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Reforming Indonesia's Mass Organization Disbandment Regulation: Balancing Public Order and Freedom of Association

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Abstract: Indonesia has experienced a shift in the legal politics of mass organization disbandment, from a regime with stronger due process protections to one with more limited procedural safeguards that prioritizes the government's need to act swiftly in the interests of national security and public order. Moving beyond existing diagnostic critiques, this research analyzes weaknesses in the current Mass Organizations Law and proposes an actionable reform framework to balance the government's legitimate interest in maintaining public order with the right to freedom of association. Employing a normative legal method that integrates statutory, case, and conceptual approaches, this research identifies three structural defects: the removal of prior judicial authorization, the simplification of procedures for imposing administrative sanctions, and ambiguity surrounding vicarious liability for criminal offenses committed by individuals. To address these gaps and remedy the regression in Constitutional Court jurisprudence on due process, this research proposes a three-pronged reform framework: reinstating prior judicial authorization through a speedy trial mechanism modeled on existing sectoral laws, establishing clear temporal limits on administrative suspensions, and defining statutory criteria for attribution under vicarious liability. These reforms provide an actionable, rights-based framework that strengthens legal certainty and due process while preserving the government's legitimate interest in maintaining public order.

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I. Introduction

Mass organizations (*organisasi kemasyarakatan*) have become deeply embedded in Indonesian public life. The democratic transition during the Reform era allowed these organizations to flourish after 32 years of authoritarian rule under the Suharto regime (Rikza, 2020, pp. 178–179). Many, including Islamist and nationalist groups, have amassed significant political influence and forged strong ties with political elites (Kuswana et al., 2025, pp. 352–357; Malasan, 2019, pp. 57–58; Wilson, 2022, pp. 111–112). However, their existence remains fraught with controversy. Extortion, illegal raids, and racketeering have frequently been associated with mass organizations, generating widespread public discontent and creating friction in Indonesia's investment climate due to security concerns (Krisdamarjati, 2025; Nugraheny & Ika, 2025; Purwadi et al., 2018, pp. 111–112).

While the government initially responded through joint task forces and targeted arrests of individual members, these actions rarely resulted in the disbandment of the organizations themselves due to a lack of institutional accountability (Al Hikam, 2025; Bakker, 2016, p. 264; Setiawanty, 2025). This landscape shifted, however, when the government sought to disband Hizb ut-Tahrir Indonesia (HTI), a pan-Islamist organization advocating for an Islamic caliphate (khilafah Islamiyah), following massive political protests in Jakarta (Arifianto, 2020, pp. 45–46; Kayane, 2022, p. 13).

To expedite HTI's disbandment, former President Joko Widodo enacted Government Regulation in Lieu of Law Number 2 of 2017 (hereinafter the Perppu), which was later enacted into Law Number 16 of 2017 (hereinafter the Mass Organizations Law). This legislation repealed the requirement for prior judicial authorization in the disbandment of mass organizations (Mietzner, 2025, p. 8; Warburton & Aspinall, 2018, p. 261). While the Constitutional Court subsequently upheld this amendment as constitutional, scholars view the removal of prior judicial authorization as a symptom of democratic backsliding and the erosion of due process (Baidhowah, 2021, p. 125; Marfiando, 2020, pp. 96–97; Shimada, 2024, pp. 273–274).

This shift highlights a tension between the need to maintain public order and the protection of freedom of association. Under Articles 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) and Article 28E paragraph (3) of the 1945 Constitution, the state has an affirmative obligation to protect freedom of association (Chaney, 2023, pp. 218–219; Spadaro, 2020, pp. 320–321). Conversely, Article 28J paragraph (2) of the 1945 Constitution allows the state to limit this right to maintain public order, provided that these restrictions are necessary, least restrictive, and proportionate (Buyse, 2018, p. 980; Hamilton, 2020, pp. 14–15).

Previous studies have examined this tension from both global and domestic perspectives. Globally, a growing body of research documents a systemic “squeezing” of civic space, whereby states increasingly employ legal and administrative tools, such as anti-NGO laws and strict financial controls, under the guise of national security and public order (Anheier, 2018; Buyse, 2018; Chaney, 2023). Domestically, previous studies have examined changes to the legal framework governing the disbandment of mass organizations. For instance, Aisy et al. (2024) explored the legal-political relations underlying the enactment of the Perppu, while Taufik (2018) analyzed the application of the proportionality test to restrictions on HTI's freedom of assembly.

Despite these studies, a significant research gap remains. While previous studies have provided valuable insights into the Mass Organizations Law, they remain largely diagnostic. Specifically, these studies focus on retrospective constitutional justifications or political motives without offering concrete reform proposals to address the normative problems they identify.

This study fills that gap by moving beyond institutional critique to offer actionable, rights-based reform proposals that accommodate the need to maintain public order. Specifically, this research proposes a three-pronged amendment framework for the Mass Organizations Law: (1) restoring prior judicial authorization by establishing a speedy trial mechanism modeled on existing sectoral laws; (2) reinstating and refining temporal limitations on administrative suspensions; and (3) establishing clear statutory criteria for vicarious liability to determine when offenses committed by members of mass

organizations may be used to justify their disbandment. By conducting an in-depth analysis of the current regulatory framework and relevant precedents concerning due process and mass organizations, this study provides viable reform proposals to ensure legal certainty and adequate due process while simultaneously empowering the government to maintain public order.

II. Methods

This study adopts a qualitative methodology within a normative legal framework, employing statutory, case, and conceptual approaches (Marzuki, 2017, p. 133). The statutory approach is used to analyze the relevant regulations governing the disbandment of mass organizations in Indonesia, with a focus on the Mass Organizations Law (Marzuki, 2017, pp. 133–134).

The case approach is used to analyze Constitutional Court decisions selected based on their relevance to the regulation of mass organizations and the development of due process standards (Marzuki, 2017, p. 134). Specifically, Decision Number 2/PUU-XVI/2018 was selected because it directly reviewed the disbandment mechanism under the Mass Organizations Law, while Decision Number 6-13-20/PUU-VIII/2010 was included because it established a foundational due process precedent relevant to freedom of association.

Lastly, the conceptual approach is used to elaborate and analyze the concept of the right to freedom of association and the limits on its derogation (Marzuki, 2017, pp. 135–136). Secondary data, consisting of primary legal materials (the 1945 Constitution and the Mass Organizations Law) and secondary legal materials (books and journal articles), were collected through a comprehensive literature and document review (Ali, 2019, pp. 47–53). To ensure analytical rigor within the normative framework, this study systematically cross-references primary legal materials with secondary legal materials to ensure logical consistency and jurisprudential coherence. The systematized legal materials are then processed and analyzed descriptively and qualitatively to answer the research questions (Soekanto, 2009, pp. 13–14).

III. Results and Discussions

A. Existing Regulatory Framework on the Disbandment of Mass Organizations and Its Limitations

The procedural framework for the disbandment of mass organizations is currently regulated by the Mass Organizations Law. Article 60 of the Mass Organizations Law authorizes the government to impose administrative sanctions on mass organizations that violate the provisions of Articles 21, 51, and 59 (Izhharulhaq et al., 2020, p. 429; Saifulloh, 2018, p. 143). These articles respectively regulate the obligations and prohibitions imposed on mass organizations. Some of the prohibitions applicable to mass organizations, as regulated in Article 59 paragraph (3) of the Mass Organizations Law, include (Saifulloh, 2018, pp. 143–144): (a) committing acts of hostility toward tribes, religions, races, or groups; (b) committing misuse, defamation, or desecration against the religion adhered to in Indonesia; (c) committing acts of violence, disturbing public peace and order, or destroying public and social facilities; and/or (d) carrying out activities that fall within the duties and authorities of law enforcement officials under the applicable laws and regulations. However, by employing expansive and arguably subjective language to define these offenses, the article grants the executive sweeping discretionary power. Furthermore, the article lays the groundwork for executive overreach, as the government alone is empowered to interpret what constitutes a “disturbance” or “hostility” without the initial check provided by prior judicial authorization.

The subjects of the norms under Articles 21, 51, and 59 are “mass organizations.” This means that the offense must be committed by a mass organization as a legal entity for sanctions to be imposed. However, the Mass Organizations Law is silent regarding the extent of a mass organization’s vicarious liability for offenses committed by its members. Specifically, it is unclear whether a criminal offense committed under Article 82A of the Mass Organizations Law could constitute a violation by the mass organization as a legal entity.

Article 60 paragraph (2) expressly states that any mass organization that violates Article

52 and Article 59 paragraphs (3) and (4) may be subject to criminal sanctions. However, the subject of the norm in Article 82A is “[a]ny person who is a member and/or administrator of a Community Organization ...,” which indicates that mass organizations cannot be held criminally liable as legal entities. This is further reinforced by the fact that the criminal sanction prescribed under Article 82A is imprisonment, which can only be imposed on a natural person (*natuurlijke persoon*) (Aisy et al., 2024, p. 276).

The Constitutional Court, in Decision Number 2/PUU-XVI/2018, which reviewed the constitutionality of Article 82A, did not clarify whether criminal offenses committed by members of mass organizations could be used as a basis for imposing administrative sanctions. Even if the answer is yes, complexities may arise because there are no prohibitions against membership in multiple mass organizations.

This ambiguity raises questions about when and under what circumstances a mass organization may be held liable for the actions of its members. The absence of clear statutory criteria exacerbates the risk of executive overreach by allowing the government to arbitrarily attribute an offense committed by a member to the entire organization. Without a requirement to prove institutional endorsement before a judge, the executive may employ “guilt by association” to unilaterally dissolve mass organizations it deems unfavorable. Moreover, this ambiguity may leave the state administrative courts without clear standards for reviewing the imposition of administrative sanctions.

Article 61 provides for three types of administrative sanctions that may be imposed by the government: (a) written warning; (b) temporary suspension of activities; and/or (c) revocation of the registered certificate or legal entity status, followed by a formal declaration of the mass organization’s disbandment. The imposition of these administrative sanctions is carried out in stages. Hence, a violation does not automatically result in disbandment. However, following the 2017 amendment to the Mass Organizations Law, the lawmakers simplified the process for imposing administrative sanctions (Aisy et al., 2024, pp. 275–276).

First, regarding written warnings, the amendment to Article 62 of the Mass Organizations Law specifies that a written warning is imposed only once, which indicates that noncompliance may be followed directly by the temporary suspension of activities. Prior to the amendment, a written warning had to be issued three times before the cessation of assistance and/or grants and the temporary suspension of activities. In the case of a national mass organization, the government was also required to seek legal advice from the Supreme Court before imposing a temporary suspension of activities. The removal of these institutional checks expedites punitive executive action against mass organizations.

Second, the amendment removed temporal constraints on the imposition of the suspension of activities sanction. For example, Article 66 of the Mass Organizations Law, which previously limited the suspension sanction to a maximum of six months, was removed by the amendment. Consequently, the sanction may now be imposed indefinitely. The only recourse available to a mass organization is through administrative remedies under Law Number 30 of 2014 on Government Administration, with the state administrative courts serving as the forum of last resort (Abrianto & Sugiharto, 2018, pp. 40–42; Latifah, 2020, p. 86).

Third, the revocation of the registered certificate and legal entity status is carried out without prior judicial authorization (Susanto et al., 2025, pp. 597–598). Prior to the amendment, the revocation had to be authorized by a court based on a legally binding court decision. Following the amendment, the government no longer needs to go through an adjudication process, and the revocation may take effect immediately (Hilmy, 2020, pp. 138–139). This shift represents a loss of judicial control over executive action. Specifically, the court’s role has shifted from an *ex ante* check to a mere *ex post* forum for administrative appeals. In practice, the government now acts as accuser, adjudicator, and executioner.

To fully understand the significance of this shift, it is essential to examine how global trends concerning civil society organizations (CSOs) apply to the Indonesian context. Under the Mass Organizations Law, the statutory category of mass organizations is broad

enough to encompass common CSO structures. Specifically, a mass organization can legally be established as a foundation (Winata, 2018, p. 451). Furthermore, although mass organizations are commonly associated with grassroots movements, they are not strictly defined by mass membership (Winata, 2018, p. 451). The law explicitly allows them to be non-member-based, particularly when incorporated as foundations (Winata, 2018, p. 451). Because Indonesia's legal framework for mass organizations encompasses forms commonly associated with civil society organizations (CSOs), global findings on the "shrinking civic space" for CSOs are relevant to understanding the regulatory challenges facing mass organizations in Indonesia (Buyse, 2018, pp. 969–974; Chaney, 2023, pp. 207–209). The global trend of states weaponizing administrative laws to circumvent judicial scrutiny and exert unilateral control over CSOs mirrors Indonesia's framework for the disbandment of mass organizations.

While this post-amendment framework gives the government greater latitude to impose administrative sanctions immediately, it disrupts the separation of powers by allowing the government to operate with fewer *ex ante* checks. This may result in a chilling effect on mass organizations, thus deterring any potential violations (Buyse, 2018, p. 982; Nawiruddin & Maulana, 2025, pp. 124–125; Penney, 2022, pp. 1503–1506). However, mass organizations whose registered certificates or legal entity statuses have been revoked face a long and complex legal battle. This is further complicated by the greater procedural barriers plaintiffs face in proceedings before the state administrative courts (Barokah & Erliyana, 2021, pp. 951–952).

According to the Constitutional Court in Decision Number 2/PUU-XVI/2018, the change in the court's role in the disbandment process does not raise due process concerns. The Constitutional Court held that the bare minimum of due process is that governmental action must be subject to judicial review, regardless of whether the court's role is placed at an early stage or as the final forum in the disbandment process. The Constitutional Court further affirmed that the government has a constitutional duty to act swiftly in cases of emergency or threats to national security. This is made possible by the current regulatory

framework, which is comparatively simpler than the previous framework.

These reduced procedural safeguards embody a particularly significant shift in the legal politics of the right to freedom of association in Indonesia (Latifah, 2020, p. 84). These shifts are arguably understandable in the wake of the disbandment of the pan-Islamist organization Hizb ut-Tahrir Indonesia (HTI) on national security grounds (Ma'mur et al., 2025, pp. 90–92). With democratic backsliding currently occurring in Indonesia, a recalibration is needed to provide legal certainty and adequate due process to mass organizations. However, this must be done while considering its implications for the government's ability to maintain public order in Indonesia.

B. Constitutional Framework on Limitations on the Right to Freedom of Association

The right to freedom of association is protected under several provisions of the 1945 Constitution of the Republic of Indonesia (hereinafter, the 1945 Constitution), as shown in Table 1.

Table 1. Constitutional Guarantees of the Right to Freedom of Association under the 1945 Constitution

Provisions	Text	Annotation
Art. 28	The freedom to associate and to assemble, to express thought verbally and in writing and else shall be stipulated by laws.	Not subject to amendment
Art. 28C par. (2)	Every person shall be entitled to self-advancement in the struggle of his/her rights collectively in order to develop the society, the nation, and his/her country.	2nd Amendment
Art. 28E par. (3)	Every person shall be entitled to freedom to associate, to assemble, and of expression.	2nd Amendment

Source: Processed by the author, 2025.

These provisions recognize and establish guarantees for the right to freedom of association in Indonesia (Sianipar et al., 2014, pp. 69–74). Moreover, Article 28I paragraph (4) imposes an obligation on the state, particularly the government, to protect, advance, enforce, and fulfill these human rights guarantees.

However, these guarantees do not constitute a blank check. Unlike the First Amendment to the United States Constitution, which explicitly provides that there shall be no law abridging “the right of the people peaceably to assemble,” the 1945 Constitution, which adopted the ICCPR with some modifications, allows limitations by law on the rights it guarantees (Buyse, 2018, pp. 980–981; Latifah, 2020, p. 93). Article 28J paragraph (2) of the 1945 Constitution specifies four grounds for the limitation of rights: (1) morality; (2) religious values; (3) security; and (4) public order.

In Decision Number 013/PUU/2003, the Constitutional Court stated that these limitations cannot apply to non-derogable rights as set forth in Article 28I of the 1945 Constitution (Latifah, 2020, p. 93) namely:

1. the right to life;
2. the right not to be tortured;
3. the right to freedom of thought and conscience;
4. the right to be recognized as a person before the law; and
5. the right not to be prosecuted under retroactive laws (ex post facto laws).

In other words, because the right to freedom of association is not listed among the non-derogable rights, it may be limited for the purposes stated in Article 28J paragraph (2) (Latifah, 2020, p. 93, Omara et al., 2024, p. 72; Pratama, 2021, p. 240).

The boundaries of permissible limitations on the right to freedom of association, however, remain unclear (Buyse, 2018, p. 981). While the Constitutional Court has reviewed various aspects of mass organizations in previous rulings, the only ruling that reviews the mass organization disbandment mechanism is Decision Number 2/PUU-XVI/2018.

In that decision, the Court held that all provisions under review were constitutional. However, the Court established a relatively lenient due process requirement by stating that mass organizations may be disbanded without prior judicial authorization, provided that the court retains a role in the disbandment process. This understanding of due process is inconsistent with the prior due process precedent established in Decision Number 6-13-20/PUU-VIII/2010, which reviewed the constitutionality of the Attorney General's authority to prohibit the circulation of printed materials (Firoza, 2019, p. 159).

The Constitutional Court held that the absence of prior judicial authorization before the Attorney General exercised the authority to ban the circulation of printed materials was unconstitutional. The Constitutional Court expressly stated that “[t]he act of seizing printed goods ... without going through the judicial process, constitutes an extra-judicial execution that is strongly opposed in a rule of law that demands due process of law.” Moreover, the Court also stated that “[t]he granting of authority to impose bans on something that constitutes a restriction of human rights without due process of law clearly does not fall within the meaning of limitation of freedom as referred to in Article 28J paragraph (2) of the 1945 Constitution.” In other words, Decision Number 6-13-20/PUU-VIII/2010 requires prior judicial authorization to ensure that any governmental action restricting human rights is carried out in accordance with the procedures and standards stipulated by law (Latifah, 2020, p. 98).

The reliance on post-disbandment judicial review under the current Mass Organizations Law is peculiar. The disbandment of other legal entities, such as limited liability companies and foundations, requires prior judicial authorization, as regulated, respectively, by Article 146 paragraph (1) letter a of Law Number 40 of 2007 on Limited Liability Companies, as amended by Law Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law, and Article 62 letter c number 1 of Law Number 16 of 2001 on Foundations, as amended by Law Number 28 of 2004 on the Amendment to Law Number 16 of 2001 on Foundations. Simply put, Decision Number 2/PUU-XVI/2018 is highly problematic as

it creates a double standard and a paradoxical legal landscape by subjecting mass organizations to a less stringent disbandment mechanism than those applicable to commercial legal entities and foundations. These disparities in disbandment procedures raise concerns regarding equal treatment and due process under Article 28D paragraph (1) of the 1945 Constitution.

C. Regulations on the Disbandment of Mass Organizations: Quo Vadis?

Based on the issues identified in the Mass Organizations Law, reform is necessary to recalibrate the asymmetrical balance between the need to maintain public order and the protection of freedom of association. There are at least three prospects for reform: 1) restoring prior judicial authorization through a speedy trial; 2) reinstating temporal limitations on sanctions to ensure fair notice and provide a clearer standard of review; and 3) clarifying the doctrine of vicarious liability by establishing strict criteria for using individual criminal offenses as a basis for administrative sanctions.

First, restoring prior judicial authorization through a speedy trial. The Constitutional Court's precedent in Decision Number 2/PUU-XVI/2018 should be treated not as an ideal procedural standard, but as the minimum due process required under the 1945 Constitution. From a rights-based perspective, the revocation of a mass organization's legal entity status effectively terminates the existence of the mass organization itself. Thus, allowing the government to revoke such status without prior judicial authorization violates procedural due process (Latifah, 2020, pp. 98–99; Winata, 2018, pp. 457–458). The argument that unilateral disbandment without prior judicial authorization is necessary to enable "swift" government action presents a false dichotomy between public order and freedom of association.

A middle ground exists, namely, reinstating prior judicial authorization through a speedy trial. As demonstrated in Table 2, other sectoral laws provide for speedy trials in matters requiring highly urgent and complex judicial determinations, such as land acquisition and election results.

Table 2. Speedy Trial Provisions in Other Laws

Law	Subject Matter	Provisions
Law Number 2 of 2012 on Land Acquisition for Public Use, as amended by Law Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law	Site determination	Art. 23 par. (2) and (4): The State Administrative Court shall decide to accept or reject the lawsuit ... no later than 30 (thirty) working days from the receipt of the lawsuit. ... The Supreme Court is obliged to issue a decision no later than 30 (thirty) working days from the receipt of the appeal.
	Compensation	Art. 38 par. (2) and (4): The district court shall determine the form and/or amount of Compensation no later than 30 (thirty) working days from the receipt of the objection submitted. ... The Supreme Court is obliged to issue a decision no later than 30 (thirty) working days from the receipt of the cassation application.
Law Number 7 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 1 of 2022 on the Amendment to Law Number 7 of 2017 on General Elections into Law	Election process dispute	Art. 471 par. (6) and (7): The state administrative court examines and decides on the lawsuit ... no later than 21 (twenty-one) working days from the date the lawsuit is declared complete. The decision of the state administrative court ... is final and binding and cannot be subjected to other legal remedies.
	Election results dispute	Art. 475 par. (3): The Constitutional Court decides on disputes arising from objections ... no later than 14 (fourteen) days after receiving the objection request ...

Source: processed by the Author, 2025.

In election result disputes, for example, cases must be decided within a relatively short time frame of 14 (fourteen) days, with no possibility of appeal (Arifin et al., 2025, p. 494). In contrast,

under the pre-amendment Mass Organizations Law, the adjudication process could take up to 85 (eighty-five) days before the state court and 60 (sixty) days before the Supreme Court (Latifah, 2020, p. 91).

Prior judicial authorization, therefore, could be reinstated by shortening the adjudication process to either 21 (twenty-one) or 30 (thirty) working days, as provided under other sectoral laws. From a comparative perspective, applying the speedy trial mechanisms used in land acquisition and election laws to mass organization disbandment is feasible. While these frameworks exhibit different characteristics—namely, election disputes aim to ensure political certainty (Saputro & Anwar, 2025, p. 352), whereas disbandment involves the revocation of a legal entity's status—they share a common imperative: balancing legitimate state interests with constitutional rights.

Expediting adjudication, however, introduces a trade-off by limiting the time available to mass organizations to prepare their legal defenses. While election result disputes focus on political certainty and mass organization disbandment involves the revocation of a legal entity's existence, a 21- to 30-working-day framework remains compatible with adequate due process. Unlike immediate unilateral executive dissolution, this time frame provides mass organizations with adequate time to present evidence and refute the government's claims. Most importantly, compared with the current framework, which provides no prior judicial review, a 21- to 30-working-day speedy trial would replace unchecked executive discretion with robust judicial scrutiny while still satisfying the government's need for swift action (Buyse, 2018, p. 981; Latifah, 2020, p. 91).

Second, reinstating temporal limitations on the imposition of sanctions. The current framework, which allows the government to suspend a mass organization's activities indefinitely, creates the possibility of perpetual suspension. To ensure legal certainty and prevent administrative overreach, a strict temporal limitation on suspensions must be reinstated. This serves four primary functions (Buyse, 2018, p. 981; Curley, 2018, p. 248; Pratiwi, 2017, p. 295):

1. to provide certainty regarding the time required for mass organizations to comply with government-imposed sanctions;
2. to prevent the government from imposing sanctions indefinitely;
3. to limit the government's discretion to arbitrarily deem a sanctioned organization non-compliant, particularly given that compliance may take time; and
4. to provide the court with a clearer standard for determining whether the government's action or intention to disband a mass organization was premature.

If the six-month grace period under the pre-amendment Mass Organizations Law is deemed to limit the government's ability to act swiftly, lawmakers may instead choose to shorten the grace period. This would give mass organizations sufficient time to discipline their members and comply with government-imposed sanctions. In addition, reintroducing a definitive temporal limitation could prevent the government from abusing its punitive powers.

Third, clarifying individual criminal offenses as a basis for administrative sanctions. To ensure coherence and avoid overlapping interpretations, it should be clearly specified that Article 60 authorizes administrative sanctions for violations of the organizational prohibitions regulated under Articles 21, 51, and 59. In contrast, criminal sanctions are governed by separate provisions, most notably Article 82A.

To prevent the Mass Organizations Law from being misused, the intersection between individual criminal liability and organizational administrative sanctions requires clear criteria. Two questions must be addressed: (1) which criminal statutes and provisions may be used, and (2) in what circumstances could a mass organization be held liable for a criminal offense committed by its members? As for the former, it is reasonable to conclude that the primary criminal provision that may be used as a basis for imposing administrative sanctions is Article 82A of the Mass Organizations Law. This conclusion is supported by the fact that the prohibitions applicable to members or administrators of mass

organizations under Article 82A paragraphs (1) and (2) refer to the prohibitions applicable to mass organizations as organizations under Article 59. Thus, any offense committed by members of a mass organization that has already been decided by the court with binding legal force (*in kracht*) may be considered an offense by the organization itself (Witting, 2019, pp. 697–699).

Regarding the latter, overlapping memberships complicate the determination of institutional liability. The question of which mass organization should be held liable for an offense committed by a member who belongs to multiple mass organizations should be left to the criminal court as *judex facti*, based on the totality of the circumstances (Sullivan, 2020, pp. 706–708). As a result, the government would not arbitrarily determine which mass organization should be subject to administrative sanctions.

In short, while there should be an explicit provision stating that individual criminal offenses under Article 82A may trigger administrative sanctions under Article 60, such offenses should not trigger administrative sanctions without concrete evidence establishing liability under the doctrine of vicarious liability. A clear standard of attribution could provide an incentive for mass organizations to discipline their members (Penney, 2022, pp. 1503–1506). The provision would serve as a standard for government action and a standard of review for the courts, respectively, thereby supporting the goals of maintaining public order and ensuring adequate due process.

IV. Conclusion

This study demonstrates that the current regulatory framework governing the disbandment of mass organizations reflects a broader structural tension between the government's legitimate interest in maintaining public order and the protection of freedom of association. It represents a significant shift from the robust due process protections under the pre-amendment Mass Organizations Law to a framework that grants the government broad discretionary powers in the disbandment process, most notably through streamlined administrative sanctions and the absence of prior judicial authorization.

This study affirms that the statutory pendulum can be recalibrated to accommodate mass organizations' need for adequate due process while preserving the government's interest in maintaining public order. The due process precedent established by the Constitutional Court in Decision Number 2/PUU-XVI/2018 does not constrain lawmakers' discretion. Rather, it provides a basis for rebalancing the regulation of mass organization disbandment through amendments to the Mass Organizations Law, specifically by establishing a speedy trial mechanism, temporal limitations on sanctions, and clear criteria for applying vicarious liability when using individual criminal offenses as a basis for administrative sanctions.

These findings also highlight the need for legislative reform. Such reforms are necessary to ensure legal certainty and adequate due process while simultaneously constraining executive discretion and preserving the government's ability to maintain public order. Without such reform, the possibility of executive overreach under the current regulatory framework may persist, while the limitations of the Mass Organizations Law may impede the government's ability to discipline mass organizations that undermine public order or Indonesia's pro-investment agenda.

Notwithstanding these conclusions, this study has certain limitations. Grounded primarily in normative legal analysis, this study focuses on regulatory coherence and constitutional precedents without incorporating empirical data on court caseloads or post-disbandment organizational behavior. To build on these findings, future research should undertake empirical legal studies evaluating the implementation of speedy trial mechanisms, examine comparative models of CSO dissolution across emerging democracies, and assess the broader sociopolitical impacts of executive administrative powers on civil society engagement.

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During the preparation of this article, the author used Gemini (Google), solely for language editing, grammatical refinement, translation assistance, and structural formatting. The author independently conducted all legal research, developed all analyses and interpretations, and manually verified all primary and secondary sources. The author assumes full responsibility for the originality, accuracy, and integrity of the final manuscript.

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