



## Adjustments to Community Organization Law: Implications for Freedom of Association, Assembly, and Expression

**Sirajul Munir**

*Institut Islam Negeri Kudus, Indonesia*

*sirajulmunir@iainbatusangkar.ac.id*

**Lailul Ilham**

*Sekolah Tinggi Ilmu Dakwah Raudlatul Iman Sumenep, Indonesia*

*lailulilham44@gmail.com*

*Submitted: Jan 19, 2022; Reviewed: Jun 28, 2022; Accepted: Jun 30, 2022*

Article's Information	Abstract
<p><b>Keywords:</b> <i>Civil Society Organization; Freedom; Law.</i></p> <p><b>DOI :</b> <a href="https://doi.org/10.25041/constitutionale.v3i1.2507">https://doi.org/10.25041/constitutionale.v3i1.2507</a></p>	<p><b>Abstract</b></p> <p><i>The principles of Pancasila and the collective ethos of the Indonesian people should guide the freedom of association, assembly, and expression of opinion, serving as a conduit for achieving shared objectives within the framework of national unity. Despite existing restrictions, judicial oversight remains essential. While judicial control over the dissolution of community organizations may be absent, government decrees retain validity until permanent legal status is determined by the courts. Consequently, the government must conduct thorough investigations to identify instances of freedom abuse contrary to Pancasila, which may jeopardize national security and order. Concurrently, the state has a responsibility to safeguard these freedoms for compliant mass organizations, contingent upon their adherence to regulations outlined in the Community Organization Law.</i></p>

### A. Introduction

The concept of the rule of law is defined by the presence of established legal principles that serve as checks on the unrestricted exercise of state authority, preventing arbitrary abuses of



power.<sup>1</sup> Moreover, the law serves as a framework guiding societal behavior, fostering order and security. In this paradigm, the rule of law dictates all actions in accordance with principles of nomocracy, prioritizing adherence to legal standards over individual discretion.<sup>2</sup> Thus, the foundation of governance lies in regulating both the rulers and the governed.

The term "rule of law" not only underscores the distinction between a state governed by power (*Machtstaat*) and one governed by law (*Rechtstaat*), but more crucially, it asserts that governance should be predicated on legal frameworks rather than arbitrary authority.<sup>3</sup> As a nation governed by law, Indonesia possesses unique legal characteristics, notably rooted in the application of the rule of law within the context of its national identity, particularly as a state founded on the principles of *Pancasila*. *Pancasila*, serving as the guiding philosophy and legal foundation of Indonesia, acts as the compass for all state and social endeavors. It represents the first consensus of constitutionalism, positioning *Pancasila* as the guiding ideology for both state and societal affairs.

The concept of the *Pancasila* constitutional state in Indonesia revolves around the *Pancasila* legal system<sup>4</sup>, emphasizing the protection of fundamental freedoms such as association, assembly, and expression of opinion as essential components of a functioning democracy.<sup>5</sup> While the state is obligated to safeguard these human rights, it retains the authority to impose limitations on their exercise, recognizing certain rights as subject to restrictions. This includes rights like freedom of expression, movement, assembly, and speech, which are considered derogable rights.<sup>6</sup>

The *Pancasila* state law imposes limitations on these freedoms, aligning them with the values enshrined in *Pancasila*. Rights serve as normative principles guiding behavior, ensuring individuals' freedom, immunity, and opportunities for dignity. In Indonesia, the 1945 Constitution provides robust legal guarantees for the rights of association, assembly, and expression, positioning them as constitutional rights of citizens.<sup>7</sup> These rights, articulated in Article 28, underscore the importance of submitting opinions in accordance with established regulations, serving as a foundation for citizens to voice their grievances for the betterment of society as follows.<sup>8</sup>

*"Freedom of association and assembly, expressing thoughts verbally and in writing, is stipulated by law."*

Similarly, Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia, affirms that:

*"Everyone has the right to freedom of association, assembly, and expression."*

<sup>1</sup> Wijaya, M. H., Karakteristik Konsep Negara Hukum Pancasila. *Jurnal Advokasi*, Volume: 5 (2), 2-15, hal. 199–214.

<sup>2</sup> Zulkarnain Ridlwan. (2012). Negara Hukum Indonesia Kebalikan Nachtwachterstaat. *Jurnal Fiat Justitia Jurnal Ilmu Hukum* Volume 5 No. 2 : 143

<sup>3</sup> Jeffry Alexander Ch. Likadja, Memaknai "Hukum Negara (Law Through State)" dalam Bingkai "Negara Hukum (Rechtstaat)", *Hasanuddin Law Review*, Vol. 1 No. 1, April (2015) : 77

<sup>4</sup> Darwin Botutihe, Pembangunan Hukum dengan Pendekatan Teori Hukum Inklusif pada Negara Hukum Pancasila, *Jurnal Al-Himayah* Volume 3 Nomor 1 (Maret 2019) : 109

<sup>5</sup> Aswandi, B. K. R., Negara Hukum Dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (HAM). *Jurnal Pembangunan Hukum Indonesia*, Volume: 1 (1), 2019, hal. 128–145.

<sup>6</sup> Matomo, O. S., Pembatasan Terhadap Hak Asasi Manusia dalam Perspektif Keadaan Darurat. *Jurnal Media Hukum*, Volume: 21 (1), 2014, hal. 57–72.

<sup>7</sup> Nur Asiah, Hak Asasi Manusia Perspektif Hukum Islam, *Jurnal Syari'ah Dan Hukum Diktum*, Volume 15, Nomor 1, (Juni 2017) : 56

<sup>8</sup> Tifan Pramuditia Simbolon, Bahmid, Emiel Salim Siregar, Perlindungan Kebebasan Berpendapat Melalui Media Internet Dalam Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Elektronik Ditinjau Dari Perspektif Hak Asasi Manusia, *Jurnal Tectum LPPM Universitas Asahan* Edisi Vol. 1, No. 1 (November 2019) : 85

The term "everyone" in a quo article signifies that all individuals in Indonesia are entitled to the freedoms of association, assembly, and expression as guaranteed by the constitution. When constitutional safeguards are in place, restrictions on these rights are also outlined.<sup>9</sup> The constitutional provisions can be found in Articles 28 and 28 J of the 1945 Constitution of the Republic of Indonesia, which address the rights to freedom of association, assembly, and their alignment with the respect for human rights as outlined by law.

The principle of *rechtsstaat*, or the rule of law constraints governmental authorities in their conduct and decisions by adhering to the legal framework applicable to their constituents within a specific context. Governance authority is derived from the rule of law, serving to uphold legal order. Governmental actions must be lawful, not arbitrary directives from leaders or heads of state. Both the state and other institutions must operate within legal parameters and be subject to legal scrutiny in all their actions. This underscores that the rule of law imposes a concrete boundary, ensuring that no action or policy is undertaken or promulgated without legal foundation, as the law reigns supreme.

Friedrich Julius introduced a theory regarding the concept of the rule of law, termed "*rechtsstaat*," which delineates its elements in the classical sense, including: a) safeguarding human rights, b) ensuring the separation or division of powers to safeguard those rights, c) governance based on statutory regulations, and d) access to administrative courts for dispute resolution. Concurrently, A.V. Dicey introduced a concept of the rule of law within the Anglo-Saxon system. As articulated in his work "Introduction to the Law of the Constitution," Dicey's concept emphasizes: a) the supremacy of the law and the absence of arbitrary power, whereby individuals may only be penalized for violating established laws, b) equality before the law, and c) the equal application of legal protections to both ordinary citizens and officials, with human rights guaranteed by law and judicial decisions. W. Friedman further expounded that *rechtsstaat* entails constraining state power through legal means.<sup>10</sup>

A state governed by law alongside a democratic system reflects the understanding that the formulation of laws must be conducted democratically. Conversely, democracy operates within the framework of agreed-upon legal principles. Hence, the rule of law and a democratic system must complement each other by incorporating the fundamental principles of democracy alongside those of the rule of law. This ensures that democracy retains its structure and direction, while the law maintains its significance through democratic processes.<sup>11</sup>

Within democratic political ideologies, several elements are present<sup>12</sup>, including: a) Empowerment of the people as the source of governmental authority; b) Accountability of those in power to the populace; c) Exercise of power by the people, either directly or indirectly; d) Opportunities for individuals or groups to attain power through peaceful and regular means; and e) Periodic changes in leadership through elections, safeguarding political freedom to choose or be elected. Democracy enables citizens to freely express their opinions, assemble, associate, and engage in various political activities.

As a result of the aforementioned principles, Law Number 17 of 2013 regarding Social Organizations emerged, subsequently amended by Law Number 16 of 2017 concerning the Stipulation of Government Regulations in lieu of Law Number 2 of 2017 concerning Amendments to Law Number 17 of 2017 regarding Social Organizations (hereinafter referred to as the Community Organization Law).

---

<sup>9</sup> Azhary, M., *Negara Hukum: Suatu Studi tentang Prinsip-Prinsipnya, Dilihat dari Segi Hukum Islam, Implementasinya pada Periode Negara Madinah dan Masa Kini*, (Jakarta: Kencana, 2003), hal. 139

<sup>10</sup> Bambang Satriya, *Membangun Negara Hukum di Era Pemerintahan Presiden Joko Widodo*, *Jurnal Panorama Hukum*, Vol. 1 No. 2 (Desember 2016) : 45

<sup>11</sup> Ridwan, H., *Hukum Administrasi*, (Jakarta: UII Press, 2002), hal. 7

<sup>12</sup> Gaffar, A., *Politik Indonesia; Transisi Menuju Demokrasi*, (Jakarta: Pustaka Pelajar, 2005), hal. 7.

The enactment of the Community Organization Law by the state aims to strike a balance between safeguarding individual rights and fulfilling social responsibilities, all while upholding the sovereignty of the nation. This legislation is crafted to reinforce national unity by positioning *Pancasila* and the Constitution as the bedrock of the nation's life. The philosophical tenets of *Pancasila* serve as the framework for freedom of association, assembly, and expression, fostering spaces of liberty aligned with *Pancasila*'s values as the philosophical underpinning for legislation, national culture, cooperation, and kinship.

This article will delve into two legal issues: 1) How do the concepts of freedom of association, assembly, and expression of opinion align with the principles of a state governed by law and *Pancasila* democracy? and 2) How are the rights to freedom of association, assembly, and expression of opinion restricted under the provisions of the Community Organization Law?

The author explores the notion of constraining freedom of expression, association, and assembly within a democratic legal framework, as delimited by the law governing community organizations. This research aims to contribute to the understanding and implementation of laws within community organizations, with the anticipation of offering fresh insights that could significantly benefit both the community and the government in comprehending the mechanisms of law enforcement within a democratic rule of law.

The research methodology adopted by the author involves: a) Conceptual approach: Examining relevant concepts of law and democracy pertinent to the research problem and b) Statutory approach: Utilizing an analytical normative juridical research method, which involves critical analysis of laws and regulations, particularly those pertaining to freedom of association, assembly, and expression. These laws are primarily sourced from the 1945 Constitution of the Republic of Indonesia and Law Number 16 of 2017 concerning Social Organizations.

The legal materials utilized comprise: a) Primary legal materials: Statutory regulations, specifically the 1945 Constitution of the Republic of Indonesia and Law Number 16 of 2017 concerning Social Organizations; b) Secondary legal materials: Publications on law, including scholarly works, books, mass media articles, journals, etc and c). Tertiary legal materials: Supplementary data obtained from various sources related to the research, such as dictionaries, encyclopedias, online journals, etc. The data collected were analyzed qualitatively and presented descriptively to facilitate a comprehensive understanding of the subject matter.

## **B. Discussion**

The essence of Freedom of Association, Assembly, and Expression of Opinion is deeply enshrined within the democratic framework of *Pancasila* Law in Indonesia. Law and democracy serve as the foundational pillars upholding the nation's integrity and vitality. Law encompasses a comprehensive framework of concepts, principles, rules, and regulations governing societal conduct, while democracy hinges on the principle that governmental legitimacy stems from and operates for the people's welfare, whether through direct or representative means.

Consequently, a democratic rule of law not only respects but also champions the aspirations and needs of its populace. A fundamental tenet of any nation purporting to be a democratic legal entity is the safeguarding of human rights, with freedom of association, assembly, and expression standing as pivotal components thereof. These freedoms furnish individuals with the opportunity to establish organizations or associations, fostering personal growth and providing a platform for the articulation of societal aspirations in the nation-building process.

The organic interplay between freedom of expression, association, and assembly is intrinsic to the dynamic fabric of a democratic society.<sup>13</sup> Acknowledging that such freedoms, while fundamental are not absolute rights and are subject to legal constraints is necessary.

The legal framework and democratic ethos of Indonesia, as encapsulated in the preamble to the 1945 Constitution and rooted in the guiding principles of *Pancasila*, underscore the state's commitment to upholding these freedoms. Moreover, any limitations imposed on these freedoms are grounded in noble values, serving as moral compass points for governance.<sup>14</sup>

A country proclaiming itself as a democratic *Pancasila* legal state inherently necessitates adherence to *Pancasila* values. Within the framework of constitutional governance, *Pancasila* assumes a dual role: normative and constitutive. Normatively, it serves as the foundational source for all legal constructs, establishing *Pancasila* as the bedrock principle of the Indonesian state (*grundnorm*). Moreover, *Pancasila*'s constitutive function lies in its guidance of legal endeavors towards national goals, as articulated in the preamble to the 1945 Constitution.

While the concept of a democratic *Pancasila* state law shares similarities with models adopted by other nations, its distinctiveness arises from *Pancasila*'s five core elements, which reflect uniquely Indonesian values.<sup>15</sup> Cultural and social disparities between Indonesia and other nations have engendered distinctive features within the Indonesian state's democratic *Pancasila* legal framework.

Central to Indonesian societal ethos is the harmonization of freedom with social responsibility, mitigating against absolute individual freedom.<sup>16</sup> Here, individual rights are subject to reasonable limitations to safeguard the rights and freedoms of others, uphold national security, public safety, order, public health, morals, and the rights of all parties.<sup>17</sup> Such a nuanced approach resonates with Indonesia's pluralistic landscape, necessitating the preservation of collectivist values within the national norms.

Indonesia upholds the principles of justice and equality. Consequently, its legal framework is designed to foster national unity and integrity. The formulation and enforcement of laws in Indonesia are guided by the foundational principles of *Pancasila*, which celebrate diversity as a cornerstone of national identity. This approach aims to safeguard both the territorial and ideological unity of the nation and state (MD, 2007: 12). A critical aspect of preserving national integrity is the avoidance of discrimination rooted in primordial affiliations. Primordial sentiments, such as those based on ethnicity, religion, or race, can undermine the cohesion of the Unitary State of the Republic of Indonesia (*NKRI*).

The drafting of Indonesia's Constitution preamble exemplifies and promotes the values of freedom of association, assembly, and expression, rooted in the nation's noble ethos. The nation's founders demonstrated a spirit of tolerance and inclusivity in formulating the foundational principles through dialogue and deliberation. Initially, dissent existed regarding the mention of "Islamic Syariah" in the first precept, "Divinity," reflecting diverse perspectives. However, through constructive dialogue, the formulation evolved, culminating in the acknowledgment of the "Divinity of God Almighty." This process solidified *Pancasila* as the foundation of the state—a testament to Indonesia's identity as a religious nation-state, neither purely secular nor exclusively tied to any single religion.

The essence of Indonesian values finds its embodiment in *Pancasila*, encapsulating the belief that deliberation is paramount and reflects the Indonesian ethos. Deliberation entails

<sup>13</sup> Asshiddiqie, J., *Kemerdekaan Berserikat, Pembubaran Partai Politik dan Mahkamah Konstitusi*, (Jakarta: Konstitusi Press, 2005), hal. 71

<sup>14</sup> Hidayat, A., *Negara Hukum Berwatak Pancasila*, (Jakarta: Pustaka Press, 2017), hal. 3

<sup>15</sup> Suhartini, Democracy And Law State (in the Context of Democracy and the Indonesian Law State). *Jurnal de Jure*, 11, 2019, 167-191

<sup>16</sup> Latif, Y., *Negara Paripurna; Historisitas, Rasionalitas dan Aktualitas Pancasila*. (jakarta: Pustaka Gramedia, 2011), hal. 3.

<sup>17</sup> Amer, N., Analisis Pembubaran Organisasi Kemasyarakatan Dalam Perspektif Negara Hukum. *Jurnal Lega*, 1 (2), 2010, 1–15.

reaching consensus with a commitment to abide by collective decisions. It serves as a platform for communal participation, allowing individuals to voice their aspirations in a respectful, persuasive manner without imposing their will or resorting to anarchic behavior. Grounded in the principle of *Bhinneka Tunggal Ika*, deliberation prioritizes common interests. For those unable to directly engage, entrusting representatives with the task is an option. Ultimately, the outcomes of democratic deliberations hold legal authority, fostering unity and integrity within the national context.

*Pancasila's* democratic framework acknowledges and safeguards individual rights, yet balances them with the broader societal harmony it seeks to cultivate. While the concept champions individual freedoms, it also empowers the state to intervene in national affairs in accordance with *Pancasila* principles. This socio-empirical foundation underscores *Pancasila's* inherent virtue, as it organically aligns with the Indonesian way of life, rather than being imposed upon it. Thus, these values continue to evolve within the nation's cultural tapestry, shaping its collective identity.

### **1. Restrictions in Law Number 16 of 2017 Concerning Stipulation of Government**

Law Number 2 of 2017 as Amendments to Law Number 17 of 2013 concerning Community Organizations to Become Laws. The democratic society thrives on the bedrock of people's sovereignty, epitomized by the inclusive space for citizen engagement and the exercise of fundamental rights. Embedded within a legal framework, the unfettered participation and enjoyment of these rights by the populace find their regulation through constitutional mandates. Among these rights are the freedoms of expression, assembly, and association, which serve as cornerstones of community engagement. Community organizations serve as platforms for the manifestation of these liberties, albeit within the confines of respecting the rights of others. Constitutional guarantees ensure the protection of these rights while delineating permissible restrictions, as enshrined in Article 28 J of the 1945 Constitution, mandating respect for human rights alongside adherence to legally stipulated limitations.

The rationale behind the substitution of Government Regulation for Law in lieu of Law Number 17 of 2013 concerning Social Organizations stems from constraints pertaining to teachings antithetical to *Pancasila* and the 1945 Constitution. Article 59, paragraph (4), of the latter specifically addresses atheism and communism/Marxism-Leninism. However, evolving circumstances have revealed the emergence of mass organizations not aligned with atheism or communism/Marxism-Leninism but nonetheless engage in public actions aimed at subverting the ideological and constitutional foundations of *Pancasila* and the 1945 Constitution.

Following the enactment of the new Community Organization Law, Article 59 undergoes a significant overhaul, reinforcing stringent controls on mass organizations to prevent hostile actions based on ethnicity, religion, race, and class. The article imposes restrictions on freedom of thought, expression, and action against individuals or groups, aligning them with social responsibility and upholding Indonesia's unity as espoused in the third precept. Mass organizations are prohibited from engaging in activities that disrupt peace and public order, encompassing destructive actions, interference with law enforcement duties, propagation of separatist ideologies threatening Indonesia's sovereignty, and espousal of beliefs contrary to *Pancasila*.

The shortcomings of the preceding law risk undermining the foundational principles of *Pancasila* and the 1945 Constitution, posing a threat to national unity and the integrity of the Unitary State of the Republic of Indonesia. Disruptions to constitutional norms jeopardize the cohesion of the nation and its commitment to maintaining unity. Furthermore, the inefficiency of the judicial process in imposing sanctions on mass organizations found in violation of *Pancasila* and the 1945 Constitution exacerbates these challenges, prolonging resolution and potentially exacerbating societal tensions.

Through the enactment of the Community Organization Government Regulation in lieu of Law, the government aims to adopt pragmatic measures by incorporating the *contrarius actus* principle to address the activities of mass organizations posing a potential threat to social harmony due to their divergence from *Pancasila*. The *contrarius actus* principle pertains to the annulment of state administrative decisions made by officials in issuing such decisions.<sup>18</sup>

Article 61, paragraph (3) of the Community Organization Law delineates administrative sanctions, including the annulment of registered certificates and revocation of legal entity status, which can be promptly enforced by the Minister of Home Affairs or the Minister of Law and Human Rights. This provision grants executive authorities full discretion to revoke the legal entity status of a community organization without necessitating prior judicial intervention. This departure from previous regulations, wherein revocation of legal entity status required a court decision with permanent legal authority regarding dissolution, underscores a shift towards expedited administrative action in addressing organizational infractions.

The prohibition or dissolution of mass organizations, as stipulated in Law Number 16 of 2017 concerning Social Organizations, raises concerns regarding the infringement upon the right to freedom of association. The mechanism for restricting this freedom, along with assembly and expression of opinion, has transitioned from a predominantly judicial process to one incorporating the *contrarius actus* principle or post-revocation of legal entity status. This evolution aligns with aspects of the European Continental and Anglo-Saxon models of the rule of law, emphasizing the presence of administrative justice and the safeguarding of human rights. Administrative justice serves to adjudicate disputes between governing bodies and citizens, mitigating the risk of arbitrary actions that could undermine human rights.

The imposition of restrictions on freedom of association, assembly, and opinion, manifested through legal entity status revocation, is sanctioned either through court proceedings or State Administrative Decisions (*KTUN*). Within *KTUN*, officials or legislators possess discretion in adopting an open legal policy, as the 1945 Constitution of the Republic of Indonesia does not prescribe specific parameters for regulation within the Community Organization Law.<sup>19</sup>

These dual mechanisms serve as instruments for upholding the rule of law, compatible with the tenets of a democratic society. Restrictions on freedoms are executed within the framework of a democratic rule of law, as the dissolution of mass organizations involves the participation of multiple state institutions. This system helps mitigate authoritarian tendencies and prevents the emergence of organizations whose activities could destabilize societal harmony or threaten national integrity.

### C. Conclusion

Based on the preceding discussion, *Pancasila* aims to establish harmony and equilibrium between individual and national interests within Indonesian society. Consequently, freedom in Indonesia is not an absolute entitlement but is subject to certain legal restrictions that align with the esteemed values of the Indonesian nation, reflecting the legal framework and democratic principles enshrined in the preamble of the 1945 Constitution, which embodies the essence and worldview of the Indonesian people, commonly known as *Pancasila*. The widespread recognition of principles and activities conflicting with *Pancasila* and the 1945 Constitution led to the enactment of Law Number 16 of 2017, which replaced Government Regulation in lieu of Law Number 2 of 2017, amending Law Number 17 of 2013 regarding Community

<sup>18</sup>Sidik Kahono dkk., Tinjauan Yuridis Terhadap Ketentuan Asas Contrarius Actus Menurut Undang-Undang Nomor 16 Tahun 2017 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2017 Tentang Perubahan Atas Undang-Undang Nomor 17 Tahun 2013 Tentang Organisasi. *Semarang Law Review*, 1 (1) 2020, 89–103.

<sup>19</sup>Nalle, V. I., Asas Contrarius Actus pada Perpu Ormas: Kritik dalam Perspektif Hukum Administrasi Negara dan Hak Asasi Manusia. *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)*, 4 (2) 2017, 244–262.

Organizations. This legislation imposes restrictions on teachings contrary to *Pancasila* and the 1945 Constitution, primarily targeting atheism, communism, and Marxism-Leninism as outlined in Article 59, paragraph (4). However, as organizations evolved, some began openly advocating actions aimed at undermining or replacing the ideological foundation of *Pancasila*. To address this, the government broadened the prohibition on organizations attempting to alter the ideological basis of *Pancasila* and opted for a more effective and efficient mechanism for revoking the legal status of entities, achieved through the application of the *contrarius actus* principle, streamlining the process for taking necessary action.

#### D. Suggestion

Firstly, the freedom of association, assembly, and expression of opinion must be guided by the principles of *Pancasila* and the collective spirit of the Indonesian people. This freedom should serve as a means to achieve common goals within the framework of national unity. Secondly, while restrictions on these freedoms exist, they do not eliminate judicial oversight. Despite the absence of judicial control over the dissolution of community organizations, the government decree remains valid until a court decision establishes permanent legal validity (presumption of legality). Therefore, the government must conduct thorough investigations to demonstrate instances of freedom abuse contrary to *Pancasila*, posing potential threats to national security and order. Simultaneously, the state is obligated to ensure the protection of these freedoms for compliant mass organizations, provided they adhere to all regulations and restrictions in accordance with the functions outlined in the Community Organization Law.

### References

#### A. Book

- Asshiddiqie, J. (2005). *Kemerdekaan Berserikat, Pembubaran Partai Politik dan Mahkamah Konstitusi*. Konstitusi Press.
- Azhary, M. T. (2003). *Negara Hukum: Suatu Studi tentang Prinsip-Prinsipnya, Dilihat dari Segi Hukum Islam, Implementasinya pada Periode Negara Madinah dan Masa Kini*. Kencana.
- Gaffar, A. (2005). *Politik Indonesia; Transisi Menuju Demokrasi*. Pustaka Pelajar.
- Hidayat, A. (2017). *Negara Hukum Berwatak Pancasila*.
- Latif, Y. (2011). *Negara Paripurna; Historisitas, Rasionalitas dan Aktualitas Pancasila*. Pustaka Gramedia.
- Ridwan, H. (2002). *Hukum Administrasi Negara*. UII Press.

#### B. Journal

- Amer, N. "Analisis Pembubaran Organisasi Kemasyarakatan Dalam Perspektif Negara Hukum". *Jurnal Legalitas*, (2020) : 1–15. <https://doi.org/10.33756/jelta.v13i01.5417>.
- Aswandi, B. . K. R. "Negara Hukum Dan Demokrasi *Pancasila* Dalam Kaitannya Dengan Hak Asasi Manusia (HAM)". *Jurnal Pembangunan Hukum Indonesia* 1, no. 1, (2019) : 128–145.



- Bambang Satriya. "Membangun Negara Hukum di Era Pemerintahan Presiden Joko Widodo". *Jurnal Panorama Hukum* 1 no. 2 (2016) : 43-54. <https://doi.org/10.21067/jph.v1i2.1415>.
- Darwin Botutihe. "Pembangunan Hukum dengan Pendekatan Teori Hukum Inklusif pada Negara Hukum Pancasila". *Jurnal Al-Himayah* 3, no. 1 (2019) : 102-126.
- Jeffry Alexander Ch. Likadja, Memaknai, "Hukum Negara (Law Through State)" dalam Bingkai "Negara Hukum (*Rechtsstaat*)", *Hasanuddin Law Review* 1, no. 1, (2015) : 75-86. <http://dx.doi.org/10.20956/halrev.v1i1.41>.
- Matompo, O. S. "Pembatasan Terhadap Hak Asasi Manusia dalam Perspektif Keadaan Darurat". *Jurnal Media Hukum* 21, no. 1, (2014) : 57-72.
- MD, M. (2007). "Politik Hukum Dalam Perda Berbasis Syari'ah". *Jurnal Hukum Ius Quia Iustum* 14, no. 1, (2007) : 1-21.
- Nalle, V. I. "Asas Contarius Actus pada Perpu Ormas: Kritik dalam Perspektif Hukum Administrasi Negara dan Hak Asasi Manusia". *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 4, no. 2, (2017) : 244-262. <https://doi.org/10.22304/pjih.v4n2.a2>.
- Nur Asiah. "Hak Asasi Manusia Perspektif Hukum Islam", *Jurnal Syari'ah Dan Hukum Diktum* 15, no. 1, (2017) : 55-66. <https://doi.org/10.28988/diktum.v15i1.425>.
- Sidik Kahono dkk. "Tinjauan Yuridis Terhadap Ketentuan Asas Contrius Actus Menurut Undang-Undang Nomor 16 Tahun 2017 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2017 Tentang Perubahan Atas Undang-Undang Nomor 17 Tahun 2013 Tentang Organisasi". *Semarang Law Review* 1, no. 1, (2020) : 89-103.
- Suhartini. "Democracy And Law State (in the Context of Democracy and the Indonesian Law State)". *Jurnal de Jure*, 11, (2019).
- Tifan Pramuditia Simbolon, Bahmid, Emiel Salim Siregar. "Perlindungan Kebebasan Berpendapat Melalui Media Internet Dalam Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Elektronik Ditinjau Dari Perspektif Hak Asasi Manusia", *Jurnal Tectum LPPM Universitas Asahan* 1, no. 1, (2019) : 85-89.
- Wijaya, M. H. "Karakteristik Konsep Negara Hukum Pancasila". *Jurnal Advokasi* 5, no. 2, (2015) : 199-214.
- Zahermann Armandz Muabezi. "Negara Berdasarkan Hukum (*Rechtsstaats*) Bukan Kekuasaan (*Machtsstaat*) Rule Of Law And Not Power State", *Jurnal Hukum Dan Peradilan* 6, no. 3, (2017): 442. <http://dx.doi.org/10.25216/jhp.6.3.2017.421-446>.
- Zulkarnain Ridlwan. "Negara Hukum Indonesia Kebalikan *Nachtwachterstaat*". *Jurnal Fiat Justitia Jurnal Ilmu Hukum* 5, no. 2, (2012) : 143. <https://doi.org/10.25041/fiatjustisia.v5no2.56>.

