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by Jurnal 34-4-105

Submission date: 25-Oct-2022 04:01AM (UTC+0700)

Submission ID: 1934328933

File name: 34-4-105-3-10-20210831.pdf (168.96K)

Word count: 4282

Character count: 23219

Impact of Ratification of Government Regulations Substituting Law Number 2 of 2017 Becomes Act on Society in Running Activities of Islamic Community Organizations in Indonesia

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ABSTRACT: *The adoption of government regulations instead of law number 2 of 2017 instead of law number 17 of 2013 concerning community organizations certainly creates a lot of polemic in society. The controversy gave rise to the pros and cons of the law. The community feels freedom in organizing is castrated, while on the other hand, some people agree with the new law and this has an impact on society. The result in society is an unusual social symptom study, considering that there are so many forms of community organizations in the Unitary State of the Republic of Indonesia. The number of kinds of community organizations, the government feels that a new regulation is needed, namely perppu number 2 of 2017 instead of law number 17 of 2013 concerning community organizations that have passed into law. With the enactment of Perppu number 2 of 2017 into law, there have been many turmoils in the community in responding to this matter, starting from those who agree and those who do not conform to the promulgation of the Perppu, but the impact in the community is not significant because the organizations legally dissolved they are illegal, they still run religious activities as they should by not violating applicable laws.*

Disahkannya peraturan pemerintah pengganti undang-undang nomor 2 tahun 2017 pengganti undang-undang nomor 17 tahun 2013 tentang organisasi kemasyarakatan tentunya menimbulkan banyak polemik di dalam masyarakat. Polemik tersebut memunculkan pro dan kontra tentang undang-undang tersebut. Masyarakat merasa kebebasan dalam berorganisasi terkebiri, sedangkan di sisi lain sebagian masyarakat setuju dengan aturan hukum baru tersebut dan hal inilah yang menimbulkan dampak di dalam masyarakat. Dampak di dalam masyarakat merupakan gejala sosial yang menarik untuk diteliti, mengingat begitu banyak bentuk organisasi kemasyarakatan yang ada di Negara Kesatuan Republik Indonesia. Banyaknya bentuk organisasi kemasyarakatan, pemerintah merasa perlu dibentuk regulasi baru yaitu perppu nomor 2 tahun 2017 pengganti undang-undang nomor 17 tahun 2013 tentang organisasi kemasyarakatan yang telah disahkan menjadi undang-undang. Dengan disahkannya perppu nomor 2 tahun 2017 menjadi undang-undang, banyak gejolak di dalam masyarakat dalam menyikapi hal tersebut, mulai dari yang setuju dan yang tidak setuju diundangkannya perppu tersebut, akan tetapi dampak di masyarakat tidak terlalu signifikan dikarenakan ormas yang mendapat sanksi pembubaran secara hukum mereka illegal, secara kegiatan keagamaan tetap mereka jalankan sebagaimana mestinya dengan tidak melanggar undang-undang yang berlaku.

Keywords: *Impact, Substitute Government Regulations, Islamic Community Organizations.*

I. INTRODUCTION

The development of the lives of the Indonesian people today is increasingly advanced. Technological progress has become increasingly rapid. Community's thinking ability is growing. Everything is getting more comfortable, both in terms of information and in terms of science. Community needs are increasingly accessible, with the help of technology, anything can easily implemented. The amount of convenience that occurs causes common symptoms in the community that has a lot of adverse effects if we are not able to have an active filter.

In a society that is so complex, there is a relationship between one community and another. This relationship is often the basis of reasons for establishing social life so that social life in the city runs under existing rules. Often the adverse effects appear in the public relations, and it is possible that the emergence of positive results can also be a plus for the relationship. In connection with these community relations, the assumption arises that in social life, there is a positive value and there is also a negative value which became the complex form of the community.

The Unitary State of the Republic of Indonesia or the so-called NKRI protects the entire nation and state of Indonesia as stated in the opening of the 1945 Constitution. Protection by the state is solely in the interest of the people. Today there are many problems in the community related to community organizations. The state considers that the role of the organization in the society in Indonesia is increasingly complex so that new regulations are needed to provide clear legal certainty in regulating society.

With the issuance of government regulations instead of law number 2 of 2017 and now passed into law, the control of community organizations in Indonesia has a new legal basis. The new legal basis certainly raises the pros and cons of the community. This issue is exciting to be investigated further because it has an impact where community life changes with the new rule of law. The effect that arises in the community regarding the rule of law is indeed exciting to study because a pluralistic Indonesian society can generate various impacts depending on the conditions of the community groups.

This research focuses on the social symptoms that exist in society that is influenced by the existence of a law. In this study examines social symptoms that have an impact on community organizations related to changes in existing legal rules. The difference in law has resulted in the social change in the community, on the contrary with changes in society, the law changes following the changes in society. This has an effect on society in living a social life. This influence causes change, so it is interesting to do research.

II. LITERATURE REVIEW

a. legislation

The legislation is a set of legal rules that bind and function to regulate society. Bill can also be referred to as positive law that applies today, has certainty, justice and can distribute benefits. In Indonesia itself, there are many forms of legislation, ranging from the highest regulations to regulations under which they are by the legislative hierarchy. In law number 12 of 2011 concerning the establishment of laws and regulations, it stated in article 1 paragraph 2 that, legislation is a written

regulation that generally contains binding legal norms and is established or determined by state institutions or authorized officials through the procedures stipulated in the Laws and Regulations.

As a legal state, Indonesia always upholds the law as a commander in developing the nation and state. Law or legislation serves as a tool to better regulate the government and country. To realize the legal ideals, legislation formed as a means or apparatus for social change in society.

b. Legal Relations with the Community

Law exists since humankind existed. Humans are created God as social beings who have reason and gifted with more abilities than other creatures. With the mind equipped, humans can think by their desire to change things to be good and can also change things to be wrong. Provision of the human brain has the will that is between positive will and contrary will. Therefore the law is present as a means of change so that perverse hum, an intention can be minimized. Law is current since humankind exists because man for regulation is the subject. Thus, the law is present together with the existence of humans because the legal issue is human. The development of the society that currently occurs cannot separated from the development of existing laws. Therefore the code must be able to adjust to the development of society or vice versa; the community should also be able to adapt to the legal events that occur (Ellya Rosana: 2013, 102).

The mind that given to humans binds the will of man to regulate his life. This is because of humans given the critical nature of something they encounter. Critical raises symptoms in humans to try to improve something wrong to be better. This improvement model is needed to change the legal tool. Legal relations with the community itself are apparent and cannot dismiss because legal subjects are people. There is a law where there is a community. Law plays an active role in building society. The purpose of law in development is to ensure that the changes occur in an orderly manner. An order is the primary and first goal of all requirements. This need for order, an essential (fundamental) condition for the existence of an organized human society. Apart from all the longing for other things which are also the objectives of the law, order as the primary goal of the law is an objective fact that applies to all human societies in all its forms (Ellya Rosana: 2013, 12).

Legal relations with the community is that law plays an active role in changing society towards a better direction, in this case, the law serves to build a better society. Legal relations in creating a society include the development of ethics, behavior, morality of the community so that it is by the agreed rules or laws. Law, in this case, plays an active role in regulating community development. In the city itself, the law is needed to help the community in a better direction. If the code does not function, community development will not work well. Therefore, the relationship between law and society is indeed inseparable because society needs laws for a change. The existence of law in society is very urgent because the statute regulates human behavior. Law is inseparable from culture, and vice versa, because besides the law it functions passively, the bill also operates actively in controlling each's actions and always tries to bring the community into a planned change (Tuti Haryanti: 2014, 160)

Legal relations with the city are very close. Law as a means of controlling social conditions. Social control functions to form a new rule that replaces the old government, in compulsion a situation created when someone is forced to obey or change his attitude to produce propriety indirectly. In pervasion, norms or values that enter subconsciously (Dewi Iriani: 147)

c. Effect of Law on the Community

Law as a means of social change. The influence of the law itself on the community is significant, considering that the city needs the law in carrying out its social life. Law changes, society changes. Society changes, requirements also change. With the influence of the law that is so strong, society changes itself towards a better one. In its preliminary, the living community has a goal of achieving prosperity. Welfare in the city cannot be made without law.

The dependence of the community on the law is very significant because the change to achieve something better requires the mandate. Thus, the legal influence on society is considerable because people in life always depend on the act. The law has a significant impact on changing social order in society — Law as a means of improving social forms that are not by the goals of human life. The purpose of achieving happiness and prosperity in culture is needed by law in its influence to change social life.

d. Community Organization

Community organizations (NGOs) and non-governmental organizations (NGOs) or in other terms as Non-Governmental Organizations (NGOs) play an essential role as a pillar of democracy that creates a robust civil society that can fight for people's rights in state life. CSOs and NGOs are organizations established by individuals or groups voluntarily that aim to support and support public activities or interests without intending to take financial advantage (Ari Ganjar Herdiansah: 2016, 50)

Talk about community organizations. Community organizations are a form of organization that is in society and regulated in law. The organization is formed to benefit the community in living their social life. Cities in a particular group form a set of ideas and ideas which then create an organization that functions for the community. Therefore, a group of people can be called a community organization.

The law states that community organizations or abbreviated as CSOs are organizations that are established and formed by the community voluntarily based on the similarity of aspirations, desires, needs, interests, activities, and objectives to participate in development to achieve the goal of the Unitary Republic of Indonesia based on Pancasila. This definition contained in law number 17 of 2013 concerning community organizations that are amended by government regulation number 2 in 2017.

e. Legal Foundation

¹⁰ The legal basis used in this study is the 1945 Constitution ²² of the Republic of Indonesia as a constitution for law in Indonesia. Also, ³ the government regulation instead of law number 02 of 2017 which ratified into law number 16 of 2017 concerning the stipulation of government regulations instead of law number 02 of

2017 concerning amendments to law number 17 of 2013 regarding social organizations to be Constitution.

III. METHODS

This study uses the type of empirical legal research, namely legal research that prioritizes the symptoms of the law in the community and then associated with existing legislation. Data collection using interview, observation, and documentation methods.

IV. FINDINGS

a. CSO Activities in Indonesia

Mentioned in article 1 paragraph 1 of the Omas law, name⁵ Community Organizations, hereinafter referred to as CSOs, are organizations established and formed by the community voluntarily based on the collective aspirations, wishes, needs, interests, activities and objectives to participate in development⁶ to achieve the Unitary State's goals Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. By this article, mass organizations are part of a community-based organization aimed at building a better nation.

Organizational activities in Indonesia have indeed regulated in law. They are proving that the Indonesian state is a legal state. The rule of law certainly upholds the law as commander.

Community organizations have an active role in building a better society. It is evident that the activities of community organizations in Indonesia can contribute to the state in participating in developing the nation. Organizations in Indonesia play an active role in building a society governed by law so that the organization's activities do not deviate from the rules made by the state.

CSOs in Indonesia have a role in national development which includes social, political, economic and cultural welfare. The organization's activities help the country in building a better nation. Several organizations can provide their contribution to nation-building activities. Organizational activities in Indonesia are regulated in mass organization laws so that these activities can well be organized. Some organizations can show their participation in nation building; there are also several organizations that carry out events that are not by the law so that the revision of the old code needs to be a new law to regulate the activities of these organizations.

b. Public Order Perppu Becomes Act

The enactment of the Perppu mass organization into law has indeed created a polemic for several organizations in Indonesia. This Perppu is considered to be cornering them in acting the organization. Today, public relations organizations are a polemic in Indonesia, which has had an impact on several organizations in carrying out their activities.

The government as the highest power holder has the authority to regulate organizations in Indonesia. Given the many deviant mass organization activities in Indonesia, the government issued a Perppu related to mass organizations to replace existing laws. The public organization Perppu is approved by the DPR and

passed into a new constitution. This law regulates the activities of mass organizations so that the events of mass organizations in Indonesia do not deviate from the existing rules and stick to the Pancasila and the 1945 Constitution of the Republic of Indonesia.

The Public Order Perppu is deemed necessary as a legal basis in regulating the activities of mass organizations in Indonesia. Indeed, this perppu raises pros and cons, but the government with its authority issues this perppu for the security and stability of the nation in regulating existing mass organizations in Indonesia so that the issuance of this perppu then passed into law.

c. Validation of Observation of Civil Society Organizations Becomes Act

From the results of observations conducted by researchers in the field, several organizations did not agree with the Perppu issued by the government. The Perppu is deemed to complicate them in carrying out the community organizations that they carry out so that they feel that these activities are limited by the authority of the government. Some mass organizations had filed a lawsuit to cancel the perppu. Legal efforts carried out by several organizations experienced obstacles so that the perppu still promulgated and passed into law.

The polemic in the community had heated up so that the situation of the country became threatened due to the legalization of the Perppu of the mass organization being a law. This was shown by several organizations that had legally resisted the perppu which later passed into law. Some mass organizations had objected to the perppu so that their activities could be limited by the existence of the perppu. As a legal state, Indonesia adheres to provisions that are regulated by law so that the form of regulations that have automatically ratified must be obeyed so as not to violate the law.

d. Interviews with Several Community Members

Interviews conducted by several members of mass organizations in Indonesia included Muhammadiyah mass organizations, Nahdlatul Ulama mass organizations, and Hisbut Tahrir Indonesian mass organizations. There were several differences of opinion from members of the mass organization. Muhammadiyah and Nahdatul Ulama positively viewed the Perppu issued by the government. even though some of them did not agree with the regulation of the perppu, while the organization Hisbut Tahrir Indonesia considered the perppu to limit their movement in carrying out the mass organization activities they did. Officially, the perppu contains articles that can dissolve the organization of Hisbut Tahrir Indonesia so that the mass organization is considered illegal in Indonesia.

From the results of interviews with a member of Hisbut Tahrir Indonesia, information obtained that officially their existence was illegally illegal. They respect the existing law so that they formally dissolve themselves, but the intention to spread Islam remains their guideline even though it does not drive mass organizations legally. The activity is intended for the benefit of the people to stay on the road blessed by Allah SWT. These activities do not deviate from the law, but they have a religious basis in carrying out the activities that they do for the advancement of the development of Islam in Indonesia.

From the results of the interview, it can be seen that the Perppu, which later passed into law, had a significant impact on the mass organizations in Indonesia. It needs to be stressed again that the Indonesian state is a legal state so that all public behavior in Indonesia must obey and submit to the law. Whatever forms of mass organizations in Indonesia must offer and follow existing rules, so that the state becomes safe without any problems that undermine the country's stability.

e. Legal Community Organizations

CSOs in carrying out each of their activities on a statutory basis and not contradictory to religious values and unite their trust in God Almighty. Various mass organization activities, among others, held a grand recitation of the community to safeguard the spiritual values of the city and deepen religious values and convince trust in God Almighty, provide compensation for the people in need through donations in the form of basic necessities, clothing and clothing for the orphans, needy poor and to the people affected by the disaster, holding Eid prayer activities, Eid al-Adha, or supernatural prayers for cities or communities affected by the disaster.

Legally, mass organizations carry out activities to preserve and maintain the norms, values, morals, ethics, and culture that live in the community. Organizations carry out actions or events that help the community by using basic patterns, manners, ethics and religion that live in the city and do not change ethics or morals that live in the society that can lead to conflict.

Besides that, organizations have activities that preserve natural resources and the environment that exist in the community. The activities carried out aim to protect the surrounding natural resources and maintain the cleanliness and comfort of the situation by socializing the prohibition of disposing of garbage in the river so that it does not there is water pollution that can damage the environment and the health of the surrounding community, provide tree planting programs on the edge of the highway and around residential areas to reduce the increasing air pollution, especially trees that absorb carbon dioxide gas, notify information to the public about proper and right management of waste, and providing knowledge to the community about the control of barren land because barren land cannot be left out.

Legally, mass organizations are required to develop social solidarity, cooperation and tolerance in social life. The principle of social solidarity is essential and applied in organizations to achieve goals well. In organizations they must collaborate between the chairperson and all members who have caused, will not run if a leader walks or acts on his own, vice versa members will also not operate if without a leader. Cooperation carried out so that activities carried out quickly. Tolerance is very important in order to respect opinions among members and not cause disputes among members because solidarity is the key to success in an organization.

Legal activities for social solidarity, community organization activities, one of which is to maintain, maintain and strengthen the unity and integrity of the nation. One way to strengthen national unity and integrity is by increasing a sense of solidarity in organizing to achieve goals. Organizations live in national unity so that organizations carry out activities by maintaining and strengthening the unity

and unity of the nation so as not to violate applicable laws and norms carried out by cooperating, tolerance, working together and helping each other.

One of the objectives of mass organizations is to realize the goals of the State and assist in activities that aim to improve the State through the organization of community organizations in the community. Providing socialization for carrying out 9-year compulsory education, supporting in the distribution of BLSM, maintaining the integrity of the NKRI region, and opening employment opportunities is a part of the organization's organization that is regulated legally.

f. Problem Analysis

¹⁹ Based on existing legal rules, as well as from the results of field observations and interviews that have conducted, the ratification of the CSO program into law has a very long polemic. The polemic affected several organizations until they were legally dissolved. This impact is indeed weighty because their activities are lawfully illegal.

Organizational activities are indeed regulated in the law so that whatever done must obey and obey the law. If there are mass organizations that do not implement the law, then they are legally illegal in their activities. This is the impact of several organizations that eventually legally disbanded them.

Essential points in carrying out mass organization activities in Indonesia have regulated in law. This point must carried out so that the actions of mass organizations do not violate the law. The function of the rule itself is aimed at the welfare of the community which is also affected by the society experiencing an increase in social welfare in maintaining the integrity of the country based on the Pancasila and the 1945 Constitution of the Republic of Indonesia.

V. CONCLUSION

From the analysis above, it can be concluded that the impact of civil society organizations that passed into law greatly influenced the activities of mass organizations in Indonesia. Several mass organizations were affected so that some of them were legally disbanded. The impact of the dissolution of several organizations is not very influential for the community, because with their demise they are more selective in carrying out activities that participate in building the nation and state. Good intentions still done for the sake of the benefit of the people.

VI. SUGGESTION

As a legal state, every activity of a community organization or mass organization should always be carried out by applicable laws. The rule of law guarantees the welfare of the people with a legal basis to form a society that is obedient and law-order by certainty, justice and benefits which are the objectives of the law, therefore mass organizations must obey and obey the applicable laws.

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