International Journal of Social Science And Human Research

ISSN(print): 2644-0679, ISSN(online): 2644-0695

Volume 04 Issue 08 August 2021

DOI: 10.47191/ijsshr/v4-i8-37, Impact factor-5.586

Page No: 2211-2219

Community Organizational Supervision System in Indonesia

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ABSTRACT: As a state of law as well as a democratic state, Indonesia guarantees and protects the right to freely express opinions and the right to organize in society. This in the end becomes the basis for every member of the community to be free to establish an Ormas. The freedom to establish these mass organizations in its development is not controlled due to the absence of real government control and supervision. This has resulted in many mass organizations being born into thugs and illegal organizations. This study aims to analyze the current system of supervision of mass organizations in Indonesia, the weaknesses in the current implementation of mass organizations, and the ideal reconstruction of a system of supervision of mass organizations capable of realizing a just law of mass organizations. The research in this dissertation uses the sociological juridical method. As for the results of the research conducted, it can be found that the current implementation of normative supervision has not been effective, as evidenced by the large number of problematic and prohibited mass organizations, weaknesses in the supervision of mass organizations in the community due to a legal vacuum in the regulation of supervision of mass organizations, so it is necessary to reconstruct values by conducting supervision and education. Regarding the goals of mass organizations and the goals of the state and nation as well as legal reconstruction in the form of adding provisions for the supervision of mass organizations in the Law of the Republic of Indonesia Number 16 of 2017.

KEYWORDS: Justice, Community Organization, Supervision, Reconstruction

I. INTRODUCTION

(Today, most countries in the world have guaranteed freedom of expression or freedom of expression, freedom of assembly or freedom of association, freedom of association or freedom of association. Most of these three basic human rights have been recognized, respected, and protected by countries that uphold the recognition, respect, and protection of human rights [1].

This can be seen in the provisions of Article 20 of the Universal Declaration of Human Rights which states that:

(1) Everyone has the right to freedom of assembly and association without violence.

(2) No one may be forced to enter an association.

Then related to the right to freedom of expression or freedom of expression, freedom of assembly or freedom of essembly, freedom of association or freedom of association, it can also be seen in Article 5 letter d number viii and number ix of the Convention on the Elimination of Racial Discrimination. Article 5 letter d of the Convention on the Elimination of Racial Discrimination states that:

Other civil rights, in particular:

a. The right to freely move and reside within the territory of the State concerned;
b. The right to leave a country, including one's own, and return to one's own country;
c. The right to have citizenship;
d. The right to marry and choose a mate;
e. The right to own property either on its own behalf or with others;
f. Inheritance rights;
g. The right to freedom of thought, belief and religion;
h. The right to hold opinions and express opinions;
i. The right to assemble and associate freely and peacefully.

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Then in addition to being regulated in international legal instruments which are also recognized by the Indonesian state, related to the right to freedom of expression or freedom of expression, freedom of assembly or freedom of essembly, freedom of association or freedom of association is also regulated in the mandate of Pancasila and the Constitution of the Republic of Indonesia. 1945 [2].

This can be seen in the mandate of the First Precept which requires the fulfillment and protection of the needs of the community as human beings from two dimensions, namely the external dimension and the spiritual dimension, so that of course it is also related to the mandate of the Second Precept of Pancasila which mandates the existence of appreciation, recognition, and protection of human values or human rights which include human rights related to the right to organize and express opinions in order to realize the democratization of Indonesia which is based on efforts to realize social justice for all Indonesian people [3].

In the Fourth Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, it is clear that the mandate for independence, protection of human rights and the guarantee of the realization of social justice that is free from all forms of colonialism and relies on the noble values of Pancasila will be able to be manifestly manifested in the right to freedom of expression and rights. Freedom of organization. Therefore, the mandate is clearly stated in Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia which clearly reads "everyone has the right to freedom of association, assembly and expression". Then it was reaffirmed in Article 24 of Law Number 39 of 1999 concerning the Protection of Human Rights (Human Rights Protection Law) which reads:

Every citizen and/or community group has the right to establish political parties, non-governmental organizations, and other organizations to participate in the running of the government and state administration in line with the demands for the protection, enforcement and promotion of human rights in accordance with the provisions of laws and regulations [2].

Based on Article 24 of the Law on Human Rights Protection, it is clear that the right to freedom of organization and expression basically has the spirit to participate in efforts to realize a healthy democracy in this country of Indonesia. Especially in terms of supervising the running of the government and the state in a transparent, balanced and just manner in order to realize a clean and democratic government and state [4].

In its development, the breath of recognition and guarantee of the right to freedom to organize and express opinions is not in line with the reality that exists in society. The reason is that mass organizations are often used as a means for a group of irresponsible parties to seek sources of livelihood through immoral means, one of which is through thuggery, extortion, threats, and often becomes a forum for a group of parties to organize forces to create chaos that can disrupt stability. national security [5].

Such a situation will clearly result in the violation of the mandate of Pancasila, the Fourth Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, Article 28E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, Article 24 of Law no. 39 of 1999 and will automatically contradict Article 20 of the UDHR and Article 5 letter d numbers viii and xi of the Convention on the Elimination of Racial Discrimination. So it is clear that supervision of mass organizations is very important in order to maintain state security and human security in Indonesia [6].

Research Objectives

Based on the various issues that will be discussed in this dissertation research, it is clear that the objectives of this dissertation research are:

1. To analyze the implementation of the current social organization supervision system;
2. To analyze the weaknesses in the implementation of the current social organization supervision system;
3. To reconstruct the implementation of the monitoring system for community organizations based on the value of justice.

II. RESEARCH METHOD

The approach method used in this research is sociological juridical, which is an approach by seeking information through direct interviews with informants empirically first and also from secondary data obtained through a literature study of primary legal materials carried out by researching statutory materials, secondary legal materials in the form of books, journals and results of previous research related to community organizations as well as tertiary legal materials in the form of legal dictionaries and encyclopedias. The results of the study were then analyzed using a descriptive qualitative method, which aims to obtain an overview to support legal arguments in a systematic and structured manner based on the provisions of laws and regulations and the operation of law in society, especially regarding the implementation of the supervision system for community organizations in Indonesia [7].

III. DISCUSSION

A. History of Community Organizations in Indonesia

It has been mentioned previously that one of the rights that are considered as one of the fundamental rights for humans are freedom of association or organization (freedom of association), freedom of assembly (freedom of assembly), and freedom of expression (freedom of expression) as universally regulated. in Article 20 of the General Declaration of Human Rights (UDHR)

which states “everyone has the right to freedom of peaceful assembly and association.” And then explained further "no one may be comppelled to belong to the association." and Articles 21 and 22 of the Covenant on Civil and Political Rights which state:

The right of peacefull assembly shall be recognize. No restriction may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others [8].

And Article 22 of the Convention on Civil and Political Rights which states "everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests". This is then stated in Article 28E paragraph (3) that "everyone has the right to freedom of association, assembly and expression".

However, the existence of community organizations does not mean that they will only be present in Indonesia after the guarantee of freedom of association and assembly is recognized in the Indonesian constitution and after Indonesia has ratified various international conventions on human rights. Historically, mass organizations have even existed since before Indonesia's independence. In historical records, the establishment of the Budi Utomo organization on May 5, 1908 is considered a major step in raising the spirit of national unity and became the forerunner of further organizations, especially after the Youth Pledge incident on October 28, 1928 which was followed by the presence of Jong Java, Jong Sumatra, Jong Ambon [9].

Not only that, the presence of these organizations actually played a major role in the journey of Indonesia's independence on August 17, 1945. The presence of these organizations significantly encouraged public awareness to unite for the sake of Indonesian independence. By looking at historical facts, the organizations referred to as the forerunners of future mass organizations include: In 1908, Budi Oetomo was based on Javanese subculture [10].

1. In 19l1, the Islamic Trade Union, Islamic entrepreneurs who are extroverted and political
2. In 1912, Muhammadiyah from a modernist Islamic culture that is introverted and social
3. In 1912, the Indiche Party of mixed subcultures reflected the political elements of non-racial nationalism
4. In 1913, Indische Social Democratiche Vereniging, embodied radical and Marxist-oriented political nationalism.
5. In 1915, Trikoro Dharmo, as Jong Java imbrio.
6. In 1918, Jong Java.
7. 1925, Political Manifesto.
8. In 1926, Nahdlatoel 'Ulama (NU) from the subculture of santri and ulama as well as other movements such as the Jong Ambonese, Jong Sumatran, and Jong Celebes sub-ethnics who gave birth to the nationalism movement with Indonesian identity.
9. In 1928, Youth Pledge October 28, 1928.
10. Year 1931, Young Indonesia.

It can be said that long before Indonesia ratified international human rights conventions and recognized the existence of human rights in the Indonesian constitution, the existence of these mass organizations was evidence that awareness and expression of freedom of expression in the context of assembly and assembly had existed since time immemorial. Even by looking at these examples, it can be concluded that the diversity that underlies the Ormas has been the hallmark of our nation from the beginning, so that basically it is a difficult thing to uniform or limit the basis of society in forming the Ormas. For example, it is impossible for it to be enforced that the public can only form religious mass organizations, or vice versa forbid people to form mass organizations on a religious basis [11].

Real evidence of this uniformity has occurred in Indonesia, namely in the New Order government, where at that time there were limitations on the underlying principles and the formation of Ormas which resulted in a lack of freedom for people to express themselves, to engage in activities especially on political matters [12].

The Ormas Law at that time, namely Law number 8 of 1985 at that time limited the principles that could be used by mass organizations by enforcing the single principle of Pancasila which meant that all organizations, both mass organizations and political parties must have a single principle, namely Pancasila. This was the main limiting step taken by the New Order government at that time with the aim of preserving power, as evidenced by the fact that at that time several mass organizations were also formed to support the government's position, as well as the dissolution of certain mass organizations on the grounds that these organizations were not in accordance with Pancasila. Even though at that time it was still possible to form mass organizations which were in the middle position and are still alive today, even though at that time the position of mass organizations to speak and express was very limited, for example, student organizations such as the Islamic student association (HMI), the Catholic Student Association of the Republic of Indonesia. Indonesia (PMKRI), and the Indonesian National Student Movement (GMNI), and the Indonesian Islamic Student Association (PMII). Since the collapse of the New Order era, reformation has been a sign as well as bringing fresh air to existing mass organizations and reform is the main driving force behind the birth of new mass organizations with ideological backgrounds, various names and types [13].

Even though at that time the applicable law was still Law No. 17 of 1985 on Ormas, the state's condition at that time was no longer the same as in the New Order era, especially since the constitutional amendments were made. The dynamics of the

development of CSOs and changes in the state administration have given birth to a new paradigm in the life of society, nation and state, one of which is by making Ormas as the most accessible and effective forum for realizing national ideals, maintaining and maintaining the integrity and sovereignty of the Unitary State of the Republic of Indonesia. with the spirit that the Ormas at that time was really wanted as a non-profit, democratic, professional, independent, transparent, and accountable organization as described by Peter Willets in the previous discussion [14].

At the beginning of the reform era, one of the efforts of B.J. Habibie's president at that time was to strengthen the nation's commitment to law enforcement. But unfortunately, social institutions such as Ormas at that time escaped the legal reform efforts carried out by the government where at that time there had been no changes to the laws and regulations regarding Ormas which were still dominated by the nuances of the New Order. This of course hinders efforts to prioritize CSOs as the main tool for community empowerment and encourage community volunteerism in playing an active role in building the nation and state [15].

In response to these problems, in 2013 a revision was made to Law no. 8 of 1985 both in terms of paradigm, philosophy, juridical substance which is adjusted to the ideals of reform. With this revision, it is hoped that there will be encouragement for the community to be active both in the social, religious, social and other fields through CSOs. Thus, this will facilitate efforts to realize the strengthening of social order and social stability [16].

One of the efforts to revise the law on mass organizations is by abolishing the application of the single principle of Pancasila, where regarding this principle in article 2 it is stated "The principle of mass organizations does not conflict with Pancasila and the 1945 Constitution of the Republic of Indonesia." This is different from the formulation of Article 2 of Law number 8 of 1985 which states "Social Organizations based on Pancasila as the only principle." where this principle is then said to be a principle in the life of society, nation, and state in the next paragraph. This means that the formulation of Article 2 of the Ormas Law allows the existence of other principles with the limitations contained in Article 3 of the Law where certain characteristics that reflect the will and ideals of the Ormas may not conflict with Pancasila and the 1945 Constitution of the Republic of Indonesia [17].

B. Pancasila As The Philosophy Of Community Organization System In Indonesia

The position of Pancasila as Philosofische Grondslag or by Nawiasky called Staatsfundamentalnorm as well as rechtsidee or legal ideals, has the consequence that the making of all legal regulations until their implementation must be in accordance with all the values contained in each of the Pancasila precepts as described above [3].

According to Mahfud M. D. Pancasila is the foundation and source of all sources for national legal politics. This is because Pancasila and the Preamble to the 1945 Constitution of the Unitary State of the Republic of Indonesia contain various ideals of the Indonesian nation which is rechtsidee, namely to create a state capable of creating social justice based on the moral values of God, humanity, and unity through mutual democracy instead of through western democracy. In order to realize this, it is clear that a Pancasila state law is needed [18].

The elements of the Pancasila state law according to Philipus M. Hadjon consist of:

a. Harmony of relations between the people and the state based on harmony;
b. The proportional functional relationship between state powers;
c. The principle of dispute resolution by deliberation and the judiciary is the last means;
d. Balance between rights and obligations.

So it is clear that the state of law in Indonesia is a state based on Pancasila law, which in addition to being based on law, is also based on the highest norm, namely Pancasila. This includes the national land law, which should be based on Pancasila, which aims to realize things as stated in the Fourth Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia [19].

With regard to Pancasila as the source of all legal sources, Kaelan stated that: The values of Pancasila as the basis of the philosophy of the Indonesian state are essentially a source of all sources of law in the Indonesian state. As a source of all sources of law, objectively it is a view of life, awareness, legal ideals, and noble moral ideals which include the psychological atmosphere, as well as the character of the Indonesian nation [20].

Then regarding the purpose of law, Sri Endah Wahyuningsih stated that: If what national law aspires to is the Pancasila legal system, then it is appropriate to study and develop laws that contain Pancasila values, meaning laws that are oriented to the value of the One Godhead, laws that oriented to just and civilized human values, laws based on the values of unity, and laws that are imbued with populist values led by wisdom in deliberation/representation and the value of social justice for all Indonesian people [21].

Pancasila should be made leitstar, Philosofische Grondslag, and rechtsidee for Indonesian law. Regarding Pancasila as the basic philosophy, Kaelan stated that: The values of Pancasila as the basis of the philosophy of the Indonesian state are essentially a source of all sources of law in the Indonesian state. As a source of all sources of law, objectively it is a view of life, awareness, legal ideals, and noble moral ideals which include the psychological atmosphere, as well as the character of the Indonesian nation [22].

Based on Kaelan's explanation of Pancasila as the basic philosophy as explained above, it appears that the values contained in Pancasila are the ideals that Kaelan wants to aim for or by Kaelan called das sollen and for that Pancasila is the basis for the law to

create ideals. sublime that exists in the real world or by Kaelan is called das sein. So it is clear that Pancasila is the source of all sources of law in Indonesia.

C. Reconstruction of The Country Organizational Supervision System In Indonesia

Basically, the Ormas Law does not regulate in detail the criteria for what kind of mass organizations can be established in Indonesia. The Ormas Law only regulates the types of Ormas that can be established whether in the form of a legal entity or not a legal entity which is registered with the Minister through the Director General of Politics and Public Administration. Basically, the registration of CSOs is carried out through the following stages:

1) Submission of application
2) Checking the completeness and validity of Registration documents
3) Issuance of SKT or rejection of registration application.

In the process of submitting the application for registration itself, referring to the Ormas Law and the Minister of Home Affairs Regulation number 57 of 2017 concerning Registration and Management of Social Organization Information Systems, it is stated in Article 11 that for an Ormas to be able to exist, at least it only needs to submit an application by attaching administrative requirements as:

1) Deed of establishment issued by a notary containing AD or AD and ART
2) Work program
3) Management composition
4) Certificate of domicile of the Ormas secretariat
5) Taxpayer Identification Number on behalf of Ormas
6) Statement letter not in management dispute or not in court case
7) A statement of ability to report activities.

In addition to the requirements of this application at least to register an Ormas, Permendagri 57/2017 only requires to attach an Ormas data entry form, a statement letter that is not institutionally affiliated with a Political Party and a statement that the name, symbol, flag, picture mark, symbol, attribute, and stamp the stamp used has not become a patent and/or copyright of another party and does not belong to the Government, and at least a recommendation from the ministry that carries out affairs in the religious sector for Ormas that has a specificity in the religious field or a recommendation from the ministry and/or regional apparatus in charge of affairs culture for Ormas that have specificity in the field of belief in God Almighty and a statement of willingness or approval from state officials, government officials, and/or community leaders concerned, whose names are included in the management of the Ormas. By looking at the requirements listed, it can be concluded that there are actually no in-depth requirements specifically regarding the goals, vision and mission of the Ormas that will be established [23].

The existing requirements only focus on what appears on paper, such as symbols from Ormas. Even related to parameters such as what CSOs can obtain recommendations from the relevant ministries/regional apparatuses, it is not clearly regulated which makes it easy for the community that formed the Ormas to get recommendations. For example, Permendagri 57/2017 states that Religious Organizations need to obtain a recommendation from the Ministry of Religion. Regarding Standard Operational Procedures for issuing recommendations for mass organizations from the Ministry of Religion itself, it is regulated in the Minister of Religion Regulation number 14 of 2019 concerning the Provision of Recommendations to Ormas that are not legal entities and have a specialty in the religious field. In Article 4 of the Minister of Religion 14/2019, the requirements for obtaining a recommendation from the Ministry of Religion are the same as the requirements for obtaining SKT in Permendagri No. 57/21017, it's just that there are additional documents in the form of a statement of loyalty to the Unitary State of the Republic of Indonesia, Pancasila, and the 1945 Constitution of the Republic of Indonesia, and will not commit acts that violate the law [24].

Indeed, in essence, Permenag 14/2019 regulates inspection procedures, namely document verification and field verification. However, this process only focuses on the completeness of documents and administrative requirements to obtain a recommendation from the Ministry of Religion. The ambiguity of this mechanism is evident from what happened to the Islamic Defenders Front Organization (FPI) which was dissolved by the government on December 30, 2020. The reason the government dissolved this Ormas was because the FPI Ormas were deemed to be contrary to the Pancasila ideology and the consequences of some of these Ormas activities were deemed to violate Organizational Law. Even though this Ormas has just received a recommendation from the Ministry of Religion for the extension of the SKT, where when this recommendation was issued, the Ministry of Religion stated that all the provisions in Permenag 14/2019 had been fulfilled by FPI to obtain this recommendation. By looking at this fact and colliding it with statutory regulations, it is clear that this legal vacuum has led to inconsistency of the state in responding to existing mass organizations [25].

Ormas supervision is basically regulated in Article 53 of the Ormas Law that to improve the performance and accountability of CSOs or mass organizations established by foreign nationals, two-way supervision will be carried out, namely internally and externally. Internal supervision is carried out in accordance with the organizational mechanism regulated in the AD/ART, while external supervision is carried out by the community, the Government, and/or the Regional Government. Internal supervision here is carried out by internal supervisors whose function is to enforce the organization's code of ethics and decide on the imposition of

sanctions in the internal organization whose duties and authorities are regulated in the AD and ART or organizational regulations. While external supervision is a form of supervision by the community which can be in the form of complaints to the Government or Regional Government [26].

Further regarding external supervision, Government Regulation number 58 of 2016 concerning Implementing Regulations of the Ormas Law stipulates that external supervision is carried out by the community, the Government, and/or Regional Governments. Supervision by the public is carried out through complaints submitted to the ministers, heads of relevant institutions, governors, and/or regents/mayors both in writing and/or unwritten which are facilitated by the public complaints service unit at the ministry/institution and/or local government in accordance with the provisions of the regulations. legislation and must be objective and accountable.

Furthermore, the ministries/agencies in accordance with their scope of duties and functions will follow up on public complaints in a coordinated manner with the relevant ministries/institutions. This external supervision, especially that carried out by the Government and/or Regional Government, is carried out in accordance with the levels of government and is carried out in a planned and systematic manner, both before and after public complaints occur. In essence, the implementation of external supervision is carried out through monitoring and evaluation by an integrated team determined by the minister, the minister who carries out government affairs in the foreign sector for Ormas established by foreigners, governors, or regents/mayors in accordance with their respective authorities [27].

Unfortunately, the laws and regulations regarding CSOs have not regulated in detail regarding the benchmarks and assessment standards as to what are the benchmarks for the government in evaluating existing CSOs. Even though it is not a joke, the results of this evaluation will be the basis of whether or not sanctions are necessary to be imposed on Ormas. This inconsistency has an impact on practice in the field, for example, when the government banned and dissolved the Indonesian Hizb ut-Tahrir Organization (FPI) in 2018, at that time there were several demands to help dissolve the FPI Ormas but this was not done by the government on the grounds that the caliphate- FPI's AD/ART is considered different from Hizbut Tahrir Indonesia (HTI). But in fact this reason later became one of the reasons the government banned FPI.

Basically, the sanctions that can be imposed on Ormas are if the Ormas violates the provisions of the Ormas Law, including in this case the prohibitions that must be obeyed by the Ormas as stipulated in Article 59 that Ormas are prohibited from:

a. Using the same name, symbol, flag, or attribute as the name, emblem, flag, or attribute of a government institution, having similarities in principle or in its entirety to the name, symbol, flag, or symbol of a separatist movement organization or prohibited organization
b. Using without permission the names, symbols, flags of other countries or international institutions/agencies as the names, symbols, or flags of Ormas; and/or
c. Using a name, symbol, flag, or graphic sign that has similarities in principle or in its entirety to the name, symbol, flag, or graphic sign of another mass organization or political party.
d. Receive from or give to any party donations in any form that is contrary to the provisions of the legislation, and/or collect funds for political parties.
e. Performing acts of hostility towards ethnicity, religion, race, or group
f. Doing abuse, blasphemy, or blasphemy against the religion professed in Indonesia
g. Perform acts of violence, disturb public peace and order, or damage public facilities and social facilities, and/or carry out activities that are the duties and authorities of law enforcement in accordance with the provisions of laws and regulations.
h. Carry out separatist activities that threaten the sovereignty of the Unitary State of the Republic of Indonesia, adhere to, develop, and spread teachings or understandings that are contrary to Pancasila.

Not only that, to ensure that these prohibitions are complied with, the Ormas Law also regulates sanctions, both administrative sanctions and criminal sanctions. Article 60 of the Ormas Law provides that:

(1) Ormas violating the provisions as referred to in Article 21, Article 51, and Article 59 paragraphs (1) and (2) shall be subject to administrative sanctions.
(2) Ormas violating the provisions as referred to in Article 52 and Article 59 paragraphs (3) and (4) shall be subject to administrative sanctions and/or criminal sanctions.

As for the types of sanctions that can be imposed, it is regulated in Article 61 that administrative sanctions that can be imposed consist of written warnings, termination of activities, and/or revocation of registered certificates or revocation of legal entity status. Written warnings according to the Ormas Law are given only 1 (one) time within a period of 7 (seven) working days from the date the warning is issued. And if this warning is not obeyed by the Ormas, then the Ormas can be sanctioned in the form of cessation of activities. If further sanctions are not implemented, the Ormas will be subject to the revocation of the registered certificate or the revocation of legal entity status [28].

The process of imposing this sanction previously in the 2013 Ormas Law was carried out based on a court order where in article 68 previously it was regulated that "the sanction of revocation of legal entity status as referred to in paragraph (1) is imposed after a court decision has obtained permanent legal force regarding the dissolution of a legal entity Ormas. "

Even in the 2013 Ormas Law, it is possible to appeal to cassation against the revocation of this permit, which is based on Indonesia's position as a state of law. However, by looking at this provision, it can be concluded that this mechanism does not indicate that the government has a clear basis in determining whether or not an Ormas will be dissolved. The provisions for the dissolution of Ormas in Article 82 indicate that the Government takes over all authority in the dissolution of Ormas. The result is that it is possible to disband an organization based solely on the government's political decisions which depend heavily on the government's partial interests and purely political considerations. This can have negative implications for the climate of freedom of association and assembly in Indonesia [29].

In addition, it should also be borne in mind that with the mechanism for dissolving CSOs whose entire authority is in the hands of the Government, this has the potential to lead to government domination without providing an opportunity for the aggrieved party to prove in advance the accusations given by the government which are the reasons for the government to commit the crime. disbandment of organizations. This can be seen from the substance of the Ormas Law which does not open up opportunities for CSOs to submit an administrative objection mechanism to the government for the decision to prohibit the activity or disband the CSO concerned.

By looking at the juridical weakness where there is a legal vacuum and disharmony, then with reference to the legal system theory presented by Friedman, that talking about legal problems, of course, it is necessary to review whether the problem is influenced by errors in the legal substance or not. This means that if there are problems in the substance of the law, then a reconstruction of the existing statutory regulations is needed, because after all the content of the legislation will affect how the law is enforced by the legal structure of the legal culture, namely society. This is also in line with what Soerjono Soekanto said that disturbances to law enforcement originating in terms of the substance of the law can be caused by:

a. The principles of enactment of the law are not followed.
b. There are no implementing regulations that are urgently needed to implement the law.
c. The ambiguity of the meaning of the word in the law which results in confusion in its interpretation and application.

From this opinion, it is increasingly clear that laws and regulations must contain clear and detailed substances so that they do not have multiple interpretations and cause legal uncertainty.

Based on the various ideas above, it is clear that in terms of the establishment of mass organizations, it is necessary to prioritize the goal of realizing the protection of people's human rights through a state of law and Pancasila democracy which does not only look at the interests of a group or person but more than that must also look at the interests of the community at large, evenly. and proportional. So that social justice and human values will be able to be realized, including the mandate of the maqsid al-Shariah principle, it is explained that the law must be able to protect five things, while the five things are: Religion, reason, soul, property and offspring. In order to achieve this, it is necessary to establish a more applicable and participatory system for monitoring mass organizations, meaning that it also involves the community and researchers and observers of mass organizations in this country [30].

In order to be able to realize a just monitoring system for mass organizations, it is necessary to reconstruct the meaning of the right to freely express aspirations and to assemble and there is a need for a reconstruction of the paradigm for the establishment of mass organizations in this country. The Indonesian state itself adheres to a system of freedom of speech and establishes organizations as proof that the Indonesian state adheres to a democratic system where the instrument for the democratization of the state is the freedom of the right to express opinions and assemble to establish organizations.

The principles contained in the juridical in the freedom of opinion and assembly to form an organization consist of:

1) Freedom of speech and assembly is recognized and protected by the constitution;
2) Restrictions on freedom of speech can only be carried out if it is detrimental to the rights of the community and/or other people;
3) Court judgments in cases of freedom of expression and assembly in a normative manner and based on each existing case;
4) There are varied juridical studies on objects that have the right to freely express opinions and assemble.

Based on the above view, it is clear that freedom of opinion and assembly must also be in accordance with the human rights of others and the wider community. This is in line with Munir Fuady who stated that freedom of expression and assembly does not conflict with the rights of others, does not harm the interests of others and the wider community and does not conflict with the life of the nation and state [16].

This view is in line with Article 28J of the 1945 Constitution of the Republic of Indonesia which states that in exercising their rights and freedoms, everyone is obliged to comply with the restrictions established by law with the sole purpose of guaranteeing the recognition and respect and freedom of others. And to fulfill just demands in accordance with considerations of morals, religious values, security, and public order in a democratic society.

By referring to the theory of the operation of law in society, it can be seen that how the implementation of the supervision of CSOs certainly cannot be separated from the role of the legal culture sub-system. This also shows that there are weaknesses outside the law that also affect the implementation of the law. Political weakness by Seidman mentioned as a weakness that

greatly affects the existing power. And in fact this weakness also affects how the enforcement of Ormas supervision takes place [31].

The dissolution of community organizations carried out by the Indonesian government through the current mechanism often triggers political competition between the government and the community who have an understanding, especially regarding religious views with existing religious organizations. Where one of the impacts that can occur when the government supervises this Ormas is the strong rejections that are present in the community, especially by taking refuge in the freedom of association and assembly guaranteed by law. For this reason, in order to avoid confusion in enforcement practices in the community, improvements are needed both in terms of legal substance, legal structure and by prioritizing socialization to the public regarding the supervision of CSOs in Indonesia at this time.

To realize the supervision of the social organization system in Indonesia, the supervision of domestic social organizations established by Indonesian citizens needs to be regulated by adding a new article in Law No. Foreigners founded by Foreign Citizens are not regulated by the supervision of social organizations established by Indonesian citizens [32].

CONCLUSIONS

The current monitoring system for social organizations is not yet effective, this can be seen in cases of mass organizations that have become thug organizations and also become organizations that deviate from the Pancasila ideology; Weaknesses in the implementation of the current social organization supervision system are in the form of vacancies related to the supervision of mass organizations clearly, especially Indonesian citizen organizations, the weakness of law enforcement in the absence of clear supervision due to the absence of laws governing the supervision of mass organizations, and the weakness of community culture that makes rights freedom of opinion and assembly as the only condition for the establishment of mass organizations without regard to the goals and ideologies of the nation and state; In order to be able to realize a just monitoring system for mass organizations, it is necessary to reconstruct the meaning of the right to freely express aspirations and assemble and there is a need for a reconstruction of Law No. 16 of 2017 by adding supervision arrangements for community organizations established by Indonesian citizens.

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