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Reconstructing Islamic-Based Community Organization Governance for Balanced Public Order

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Abstract: The tension between freedom of association and public order in Indonesia reflects structural legal, ethical, and institutional challenges, particularly as some community organizations engage in intimidation, extortion, and violations of minority rights. Existing legalistic-punitive approaches remain insufficient, as they focus on symptoms rather than underlying causes and lack a strong ethical foundation for sustainable compliance. This study aims to formulate an Islamic values-based governance model that is culturally grounded and capable of strengthening legitimacy and accountability within Indonesia's democratic context. Using a qualitative-descriptive approach, data were collected through policy document analysis, digital media review, and in-depth interviews with key informants from major Islamic organizations. The study integrates three theoretical frameworks: *Maslahah* Theory, Civil Society Theory, and Good Governance Theory. Findings indicate that organizational legitimacy is not primarily determined by formal compliance, but by the ability to realize *maqāṣid al-shar'ah*, build social capital, and uphold transparency. A significant gap between legality and legitimacy persists, driven by patronage practices, weak accountability, and the instrumental use of organizations for non-public interests. The study concludes that integrating Islamic ethical principles, participatory civil society mechanisms, and good governance standards can produce a more adaptive governance model, capable of reconciling freedom of association with public order through ethically grounded and socially responsive regulation.

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I. Introduction

The problematic phenomenon of certain civil society organizations (CSO, ormas) in Indonesia has reached a critical point that threatens the stability of democracy and the rule of law. Empirical studies document specific cases across multiple regions: in North Sumatra, gangster-affiliated ormas have systematically exploited rural land disputes through coercive appropriation (Mudhoffir, 2022); in multiple urban economic contexts, politically networked ormas have conducted systematic extortion against local business actors (Nurdin et al., 2025; Susanto et al., 2022; Yanko, 2022); and in Java and Lombok, vigilante ormas have forcibly dispersed minority religious gatherings and mobilized mass intimidation campaigns (Nurdin et al., 2025; Susanto et al., 2022; Yanko, 2022).

The reconstruction of CSO governance has become empirically necessary because existing legalistic-punitive regulatory instruments (namely Law No. 17 of 2013 and Government Regulation in Lieu of Law No. 2 of 2017) have demonstrably failed to halt these patterns, addressing symptoms rather than the structural and ethical root causes of organizational misconduct (Munir & Ilham, 2022; Omara et al., 2024). Theoretically, this failure reflects what Rawls (1999) identifies as the absence of justice as fairness in regulatory design, and what Dahl (2008) frames as the erosion of polyarchic conditions when civil society actors operate without genuine accountability (Edenberg, 2021; Rawls, 1963, 1968, 1982, 1991, 1996, 1999).

These destructive activities (including sweeping actions, rejection of minority religious activities, and extortion practices against business actors) have transgressed the constitutionally prescribed limits of freedom of association, specifically Article 28E paragraph (3) of the 1945 Constitution, which guarantees freedom of association conditional upon respect for the rights and freedoms of others and the fulfillment of obligations under just law (Munir & Ilham, 2022; Omara et al., 2024). These transgressions have the potential to violate fundamental human rights and to impede the civic harmony (*bhinneka tunggal ika*) that underpins Indonesia's pluralistic democratic order (Apandje et al., 2022; Yuniarto et al., 2024).

Public concern over the impunity of problematic civil society organizations (which tend to be involved in activities that nominally invoke public order, such as unauthorized sweeping operations, forced dispersal of minority religious gatherings, extortion of local business actors, and vigilante enforcement of social norms, yet operate in violation of the constitutional values of Pancasila, the principles of human rights, and the ethical imperatives of *maqāṣid al-sharī'ah*) has been empirically documented as a driver of public demands for fundamental reforms in CSO governance. These demands are not merely assumed; they are traceable in legislative deliberations during the drafting of Law No. 17 of 2013 and the contested enactment of Government Regulation in Lieu of Law No. 2 of 2017, in which civil society coalitions, legal scholars, and human rights organizations publicly articulated the need for governance frameworks that address both legal-formal compliance and ethical-moral accountability grounded in Pancasila values and constitutional principles (Munir & Ilham, 2022; Omara et al., 2024). Academic discourse has similarly reflected these demands: Mietzner (2009, 2018) and Hadiz (2014, 2018a) have documented how the failure of purely punitive regulatory approaches has intensified civil society pressures for more substantive governance reform in Indonesia's post-authoritarian democratic context.

Previous research on civil society organizations in Indonesia has identified various problematic dimensions in the governance of such organizations. However, the majority of these studies have been fragmented and have not integrated a comprehensive theoretical perspective to understand the complexity of the relationship between civil liberties and public order. Assyaukanie's study on Islamic organizations and civil society provides a significant foundation for understanding the role of Islamic CSO in the democratization process (Assyaukanie, 2004, 2008, 2009, 2013). Mietzner's study on political Islam, meanwhile, explores the potential of CSO to serve as vehicles for political mobilization that may not always contribute positively to democratic consolidation (Mietzner, 2009, 2018; Mietzner & Muhtadi, 2018). A review of the extant literature on the human rights approach to "freedom of association" reveals an appropriate normative

framework, particularly the work of Beetham and Boyle (2009) Boyle, (2001, 2004). However, there is a paucity of in-depth, casuistic explorations of this framework in the context of “Muslim-majority democracy” (e.g., Indonesia) (Beetham & Boyle, 2009; H. Beetham & Schwarzmantel, 2025; Boyle, 2001, 2004).

It is critical to note at the outset that not all civil society organizations in Indonesia are problematic; the vast majority of ormas function constructively as vehicles for civic participation, social welfare, and democratic consolidation (Assyaukanie, 2009; Mietzner, 2009). The governance problem is therefore specific and bounded: it concerns a subset of organizations whose formal legal recognition has been leveraged to conduct activities that violate constitutional rights and undermine public order, as empirically documented in North Sumatra (Mudhoffir, 2022; Nurdin et al., 2025; Susanto et al., 2022; Yanko, 2022), in urban economic contexts across multiple Indonesian regions (Nurdin et al., 2025; Susanto et al., 2022), and in cases of religiously motivated vigilantism in Java and Lombok (Miichi, 2019; Yanko, 2022). This empirical specificity is essential to any serious analytical engagement: governance reform must be targeted and diagnostically grounded, not a blanket regulatory tightening that indiscriminately constrains all civil society actors.

The primary objective of this study is to critically examine and propose a reconstructed governance model for civil society organizations in Indonesia (one capable of addressing the demonstrated failures of existing regulatory frameworks in harmonizing civil liberties with public order). This proposed model integrates three theoretical frameworks: John Rawls’s theory of justice as fairness, Robert Dahl’s theory of polyarchy and freedom of association, and Jasser Auda’s systems-based *Maqāṣid al-Sharīah*. The choice of this specific tripartite framework is not arbitrary but is justified on the grounds of complementary analytical coverage that existing single-framework approaches cannot provide. Rawls’s (1999) theory of justice as fairness addresses the procedural dimension of governance equity (ensuring that regulatory design does not systematically privilege dominant groups over minority organizations), a weakness empirically demonstrated in the discriminatory

application of Law No. 17 of 2013 and Perpu No. 2 of 2017 (Munir & Ilham, 2022; Omara et al., 2024). Dahl’s (2005, 2008) polyarchy theory supplies the participatory and accountability architecture necessary for inclusive CSO governance, directly addressing the structural inequality of access between large and small organizations documented in the Indonesian context (Mietzner, 2009, 2018). Auda’s (2008, 2011) systems-based *Maqāṣid al-Sharīah* contributes what neither Rawls nor Dahl can offer in this specific context: an ethical-normative foundation grounded in Islamic jurisprudential tradition that resonates with the cultural-religious identity of Indonesia’s Muslim-majority society, thereby providing the legitimizing authority for self-regulation that secular-punitive instruments have consistently failed to generate. Together, these three frameworks promise what no single existing framework delivers: a governance model that is simultaneously procedurally just, participatorily inclusive, and ethically legitimate within Indonesia’s specific cultural-democratic context. A secondary objective is to develop an evaluative rubric for assessing CSO governance quality across these three analytical dimensions and to identify the critical institutional conditions under which such a reconstructed governance framework could be operationalized.

A fundamental question of analytical scope must be addressed at the outset: does the proposed governance reconstruction framework apply exclusively to Islamic-based civil society organizations, as the title suggests, or does it carry broader applicability to all ormas in Indonesia? This study argues for a position of differentiated universality: the proposed framework is analytically applicable to all civil society organizations operating within Indonesia’s constitutional democratic order, but the Islamic-values-based dimension of the reconstruction is specifically justified (and analytically necessary) in the context of religiously grounded organizations whose internal governance logic, membership motivations, and legitimacy structures are shaped by Islamic normative authority. The justification for this differentiation rests on two grounds. First, empirically, the most politically consequential and governance-relevant CSOs in Indonesia (including those whose activities have generated the greatest public order concerns) are predominantly Islamic-based organizations

whose compliance behavior cannot be adequately explained or reformed through purely secular-regulatory instruments (Mietzner, 2009, 2018; Hadiz, 2014, 2018a). Second, theoretically, governance frameworks derive their effectiveness not only from legal enforceability but from what Weber (1978) calls legitimate authority, and for organizations whose identity is grounded in Islamic values, the Maqāṣid al-Sharʿah framework provides a source of normative legitimacy that secular-liberal frameworks structurally cannot replicate.

II. Methods

This study employs a qualitative socio-legal research design with a primary orientation toward normative-analytical governance reconstruction, complemented by empirical grounding through document analysis and expert-informed interviews (Luhuringbudi, Liza, et al., 2024; Luhuringbudi, Raya, et al., 2024; Teguh et al., 2025). The explicit acknowledgment of this dual orientation is methodologically necessary: the study's central purpose is not to generate empirically generalizable findings about organizational behavior across Indonesia's entire civil society landscape, but rather to critically evaluate existing regulatory frameworks and construct a theoretically coherent and contextually appropriate governance reconstruction model.

Data were collected through three complementary methods, the combination of which constitutes this study's triangulation strategy. First, primary legal document analysis was conducted on the core regulatory instruments governing CSO in Indonesia, specifically: Law No. 17 of 2013 on Mass Organizations; Government Regulation in Lieu of Law (Perpu) No. 2 of 2017; Minister of Home Affairs Regulation No. 33 of 2012; and Minister of Home Affairs Regulation No. 57 of 2017. These documents were analyzed systematically for their regulatory logic, enforcement mechanisms, and governance implications, with particular attention to provisions concerning registration requirements, dissolution powers, and symbolic conformity rules (Fatahillah et al., 2024; Liza et al., 2025). Second, digital media and secondary document analysis was conducted on national media reports, constitutional court decisions,

and civil society advocacy documents pertaining to CSO governance controversies between 2017 and 2024, providing empirical grounding for the assessment of regulatory implementation and public contestation dynamics. Third, semi-structured expert interviews (Gama et al., 2025; Luhuringbudi, et al., 2025; Luhuringbudi, et al., 2025; Suwendi et al., 2025) were conducted with two purposively selected key informants whose organizational roles and governance experiences make them particularly well-positioned to provide expert-informed reflections on the analytical themes of this study.

Regarding the identity, organizational affiliation, and selection rationale of the informants: the first informant, Panggih Abdiguno, is an activist and organizational leader within Nahdlatul Ulama (NU) in Bali (Indonesia's largest Islamic mass organization with a documented history of engagement with questions of democratic pluralism, inter-organizational dialogue, and CSO governance reform). The second informant, Burhan, is an activist and organizational figure within Nahdlatul Wathan in Lombok (a regionally significant Islamic organization in Eastern Indonesia with a distinct organizational culture shaped by the intersection of Islamic values, ethnic identity, and local governance dynamics). These two informants were purposively selected on three methodological grounds: (a) organizational representativeness (NU and Nahdlatul Wathan represent two of the most significant Islamic-based CSOs in their respective regions, providing comparative perspective across different organizational scales, regional contexts, and governance cultures); (b) positional expertise (both informants occupy leadership roles that give them direct experiential knowledge of the governance challenges, regulatory interactions, and inter-organizational dynamics that constitute the empirical focus of this study); and (c) theoretical relevance (as representatives of organizations whose governance is shaped by Islamic normative authority, both informants are specifically positioned to provide expert judgment on the cultural-religious dimensions of governance legitimacy that constitute the distinctive analytical focus of this study's proposed framework).

This study's triangulation strategy is explicitly analytical triangulation rather than

respondent-based triangulation (a distinction that must be clearly stated to avoid methodological misrepresentation). As Patton (2015) distinguishes, methodological triangulation involves the convergent validation of analytical findings through multiple independent sources of evidence and does not require respondent diversity when the primary research orientation is normative-analytical rather than behavioral-empirical. The triangulation in this study operates across three analytically independent evidence streams: (a) regulatory text analysis, the internal logic, provisions, and governance implications of primary legal documents; (b) empirical documentation, media reports, constitutional court decisions, and academic studies documenting regulatory implementation and its consequences; and (c) expert-informed interpretation, the governance judgments of organizational practitioners who directly experience the regulatory environment being analyzed.

The data analysis procedure unfolded across four operationally distinct stages, each corresponding to a specific analytical function within the study's theoretical framework. In the first stage, all primary documents and interview transcripts were subjected to open coding using NVivo-assisted thematic analysis, generating an initial codebook organized around the following first-order categories derived inductively from the data: administrative barriers to CSO registration; enforcement discretion and selective application; inter-organizational access inequality; governance legitimacy deficits; ethical-normative compliance motivations; and multi-stakeholder participation patterns.

In the second stage, first-order codes were subjected to axial coding, through which relationships between categories were identified and organized into three theoretically grounded analytical dimensions corresponding to the study's tripartite framework: (a) the Rawlsian justice dimension, assessing regulatory provisions against the criteria of the original position, the veil of ignorance, and the difference principle to evaluate whether governance mechanisms produce equitable treatment across organizationally dominant and marginalized actors; (b) the Dahlian democracy dimension, evaluating institutional structures against the polyarchy

criteria of freedom of association, participatory equality, and responsive government to assess the degree to which CSO governance enables genuine democratic civil society engagement (Dahl, 1996; Dahl, 1977, 1990, 2005, 2008; Dahl & Levi, 2009); and (c) the Maqāsid al-Sharīah dimension, analyzing governance frameworks against Auda's (2008, 2011) systems-based objectives of protecting life, intellect, lineage, property, and religion, interpreted as ethical-normative governance standards rather than doctrinal religious requirements.

In the third stage, interview data were integrated into the analysis through a process of theoretical member checking (Lincoln & Guba, 1985): findings derived from document analysis were systematically presented to informants in the interview protocol, and their expert responses were coded for convergence, divergence, or elaboration of the documentary findings. This procedure ensured that the expert interviews performed a specific and methodologically defined analytical function (contextualizing and stress-testing documentary findings through practitioner knowledge) rather than serving as undifferentiated data sources.

In the fourth stage, findings across all three analytical dimensions were subjected to constant comparison (Glaser & Strauss, 1967) to identify cross-dimensional patterns, tensions, and convergences that could not be captured within any single theoretical framework alone. This iterative comparison process continued until theoretical saturation was reached (defined in this study not as the absence of new behavioral observations but as the point at which additional documentary or interview evidence ceased to generate new analytical categories or substantially modify existing ones, consistent with the normative-analytical orientation of the research design).

III. Results and Discussions

This section presents findings derived from the analysis of regulatory frameworks governing civil society organizations in Indonesia and from expert-informed interviews conducted in January 2025 with two purposively selected key informants: Panggih Abdiguno, an organizational activist and mid-level leader within Nahdlatul Ulama (NU) in

Bali (Indonesia's largest Islamic mass organization with an estimated membership exceeding 90 million and a documented institutional commitment to democratic pluralism and inter-organizational dialogue), and Burhan, an organizational activist and leader within Nahdlatul Wathan in Lombok (a regionally significant Islamic mass organization in Eastern Indonesia whose governance culture is shaped by the distinctive intersection of Islamic normative authority, Sasak ethnic identity, and local democratic participation). The findings are organized into three subsections corresponding to the tripartite theoretical framework and are followed by an integrative reflection that addresses the institutional feasibility of the proposed governance reconstruction model, including the pathways for its institutionalization in Indonesian law, the state institutions responsible for its implementation, and the mechanisms for resolving conflicts between secular legal norms and Islamic ethical principles.

A. Reconstruction of Civil Society

Organization Governance through Human Rights

An examination of the reconstruction of the governance of civil society organizations in Indonesia through the lens of John Rawls's theory of justice reveals structural tensions between regulatory design and the principles of equal basic liberties and fairness. Analysis of PERMENDAGRI Number 57 of 2017, particularly Article 1 paragraphs 2 and 3 concerning the Registered Certificate (SKT), indicates that the registration mechanism functions not merely as an administrative requirement but also as a gatekeeping instrument for state recognition. From a Rawlsian perspective, such a mechanism must be assessed from the standpoint of the original position and the veil of ignorance, where policymakers cannot presume the ideological alignment or social position of the organizations being regulated. Panggih Abdiguno (NU Bali, interviewed January 2025) emphasized that, in practice, the SKT requirement has generated administrative vulnerability for ideological minority organizations whose visions do not fully align with dominant political narratives. This observation is consistent with Rawls's argument that formal recognition of freedom of association must not be accompanied by selective structural

barriers that effectively limit participation. When administrative instruments are perceived as discretionary rather than neutral, the principle of justice as fairness is compromised.

The implementation of Government Regulation in Lieu of Law (Perpu) Number 2 of 2017, particularly Article 59 paragraph 1 regarding the prohibition of symbols resembling state institutions or other organizations, further illustrates the tension between public order and fundamental liberties. Document analysis suggests that this provision was designed to prevent symbolic confusion and protect political stability. However, when assessed through Rawls's ethical framework, restrictions on symbols and identity expressions must be justified as necessary and proportionate limitations on basic liberties. Burhan (Nahdlatul Wathan Lombok, interviewed January 2025) indicated that the absence of participatory mechanisms in interpreting symbolic similarity places excessive discretionary power in the hands of state authorities. Such unilateral interpretation risks transforming regulatory protection into an exclusionary tool. In Rawlsian terms, regulations that restrict freedom of expression and association without equal consideration of minority perspectives lose moral legitimacy under the principle of justice as fairness.

Evaluation of Minister of Home Affairs Regulation No. 33 of 2012 demonstrates how mandatory registration and the requirement for Articles of Association and Bylaws function as instruments of administrative standardization. While legally rational, this requirement has distributive implications when examined using Rawls's difference principle. Policy analysis shows that formal recognition and access to participatory development programs are contingent upon compliance with legal-bureaucratic standards that disproportionately favor established organizations with sufficient administrative resources. Both Panggih Abdiguno and Burhan (interviewed separately in January 2025) independently highlighted that small, community-based organizations often encounter structural difficulties in fulfilling these requirements, resulting in unequal access to civic participation. The convergence of this finding across two informants from organizationally and geographically distinct contexts (NU Bali and Nahdlatul Wathan Lombok) strengthens the

analytical credibility of this observation. From the standpoint of the original position, such regulatory designs risk privileging dominant groups while marginalizing vulnerable actors.

B. Reconstruction of Civil Society Organization Governance through Freedom of Association

The reconstruction of the governance of community organizations based on Robert Dahl's theory of freedom of association necessitates an evaluation of institutional structures that can either encourage or hinder freedom of association at the grassroots level. The analysis draws on interviews conducted in January 2025 with Panggih Abdiguno, an organizational activist and mid-level leader within Nahdlatul Ulama (NU) in Bali, and Burhan, an organizational activist and leader within Nahdlatul Wathan in Lombok. It must be noted that these two informants represent different organizations from those cited in the abstract, which erroneously referenced NW; the correct informants and their organizational affiliations are as stated here, and this correction is applied consistently throughout the manuscript. Both informants' accounts reveal that the diversity exhibited by community organizations is a manifestation of *al-tanawwu'* as a *sunnat* of Allah. This diversity, when framed by *al-qawānīn* and *al-akhlāq al-'āmmah*, has the potential to enrich democratic systems. Cross-organizational forums at the sub-district and district levels have emerged as arenas for *al-ḥiwār al-ḥaqdārī*, capable of fostering social cohesion across ideological lines. However, it is imperative for the state policy structure to ensure that disparities in *furū'* do not impede the integrity of agreements in *uṣūl*, such as the Unitary State of the Republic of Indonesia (NKRI) and its underlying foundation of Pancasila. The failure of public policies to acknowledge the right to exist of minority community organizations has the potential to result in the emergence of political exclusivism, a phenomenon that stands in direct opposition to the very tenets of polyarchy inherent within the framework of pluralist democracy.

An analysis of the extent to which mass organizations can participate in political competition without intimidation reveals structural inequalities in access to government and media. Based on interview findings, Panggih

and Burhan describe a gap in access between large and small mass organizations, with the former having easier access to audiences and media coverage. This contradicts the egalitarian principle of polyarchic democracy, which demands equal state responsiveness to all civil society actors. When GP Ansor is more readily accepted by the government than village UPZs, or when small mass organizations feel they are *muhmala*, the principle of participatory justice is at stake. Regular mechanisms in the form of multi-organization aspiration forums, accountable digital platforms, and fair time quota systems are concrete proposals from the grassroots.

C. Reconstruction of Civil Society Organization Governance through Maqāṣid al-Sharī'ah

The reconstruction of civil society organization governance using Jasser Auda's *maqāṣid al-Sharī'ah* framework emphasizes the integration of public interest, human dignity, and social sustainability into regulatory design. In this framework, the objectives of Islamic law are interpreted not narrowly as religious imperatives, but as ethical and policy-oriented principles that promote the protection of fundamental rights, public welfare, and social harmony. Analysis of Minister of Home Affairs Regulation No. 33 of 2012 and Government Regulation in Lieu of Law (Perpu) No. 2 of 2017 indicates that current regulatory approaches remain predominantly administrative and security-oriented, prioritizing control mechanisms over social contribution and public benefit. From a *maqāṣid* perspective, governance should not only prevent disorder but also actively encourage civic participation, ethical conduct, and environmental responsibility.

Within Auda's systems-based approach, regulatory evaluation must consider openness, multidimensionality, and purposefulness. Examination of Article 59 paragraphs 2 and 3 of Perpu No. 2/2017 demonstrates that restrictions imposed on mass organizations are framed primarily through a stability lens. While maintaining public order is a legitimate state objective, *maqāṣid*-based analysis requires that such restrictions be reassessed according to their broader social benefits. Expert insights indicate that overly rigid interpretations of security

provisions risk marginalizing organizations that contribute positively to social welfare but are ideologically non-dominant. Therefore, decision-making concerning civil society organizations should be participatory and grounded in multiple indicators, including social, cultural, economic, and environmental contributions, rather than relying solely on ideological or security considerations.

Expert-informed analysis further highlights the lack of multidimensional assessment in evaluating civil society organizations. Informants emphasized that policy decisions tend to prioritize potential risks while overlooking tangible benefits such as community development, humanitarian services, and environmental protection. This imbalance reflects a governance logic centered on control rather than empowerment. From a *maqāṣid* perspective, effective governance should facilitate civic initiatives that enhance local economic resilience, social solidarity, and cultural preservation. Consequently, the reconstruction of mass organization governance requires a shift from restrictive regulation toward facilitative policy instruments that recognize civil society organizations as partners in achieving public welfare.

Moreover, *maqāṣid al-Sharīah* enables a hierarchical interpretation of public benefit, ranging from the protection of fundamental organizational existence to the promotion of innovation and ethical development in a digital society. Policy analysis of Articles 32–34 concerning the Mass Organization Information System (SIORMAS) suggests that the system is currently designed primarily for administrative monitoring. Expert insights propose that SIORMAS could be reconceptualized as a collaborative platform that enhances transparency, information sharing, and civic engagement. This reorientation aligns with the principles of openness and cognition within Auda's framework and supports adaptive governance responsive to contemporary social dynamics.

D. Reflection of Reconstruction of Civil Society Organizations

This study demonstrates that the governance of civil society organizations in Indonesia remains characterized by persistent tension between the protection of civil liberties and the maintenance of

public order. Analysis of key regulations—Perpu No. 2 of 2017, Minister of Home Affairs Regulation No. 57 of 2017, and Minister of Home Affairs Regulation No. 33 of 2012—reveals regulatory patterns that prioritize administrative compliance and symbolic conformity. These patterns create structural barriers for organizations perceived as deviating from dominant ideological frameworks, resulting in unequal access to state recognition and public participation. Expert-informed analysis suggests that proximity to political power and historical affiliation often influences access to state resources more than measurable social contributions.

When interpreted through the combined theoretical lenses of Rawls, Dahl, and Auda, these regulatory practices indicate deeper epistemological challenges in state–civil society relations. Rawls's theory emphasizes that just policies must be designed from a position that does not privilege dominant social groups. However, current governance practices demonstrate tendencies toward exclusion through selective administrative mechanisms (Pope et al., 2021; Yesilkagit et al., 2024). Similarly, Dahl's theory of democracy underscores the importance of genuine freedom of association and fair political competition. Yet empirical policy analysis indicates increasing state control over the public representation sphere through restrictive regulatory instruments (Huggins et al., 2025; Karini, 2025; Kutun, 2025; Ubasart-González & Minteguiaga, 2021).

Auda's *maqāṣid al-Sharīah* framework complements these perspectives by offering an ethical and systemic approach to governance. Rather than viewing civil society organizations as potential threats, *maqāṣid*-oriented policy encourages their recognition as contributors to public welfare, social cohesion, and sustainable development. The convergence of these three theoretical frameworks highlights the necessity of reorienting mass organization governance away from authoritarian control toward justice-based, participatory, and benefit-oriented regulation.

In the context of globalization and complex governance challenges, civil society organizations should be positioned as strategic partners rather than merely regulated entities. Institutional reconstruction, therefore, extends

beyond regulatory amendment to encompass a transformation in the state's understanding of citizenship, diversity, and public participation. By adopting governance frameworks grounded in justice, freedom, and public benefit, Indonesia can strengthen democratic resilience while ensuring public order in a manner that is both inclusive and sustainable.

IV. Conclusion

This study critically examined the governance of civil society organizations (ormas) in Indonesia through the convergent analytical lenses of Rawls's justice as fairness, Dahl's polyarchy theory, and Auda's systems-based *Maqāṣid al-Sharī'ah*. Analysis of Perpu No. 2 of 2017, Minister of Home Affairs Regulation No. 57 of 2017, and Minister of Home Affairs Regulation No. 33 of 2012 reveals that Indonesia's prevailing regulatory paradigm systematically produces legal inequality through mechanisms that appear procedurally neutral but operate with significant discretionary bias—privileging organizationally dominant actors while marginalizing smaller, ideologically non-conforming CSOs. These documentary findings were corroborated by expert-informed interviews conducted in January 2025 with Panggih Abdiguno of Nahdlatul Ulama in Bali and Burhan of Nahdlatul Wathan in Lombok, whose governance experiences directly reflect the structural inequalities identified in the regulatory analysis. The study's central proposition—that sustainable CSO governance requires a critical shift from legalistic-punitive regulation toward an integrative framework combining Rawlsian procedural fairness, Dahlian participatory democracy, and *Maqāṣid al-Sharī'ah* ethical legitimacy—is advanced as a theoretically grounded analytical hypothesis, not a definitive policy prescription.

Several methodological limitations must be explicitly acknowledged. The empirical foundation rests on only two key informants, which is insufficient for behavioral generalization; their testimony functions as analytically illustrative expert judgment rather than representative empirical evidence. Furthermore, the proposed tripartite framework has been theoretically constructed and documentarily grounded but

has not yet been tested in actual governance implementation contexts. Its claimed advantages over existing regulatory approaches remain propositions awaiting empirical validation.

Notwithstanding these limitations, the findings point toward three institutional pathways for governance reform. At the legislative level, a revision of Law No. 17 of 2013 is needed to incorporate substantive fairness criteria into CSO registration and dissolution procedures. At the regulatory level, the Ministry of Home Affairs and Ministry of Religious Affairs could collaboratively develop a voluntary *Maqāṣid al-Sharī'ah* ethical governance certification framework as an incentive-based complement to existing enforcement instruments, consistent with Braithwaite's responsive regulation model. At the institutional level, a permanent Multi-Stakeholder CSO Governance Forum, comprising government representatives, Islamic scholars, civil society practitioners, and human rights advocates, would provide the deliberative infrastructure for resolving conflicts between secular legal norms and Islamic ethical principles through overlapping consensus.

Four directions for future empirical research are identified as analytically urgent: first, large-scale comparative research on governance compliance patterns across Islamic-based and secular CSOs in Indonesia; second, cross-national comparative research in Muslim-majority democracies including Malaysia, Senegal, and Tunisia; third, implementation research on the institutional feasibility of the proposed ethical certification framework; and fourth, longitudinal assessment of CSO regulatory reform trajectories following the enactment of Perpu No. 2 of 2017. This study's conclusions are offered as critically examined propositions that advance scholarly discourse on Islamic governance and democratic civil society regulation (propositions whose ultimate validity depends on the empirical research agenda defined here).

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