented by the state. The role of CSOs extends beyond serving as a forum for aspirations, but also as active actors in development, public political education, and even oversight of state policy.

The right to form community organizations is guaranteed in the country's constitution. Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia states: "Everyone has the right to freedom of association, assembly, and expression of opinion." In a democracy, this right is an important element in building a system that is participatory, open, and responsive to the interests of the wider community. Therefore, the existence of community organizations cannot be separated from the sustainability of democracy in Indonesia, because the two support and strengthen each other.⁵

In practice, democracy demands public involvement in public decision-making, both directly and through representatives. However, not all individuals have the access and capacity to directly voice their interests. This is where the role of community organizations becomes vital as intermediary institutions – intermediary institutions between the community and the state. Through these organizations, collective

⁵ Republik Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*.

aspirations can be gathered, formulated, and channeled to policymakers in the form of advocacy, campaigns, and even political pressure.⁶

Community organizations in Indonesia have a long history dating back to the colonial era. Organizations such as Budi Utomo (1908), Sarekat Islam (1912), Muhammadiyah (1912), and Nahdlatul Ulama (1926) served not only as religious or social platforms but also as tools of resistance against colonialism. After independence, the role of community organizations grew stronger and more diverse, encompassing religious, labor, women's, environmental, professional, student, and youth sectors. Even during the repressive New Order era, community organizations remained an alternative force in advocating for justice and human rights, though many were restricted by authoritarian rule.⁷

In a modern democratic system, there are three main roles played by community organizations:

1. As a forum for political and social participation of the community.

Community organizations enable communities that have been marginalized in the political process to voice their interests. For example, farmer and fisherman organizations like the Indonesian Farmers Union (SPI) and the Indonesian Traditional Fishermen's Union (KNTI) provide training, legal assistance, and serve as a bridge to articulate the needs of these groups to the central and regional governments.⁸

2. As an agent of education and formation of political awareness.

Democracy requires not only participation, but conscious and responsible participation. Therefore, mass organizations also have an educational function. Many organizations regularly hold public discussions, democracy training, human rights education, and legal literacy. An example is NGOs like the Indonesian Legal Aid Foundation (YLBHI), which provides legal counseling to marginalized communities in various regions.⁹

3. As a force of social control over power.

In practice, mass organizations also act as public policy watchdogs, criticizing corruption, abuse of power, and human rights violations. This role is crucial in a democratic state that upholds the principle of checks and balances. Organizations such as Indonesia Corruption Watch (ICW) and KontraS (Contras) play an active role in exposing cases of legal violations and human rights abuses by state officials.¹⁰

These roles demonstrate that mass organizations are not merely complementary elements within a democratic political system, but are key actors with strategic

⁶ Miriam Budiardjo, *Dasar-Dasar Ilmu Politik* (Jakarta: Gramedia, 2013).

⁷ Daniel Dhakidae, *Cendekiawan Dan Kekuasaan Dalam Negara Orde Baru* (Jakarta: Gramedia, 2003).

⁸ SPI, *Laporan Tahunan Advokasi Petani Indonesia 2022* (Jakarta, 2022).

⁹ YLBHI, 'Dokumentasi Kegiatan Dan Edukasi Hukum Di Komunitas' (Jakarta, 2022), p. hlm. 9-11.

¹⁰ KontraS, 'Catatan Tahunan Pelanggaran HAM 2023' (Jakarta, 2024), pp. 17-20.

functions. In fact, in countries with established democracies such as India, South Africa, and Germany, mass organizations have been at the forefront of the fight for social change and distributive justice. In Indonesia itself, mass organizations made a significant contribution to the 1998 reform process, which marked a turning point in the renewal of the national political and legal system.

However, the ideal role of mass organizations is not always realized in socio-political reality. In some cases, mass organizations become tools for mobilizing the interests of certain groups, both ideological and economic. Many mass organizations are involved in acts of violence, intolerance, hate speech, and even become vehicles for practical politics. This phenomenon not only damages the image of mass organizations in general but also threatens the principles of democracy and national diversity.¹¹

The involvement of community organizations in democratic processes at the local and national levels demonstrates a real contribution to supporting citizen participation. One example is the role of civil society organizations in overseeing the regional head elections (Pilkada). Since the implementation of direct regional elections, many mass organizations and NGOs have been actively involved in monitoring the election process, providing political education for the public, and acting as independent observers of the election process in various regions. For example, organizational networks such as Perludem and JPPR (Voter Education Network for the People) play a role in educating young voters to avoid being trapped by money politics. They also serve as channels for reporting violations during the campaign. This is crucial, because public participation in elections is not just about voting; it also involves actively ensuring the process is honest and fair. These civil society organizations' initiatives directly strengthen the quality of electoral democracy in Indonesia.¹²

Beyond elections, community organizations also play a role in overseeing development policies at the regional level. In many regions, local organizations have established civil society forums to oversee discussions on the Regional Medium-Term Development Plan (RPJMD) and the Regional Government Work Plan (RKPD). This involvement provides a space for communities to express their aspirations and make corrections to development directions that do not favor the public's interests.¹³

At the national level, the role of community organizations is increasingly visible in policy advocacy. For example, alliances of civil society organizations such as WALHI, ICCEL, and Greenpeace Indonesia have contributed to environmental policy oversight, including in the judicial review of the Job Creation Law at the Constitutional Court. These organizations have become a civil society force capable of challenging state

¹¹ Hendaridi, “Radikalisme Dan Politik Identitas Dalam Organisasi Massa”, *Jurnal Demokrasi Dan Kebangsaan*, Vol. 8, No (2021), 98.

¹² Perludem, ‘Demokrasi Elektoral Dan Keterlibatan Masyarakat Sipil’ (Jakarta, 2022), pp. 22–23.

¹³ Surya Darma, ‘Peran CSO Dalam Musrenbang Daerah: Studi Di Sumatera Barat’, *Jurnal Pembangunan Daerah*, Vol. 5, No (2022), 104–106.

policies deemed inconsistent with the principles of sustainability and social justice.¹⁴

The relationship between the state and civil society organizations can be analyzed in two contrasting perspectives: partnership and conflict. Ideally, the state and civil society organizations establish a partnership based on the spirit of participatory democracy. The state provides regulatory space and support, while civil society organizations become critical partners in overseeing policy. This can be seen in government programs such as the Community Empowerment Program, which partners with various civil society organizations for entrepreneurship training, women's rights advocacy, and assistance to vulnerable groups.¹⁵

However, it's not uncommon for these relationships to turn antagonistic when mass organizations criticize or reject government policies. In such situations, the state's response can vary – from dialogue to repression. In some cases, the state uses legal instruments to restrict the freedom of movement of mass organizations deemed "disturbing stability" even though they are actually speaking the truth. This is where strengthening the legal framework is crucial to prevent abuse of power against mass organizations.¹⁶

Despite their enormous potential, the effectiveness of mass organizations in supporting democracy also faces internal challenges. Many remain trapped in a purely charitable work pattern without a long-term advocacy strategy. Furthermore, not all mass organizations have strong institutional capacity, whether in terms of human resources, funding, or transparent and accountable organizational governance. Furthermore, there is a tendency for some mass organizations to become too close to those in power or even become political tools of certain parties. This has the potential to undermine the independence and integrity of mass organizations as independent social forces. This phenomenon raises concerns that mass organizations no longer represent the voice of the people, but instead merely advocate for the interests of certain elites.

To ensure the optimal functioning of mass organizations in a democratic system, both regulatory and institutional development are necessary. Law No. 17 of 2013 concerning Community Organizations and its amendment through Government Regulation in Lieu of Law No. 2 of 2017 provide a legal framework, but its application remains open to multiple interpretations, particularly regarding the government's dissolution of mass organizations without going through a judicial process.

Regulatory revisions are needed to emphasize that freedom of association and assembly is a constitutional right that can only be limited through just, proportional laws and court decisions. Furthermore, the government needs to expand its facilitation

¹⁴ WALHI, *Catatan Akhir Tahun 2023: Krisis Iklim Dan Perlawanan Rakyat* (Jakarta: WALHI, 2024).

¹⁵ Kementerian Sosial RI, *Laporan Kerjasama Pemerintah Dan Ormas Dalam Program Pemberdayaan Masyarakat 2023* (Jakarta, 2023).

¹⁶ Rizal M. Damanik, 'Negara, Ormas, Dan Ruang Sipil: Ketegangan Demokrasi Di Indonesia', *Jurnal Demokrasi Dan HAM*, 10, No. 1 (2023), 34–36.

and development programs for mass organizations so they can build their institutional capacity in a professional and accountable manner. The involvement of mass organizations in legislative processes, development planning, and oversight of public services must be expanded, not merely as objects but as subjects of democracy.¹⁷

However, the participation of mass organizations in the democratic system is not always smooth. Some organizations often face structural challenges such as limited access to public information, limited resources, and the dominance of political elites that block participatory space. Furthermore, some organizations also experience political pressure, particularly when voicing aspirations that conflict with the interests of those in power.¹⁸

One significant contribution of mass organizations to democracy is their role in advocating for human rights. Organizations such as the National Commission on Violence Against Women (Komnas Perempuan), the Indonesian Commission for the Protection of Women (Kontras), the Legal Aid Institute (LBH), and the Indonesian Legal Aid Institute (YLBHI) consistently advocate for victims of human rights violations and legal injustice. They often act as bridges between victims and law enforcement officials, providing legal aid and urging resolution of cases through legal and political mechanisms.¹⁹

3.2. The Mechanism for Dissolving Community Organizations in Indonesia from the Perspective of the Rule of Law

Community organizations (ormas) are one manifestation of the rights of association and assembly guaranteed by the constitution. Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia explicitly states that "everyone has the right to freedom of association, assembly, and expression of opinion." In the context of democracy, Community Organizations play an important role in channeling aspirations, increasing public participation, and carrying out the function of social control over the running of government. However, in practice, not all ormas operate in accordance with the values of Pancasila and the 1945 Constitution. In certain situations, the state has the authority to dissolve an ormas if it is proven to have violated applicable legal provisions. Ideally, this dissolution should be carried out through a legal mechanism that is fair, transparent, and upholds the principles of the rule of law. Initially, the mechanism for dissolving ormas was strictly regulated through court procedures. This is reflected in Law Number 17 of 2013 concerning Community Organizations. This law requires the government to take the judicial route if it wishes to dissolve a mass organization, including both incorporated and unincorporated mass organizations. This provision is considered to be in line with the principle of due process of law, which requires a fair legal process in every state action

¹⁷ Burhanuddin Muhtadi, *Populisme, Ormas, Dan Partai Politik* (Jakarta: Mizan, 2020).

¹⁸ Ichsan Malik, 'Organisasi Masyarakat Sipil Dan Demokrasi: Antara Partisipasi Dan Represi', *Jurnal Demokrasi*, 5, No. 1 (2020), 37.

¹⁹ YLBHI, *Laporan Advokasi Dan Bantuan Hukum 2022* (Jakarta, 2023).

that limits the rights of citizens. Article 68 paragraph (1) of Law Number 17 of 2013 emphasizes that the dissolution of a mass organization can only be carried out through a court decision. This means that the government does not have absolute authority to unilaterally dissolve a mass organization without going through an objective and independent judicial mechanism.

However, a paradigm shift occurred when the government issued Government Regulation in Lieu of Law (Perppu) Number 2 of 2017. This Perppu was a form of reaction to the political and social situation that was considered urgent, especially following the activities of certain organizations that were deemed to threaten the state ideology. Through this Perppu, the government expands its authority to dissolve mass organizations without having to go through the courts. Article 80A of the Perppu stipulates that the Minister of Law and Human Rights can revoke the legal status of an organization if it is proven to have violated the principles of Pancasila. Thus, the dissolution of mass organizations can be carried out administratively through a ministerial decree, without requiring a prior court ruling. This fundamental change has generated extensive legal debate. Many believe that Government Regulation in Lieu of Law (Perppu) No. 2 of 2017 has the potential for abuse of power because it grants the government extensive discretionary powers. Furthermore, the elimination of the judiciary's role in the dissolution of mass organizations is considered contrary to the principle of checks and balances in a state based on the rule of law. According to Jimly Asshiddiqie, a democratic state governed by the rule of law must consistently guarantee the rights of its citizens through strict and objective legal procedures. Therefore, the dissolution of mass organizations should not be carried out unilaterally by the government, but rather should be left to the judiciary as a form of respect for the rule of law.

The administrative mechanism introduced through Government Regulation in Lieu of Law (Perppu) No. 2 of 2017 was later strengthened through its ratification into Law No. 16 of 2017. The regulation states that if a mass organization is deemed to have violated state ideology, committed acts of hostility against ethnicity, religion, race, and intergroup relations (SARA), and threatened national integration, the Minister of Law and Human Rights has the authority to revoke the legal entity status of the mass organization. Once the revocation is carried out, the mass organization is declared legally dissolved. This mechanism certainly shortens the dissolution procedure, but also raises serious constitutional questions, particularly regarding the right to legal protection.

Meanwhile, the different treatment of incorporated and non-incorporated mass organizations also has significant legal implications. Legally incorporated mass organizations generally take the form of foundations or associations registered with the Ministry of Law and Human Rights and possess formal legal standing. The dissolution of these organizations follows an administrative mechanism, namely the revocation of their legal status by the minister. On the other hand, non-incorporated mass organizations are often only registered with local governments or are not

registered at all. Dissolution of these types of mass organizations is usually carried out by the central government through the revocation of their registration certificate (SKT). However, this can also complicate law enforcement because non-incorporated mass organizations lack a formal legal structure that can be clearly prosecuted.

Academic debate has arisen over the legitimacy of the executive branch's authority to disband mass organizations without involving the judiciary. Some academics argue that this action violates the principle of due process of law, the principle that an individual or entity cannot be punished or sanctioned without a fair and impartial legal process. The administrative dissolution of mass organizations opens the door to repressive actions against certain groups critical of the government. In this context, the state could use ideological justification to silence opposition voices in the name of national security. Therefore, a strict oversight mechanism is needed for the implementation of this administrative authority.

The Constitutional Court once challenged the constitutionality of the Mass Organizations Law and provided significant legal considerations in Decision No. 82/PUU-XI/2013. In that decision, the Constitutional Court emphasized that the principle of freedom of association cannot be arbitrarily restricted and that the dissolution of mass organizations must follow fair legal procedures. The Constitutional Court also highlighted the importance of the courts' role in overseeing state administrative actions to prevent abuse of power. This ruling serves as a crucial reference in assessing the government's policy of disbanding mass organizations.

Furthermore, the change in the mechanism for disbanding mass organizations from a judicial to an administrative approach as regulated in Government Regulation in Lieu of Law No. 2 of 2017 (which was later ratified as Law No. 16 of 2017) has shifted the paradigm of the rule of law which previously placed the court as the only institution authorized to adjudicate and decide on the disbandment of mass organizations. This demonstrates a shift in principles from the rule of law to rule by law, where the law is used by those in power as an instrument of control, not as a means of limiting power. In a legal system that upholds due process of law, the right to be heard is a fundamental aspect that must be guaranteed before an entity is subject to legal sanctions, especially dissolution, which would result in the loss of an organization's legal existence.

The administrative authority granted to the Minister of Law and Human Rights to revoke the legal entity status of mass organizations is based on the provisions in Article 61 paragraph (1) of Law No. 16 of 2017 which states that "the revocation of the legal entity status of mass organizations is carried out by the Minister against mass organizations with legal entity status as associations that are proven to have violated the prohibitions as regulated in the law." However, this provision does not contain an explanation of the material test mechanism for allegations of violations committed by mass organizations. In practice, the government only bases its decisions on the results of internal evaluations that are of a nature.

4. Conclusion

A conclusion is a short, concise, clear, and systematic statement that encompasses the entire analysis, discussion, and testing of a study. Researchers attempt to present the results of all aspects of the study, particularly the research problem, hypothesis, and data analysis. A scientific conclusion must be based on the research findings. Based on the analysis of the research results, the following conclusions can be drawn:

Community organizations play a significant role in strengthening the democratic system in Indonesia. They serve as a medium for citizen participation in social, political, economic, and cultural life. Through community organizations, the public can express their aspirations, exercise social control over government policies, and fight for public rights and interests. In the context of a democratic state governed by law, the existence of community organizations is guaranteed by the constitution, specifically Articles 28 and 28E of the 1945 Constitution of the Republic of Indonesia, which guarantee the rights to associate, assemble, and express opinions. The mechanism for disbanding community organizations in Indonesia has undergone significant changes, particularly following the enactment of Government Regulation in Lieu of Law (Perppu) No. 2 of 2017, which amended Law No. 17 of 2013 concerning Community Organizations. This change shifts from a legal approach that previously required disbandment through a court decision to an administrative mechanism that allows the government to unilaterally revoke the legal status of a community organization. This creates legal problems because it contradicts the principle of due process of law and the principle of a state based on law as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

The administrative mechanism employed by the Ministry of Law and Human Rights to revoke the legal status of mass organizations, as in the case of the dissolution of Hizbut Tahrir Indonesia (HTI), raises concerns about abuse of power, given that mass organizations are denied the right to defend themselves in an independent judicial forum. On the other hand, Constitutional Court Decision No. 82/PUU-XI/2013 affirms that the dissolution of mass organizations must go through a judicial process as a form of respect for the principles of justice and the protection of citizens' constitutional rights. Therefore, the shift to an administrative mechanism is deemed inconsistent with the principles of a democratic state based on the rule of law.

5. References

Ariyanto, Bambang, 'Tinjauan Yuridis Pembubaran Organisasi Kemasyarakatan, Fakultas Hukum Universitas Hang Tuah Surabaya', *Jurnal Perspektif Hukum*, Vol. 15 No, 128-46

Budiardjo, Miriam, *Dasar-Dasar Ilmu Politik* (Jakarta: Gramedia, 2013)

Damanik, Rizal M., 'Negara, Ormas, Dan Ruang Sipil: Ketegangan Demokrasi Di

- Indonesia', *Jurnal Demokrasi Dan HAM*, 10, No. 1 (2023), 34–36.
- Darma, Surya, 'Peran CSO Dalam Musrenbang Daerah: Studi Di Sumatera Barat', *Jurnal Pembangunan Daerah*, Vol. 5, No (2022), 104–106
- Dhakidae, Daniel, *Cendekiawan Dan Kekuasaan Dalam Negara Orde Baru* (Jakarta: Gramedia, 2003)
- Fauzi, Gamawan., 'Urgensi UU Ormas Dalam Memperkokoh NKRI', *Jurnal Kementerian Sekretariat Negara RI*, 29 (2015), hlm 60
- Hendardi, "'Radikalisme Dan Politik Identitas Dalam Organisasi Massa'", *Jurnal Demokrasi Dan Kebangsaan*, Vol. 8, No (2021), 98
- KontraS, 'Catatan Tahunan Pelanggaran HAM 2023' (Jakarta, 2024), pp. 17–20
- Latipulhayat, Atip., 'Due Process of Law', *Jurnal Ilmu Hukum Padjajaran*, 4 (2) (2017), hlm (i)
- Lembaga Pemantau Pemilu Independen (LPPI), *Laporan Pemantauan Pilkada Serentak 2020* (Jakarta, 2021)
- Malik, Ichsan, 'Organisasi Masyarakat Sipil Dan Demokrasi: Antara Partisipasi Dan Represi', *Jurnal Demokrasi*, 5, No. 1 (2020), 37
- Muhtadi, Burhanuddin, *Populisme, Ormas, Dan Partai Politik* (Jakarta: Mizan, 2020)
- 'Partisipasi Partai Politik Dan Organisasi Kemasyarakatan Dalam Peningkatan Kualitas Politik Di Indonesia', 2024 <<https://setkab.go.id>> [accessed 19 February 2024]
- Perludem, 'Demokrasi Elektoral Dan Keterlibatan Masyarakat Sipil' (Jakarta, 2022), pp. 22–23
- Republik Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*
- RI, Kementerian Sosial, *Laporan Kerjasama Pemerintah Dan Ormas Dalam Program Pemberdayaan Masyarakat 2023* (Jakarta, 2023)
- SPI, *Laporan Tahunan Advokasi Petani Indonesia 2022* (Jakarta, 2022)
- Tri Widodo W., 'Menguji Kinerja Organisasi Masyarakat Sipil Dalam Demokrasi Indonesia', *Jurnal Politik Dan Masyarakat*, 6, No. 3 (2021), 89
- WALHI, *Catatan Akhir Tahun 2023: Krisis Iklim Dan Perlawanan Rakyat* (Jakarta: WALHI, 2024)
- YLBHI, 'Dokumentasi Kegiatan Dan Edukasi Hukum Di Komunitas' (Jakarta, 2022), p. hlm. 9–11
- — —, *Laporan Advokasi Dan Bantuan Hukum 2022* (Jakarta, 2023)